THE HONORABLE JAMES L. ROBART

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA, Plaintiff, v. CITY OF SEATTLE, Defendant.	No. 2:12-cv-01282-JLR **MEMORANDUM SUBMITTING TENTH SYSTEMIC ASSESSMENT REGARDING STOPS, SEARCH, AND SEIZURE**

The Monitor presents to the Court the Tenth Systemic Assessment regarding the Seattle Police Department's practices with respect to stops, searches, and seizure.

DATED this 18th day of June, 2017.

s/Merrick J. Bobb

Merrick J. Bobb, Monitor

MEMORANDUM SUBMITTING TENTH SYSTEMIC ASSESSMENT
REGARDING STOPS, SEARCH, AND SEIZURE - 1
12-CV-01282-JLR

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SEATTLE
POLICE
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Tenth Systemic Assessment: Stops, Search, & Seizure

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Introduction & Executive Summary

In December 2011, the United States Department of Justice concluded that its investigation of the Seattle Police Department "raise[d] serious concerns" on the issue of "discriminatory policing."[1] It found that SPD officers may have been "stop[ping] a disproportionate number of people of color" in part because some of its "policies and practices, particularly those related to pedestrian encounters, could result in unlawful policing."[2] It suggested that "confusion" among officers about the important legal differences "between a casual, social contact and an investigative detention,"[3] an insufficiently specific policy addressing unbiased policing,[4] "inadequate data" for SPD "to self-assess whether biased policing is occurring,"[5] inadequate supervision of biased policing concerns and allegations,[6] and insufficient training on stops and biased policing issues.[7]

Consequently, the Consent Decree required "[t]he City and SPD . . . to thoroughly examine the issues raised [related to stops of individuals and discriminatory policing concerns and] address the policies, procedures, and training that contribute to the problem, and conduct more sustained and effective community engagement."[8] Specifically, SPD needed to revise its policies on search and seizure, stops, and bias-free policing; provide officers and supervisors with substantial training on such policies and issues; and both track and analyze data about stop activity.

The Court has previously approved revised policies related to stops and bias-free policing[9] and approved training on search and seizure and bias-free policing – all of which the Monitoring Team has previously indicated are of high quality.[10] The revised stops policy, consistent with the Decree, required that for the first time SPD "document all *Terry* stops"[11] and "clearly articulate the objective facts they rely upon in determining reasonable suspicion" that the stopped individual has been, is, or will soon be engaging in criminal activity, as required by law and policy.[12] SPD officers use what is

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[1] Dkt. 1-1, Investigation of the Seattle Police Department," United States Department of Justice - Civil Rights Division, United States Attorney's Office – Western District of Washington" (Dec. 16, 2011) [*hereinafter* "2011 Findings Letter"] at 3.

[2] *Id.*

[3] *Id.* at 6.

[4] *Id.* at 29

[5] *Id.* at 30.

[6] 2011 Findings Letter at 31.

[7] *Id.* at 34–35.

[8] *Id.* at 3; *see* Dkt. 3-1 ¶¶ 140–41.

[9] Dkt. 118.

[10] Dkt. 179.

[11] Dkt. 116 at 18.

[12] *Id.*

commonly referred to as a "*Terry* template" to electronically capture basic descriptive information about the subject of stops, including perceived race/ethnicity, gender, age, height, and build, as is shown in Table 1. There is also a record of where (listed in terms of specific address and SPD beat) and when (date and time) the stop occurred, how long it lasted, the suspected crime, and the outcome of the stop. The data also include basic information about the officer initiating the stop and whether there were other SPD officers present. Importantly, the officer must provide a narrative about the legal basis for the stop and, if one occurs, a frisk. The template is a strong data collection instrument, on par with the one used in New York City and stronger than that recently mandated in California.

This report addresses two basic issues, captured in the Consent Decree and SPD policy: (1) the appropriateness (or constitutionality under the Fourth Amendment) of stops and frisks; and (2) disparity with respect to stop activity (or constitutionality under the Fourteenth Amendment). It both analyzes aggregate statistics across all SPD stops over a substantial time period and reports on an in-depth analysis of nearly 1,500 stops that evaluated whether the stops complied with law and SPD policy. The methodology was agreed to by the Parties, the Monitoring Team, and their various experts.

This assessment ultimately presents findings that are encouraging. Others are concerning and require further analysis and work by the City to truly understand and address. On the positive side, the Monitoring Team concludes that **SPD and its officers are complying with the legal and policy requirements related to stops, searches, and seizures.** The number of stops and detentions of individuals that are not supported by sufficient legal justification is exceedingly small. Importantly, an individual's odds of being a subject of a "bad" stop do not depend on that individual's race. This means that, **regardless of who a subject is, the Department is complying with the requirements of law and SPD policy in a vast majority of instances.**

Similarly, **officers by and large are conducting frisks of a stopped subject when they have the appropriate legal justification – not as a matter of course.** A subject's race does not materially change the odds of being subjected to a "bad" frisk, i.e. a frisk that was conducted without the necessary and appropriate legal foundation. Thus, at least with respect to the application of the Fourth Amendment by officers across numerous, individual incidents, SPD is complying with the requirements of law, policy, and the Consent Decree in a relatively race-neutral manner. Put differently, **the legality of SPD's stops and frisks do not vary by race.**

Nevertheless, the likelihood that an individual will be stopped in the first instance and, when stopped, will be frisked do vary substantially by and depend on race – even after controlling for other potential influences like crime and neighborhood. Certainly, when comparing the incidence of stops by race, the share of Black subjects far outweighs their representation in the Seattle population. However, that generalized type of analysis does not tell us much about what is driving disparity.

The Monitoring Team accordingly used a variety of statistical methods to account for whether these potential influences and significant explanations might account for or explain any racial disparities. Thus, this report does more than simply compare who was stopped to the overall Seattle population. It goes deeper and *expressly tests* whether some of the race-neutral reasons typically provided for why law enforcement activity might affect persons of some races more than others do, in fact, explain the patterns and trends in SPD's stop data.

In doing so, the Monitoring Team discovered that **the racial disparity with respect to who is stopped and who is frisked in Seattle cannot be easily explained in terms of underlying societal or social disparities in crime, demographics, or socioeconomic factors manifesting in neighborhood or geographic trends.** Even after incorporating those factors, **an individual's race alone helps to predict the likelihood of being stopped and the likelihood of being frisked by an SPD officer.** Additional study by the Department and others to determine the underlying causes of the disparity and how such disparities might best be addressed will be necessary.

Fourth Amendment Findings

The Fourth Amendment of the Constitution protects against "unreasonable searches and seizures." Seizures include the detention of individuals by police officers. Consistent with the how courts have come to interpret the Fourth Amendment, a police officer may detain someone for a short period of time to determine whether "criminal activity may be afoot."[13] To do so, an officer must be able to point to specific "facts available to the officer at the moment of the seizure" that would "warrant a man of reasonable caution in the belief."[14] That is, a *Terry* "stop must be justified by some objective manifestation that the person stopped" either was, "is, or is about to be, engaged in criminal activity."[15] The reasonable suspicion must be a "particularized suspicion . . . that the particular individual being stopped is engaged in wrongdoing."[16] Thus, to be a "good stop" under law and SPD policy, the reasonable suspicion must be that the *actual, specific* subject has been, is, or will be engaged in criminal activity. For this reason, "a stop based solely on the fact that the racial or ethnic appearance of an individual matches the racial or ethnic description of a specific suspect would not be justified."[17] A variety of legal nuances may come into play based on the circumstances.[18]

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[13] *Terry v. Ohio*, 392 U.S. 1, 21–22, 30 (1968).

[14] *Id.*

[15] *United States v. Cortez*, 449 U.S. 411, 417 (1981).

[16] *Id.* at 418.

[17] *United States v. Montero-Camargo*, 208 F.3d 1122, 1134 n.21 (9th Cir.), *cert. denied*, 531 U.S. 889 (2000); *accord* Dkt. 116 at 22 ("Officers may not use discernible personal characteristics in determining reasonable suspicion or probable cause, except as part of a suspect description.").

[18] *See* Part II-II (summarizing pertinent legal standards and considerations applicable to *Terry* stops).

The Monitoring Team reviewed a sample of 1,449 stops, and their corresponding Terry templates, that occurred between July 1, 2015 and January 30, 2017 – which included a statistically adequate number of stops from various racial and ethnic groups and various SPD precincts to meaningfully compare patterns among subjects of different races and among different parts of the Department. Eleven Monitoring Team experts were randomly assigned stops to review using a structured assessment instrument. The Monitoring Team's reviewers were White, Black, and Asian; former law enforcement professionals, lawyers, and civilian oversight professionals with years of experience working with police departments; men and women; young and old. Statistical comparisons, as well as secondary and tertiary quality-control reviews, indicated that no reviewers were outliers with respect to their aggregate determinations on whether a stop was justified, whether a frisk was appropriate, and the like. The Department of Justice conducted a parallel review.

Among many other important findings, the Monitoring Team's analysis concluded:

- **The vast majority of stops were adequately justified.** SPD officers have reasonable, articulable suspicion that the involved subject had been, was, or would soon be engaged in criminal activity – which is the required legal standard for initiating a so-called *Terry* stop – in 99 percent of stops. The most common factor that tended to help establish reasonable articulable suspicion was specific information from dispatch, communications, an eyewitness, or a concerned citizen (62 percent of stops). In more than half (52 percent) of stops, the circumstances of the encounter – such as the time of day, the nature of the neighborhood, the particular location of the subject on a given street, or the proximity to a crime scene – was a factor that helped to provide the basis for the reasonable articulable suspicion. In more than one-quarter of cases (29 percent), the subject's physical behavior, including his or her manner of movement or body language, was a factor that provided a basis for the stop. The subject's words (10 percent of cases) and the officer's prior knowledge about the subject (4 percent) also helped to establish the requisite grounds for stops.

- **The vast majority (97 percent) of frisks were adequately justified.** In 97 percent of frisks conducted during *Terry* stops, officers had appropriate and separate grounds for conducting a minimally-invasive search for a weapon during a *Terry* stop and were not automatically conducting a frisk of subjects simply because they were stopped.

- **Most stops were appropriately limited to a reasonable scope and reasonable duration, as required under law and SPD policy.** Race did not impact the odds of being subjected to a stop of an unreasonable scope or unreasonable duration.

- **Few additional policy issues with respect to initiating or conducting the stops were identified.** No stops involved an officer arresting a subject simply for failing to provide identification during a stop. Likewise, there were no stops in which an officer arrested a subject solely for not answering questions or for remaining silent. These findings are extremely positive and suggest that SPD officers are not unduly arresting

individuals for "contempt of cop"-like interactions in which an officer's law enforcement action may not be more responsive to an individual's perceived attitude of noncooperation rather than the underlying legality of substantive behavior.[19] In a small proportion (4 percent) of *Terry* stops, officers appeared to initiate the stop or frisk based on a completed misdemeanor where there was no associated public safety risk, contrary to SPD policy. Given the complexity of the law, the Monitoring Team recommends continued, ongoing training on the subject.

- **SPD stop patterns do not appear to qualitatively differ according to precinct – with the exception of the rate at which officers conduct frisks during a stop.** Across the nearly 1,500 stops that the Monitoring Team rigorously reviewed, no statistically significant differences in the constitutionality of SPD's stops among the Department's precincts emerged, with the exception of the incidence of frisks during stops. Specifically, whereas around one-third of all *Terry* stops result in a frisk in South precinct (35 percent) and Southwest precinct (31 percent), only 16 percent of frisks in both North precinct and West precinct result in a frisk. East precinct has a relatively higher frisk rate, as well, at 29 percent. The reasons for these differential frisk rates are unclear.

Thus, **when officers initiate stops and conduct frisks, they are adhering to the requirements of law and policy** – **and the likelihood that officers will uphold the law does not statistically vary with respect to stops.** With respect to frisks, some non-White populations are subject to a greater rate of unjustified frisks, but Black subjects are actually *less* subject to unjustified frisks than Whites.

Additionally, the assessment did not identify a connection between legally questionable stops and the face of the subject. For instance:

- **Race is not a factor in determining an individual's likelihood of being the subject of a "bad" stop.** Of the few stops that were not adequately supported or otherwise inconsistent with law or policy, no statistically significant differences were identified across subject race. For about half (47 percent) of the stops that were determined to be not adequately supported by reasonable articulable suspicion, the facts, as outlined on the stop documentation form, did not adequately establish that criminal activity had been, was, or would soon be occurring. In more than one-third (37 percent) of instances, the provided documentation simply appeared to be incomplete.

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[19] Samuel E. Walker & Carol A. Archbold, *The New World of Police Accountability* 81 (2013) (quoting former Philadelphia Police Commissioner Charles Ramsey as noting that "a large number of 'contempt of cop' arrests is a hint that officers may not be going in the right direction").

- **Race did not impact the odds of being subjected to a stop of an unreasonable scope or unreasonable duration.**

- **Black subjects were more likely to be the recipient of a legally-justified frisk than were White subjects or subjects of other races – but Black subjects are actually less subject to unjustified frisks than Whites.**

The Monitor accordingly finds that, because SPD's officers have the appropriate legal and policy justification for stops and frisks in a vast majority of instances, the Department is in initial compliance with Consent Decree paragraphs 138 through 144 addressing stops and detentions. Informed both by prior monitoring of bias-free policing training and the fact that most SPD stops appear to not be subjecting people of some races to more legally impermissible stops, at least with respect to the Fourth Amendment, **the Monitor finds that SPD is initial compliance with paragraphs 145 through 152 addressing the creation of the bias-free policing policy, officer training, and supervisory responsibilities.**

Disparate Impact Findings

"The 'disparate impact doctrine' is a theory of discrimination that recognizes a legal wrong on the basis of the disproportionate negative effect of a practice affecting individuals in a protected class"[20] that is "otherwise unjustified by a legitimate rationale."[21] In the context of law enforcement stops of individuals, the disparate impact theory is essentially an argument that a given government activity is being applied unevenly and unfairly on a basis – race – for which there is no compelling underlying governmental interest.

SPD's Court-approved Bias-Free Policing policy defines bias-based policing as the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws, as well as other discernible personal characteristics of an individual.[22] These discernible characteristics include race, ethnicity, color, and national origin. It is primarily aimed at ensuring that employees do not impermissibly "make decisions or take actions that are influenced by bias, prejudice, or discriminatory intent."[23]

The policy also addresses the issue of disparate impact. It outlines the Department's "commit[ment] to eliminating policies and practices that have an unwarranted disparate impact on certain protected classes" by seeking to "identify ways to protect public safety and public order without engaging in unwarranted or unnecessary disproportionate treatment."[24] Doing so "requires periodic analysis of

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[20] F. Michael Higginbotham, *Ghosts of Jim Crow: Ending Racism in Post-Racial America* 214 (2013).

[21] *Texas Dep't of Housing v. Inclusive Communities*, 576 U.S. __ at 1 (2015).

[22] Dkt. 116 at 5–6.

[23] *Id.* at 22.

[24] *Id.* at 27.

data" by SPD to "identif[y] . . . SPD practices – including stops, citations and arrests – that may have a disparate impact on particular protected classes relative to the general population."[25] SPD must produce an annual report "describ[ing] the year's data collection and analysis and efforts to address disparate impact of policing."[26] The City has recently filed this year's report with the Court.[27]

As the body of this report discusses in some detail, courts have established that disparate impact *alone* cannot generally establish unconstitutional discrimination. However, stark disparate impacts can create a rebuttable presumption that the government agency at issue intended to discriminate, which is necessary to establish unconstitutional discrimination. In any event, some specific governmental action must also be causally linked to the disparity – such that the mere existence of disproportionate effects is not sufficient to establish the violation of the law unless some specific policy, practice, or procedure by the government can be established as driving that disparity. At the same time, though, some types of laws or government actions that account for disparate impacts may be legally permissible.

Consequently, neither the Consent Decree nor the Court-approved policies on stops and bias-free policing demand that SPD immediately stop practices that it may determine are linked to disparate impacts. Nevertheless, and importantly, it requires that where "disparate impacts are identified and verified" with respect to a given SPD practice or policy, "the Department will consult as appropriate with neighborhood, business and community groups, including the Community Police Commission, to explore equally effective alternative practices that would not result in disproportionate impact."[28]

The Monitoring Team therefore analyzed SPD's data to determine whether stop activity disproportionately affects some individuals more than others – and, if such disparity is unwarranted, to propose what the agenda should appropriately be with respect to this important issue for SPD, political leaders, and community stakeholders. The Team conducted extensive statistical analyses of some 13,124 administrative records[29] generated by Seattle Police Department (SPD) officers following *Terry* stops conducted between July 1, 2015 and January 31, 2017.

There has been a robust discussion in legal decisions and in academic and social science literature about the merits and disadvantages of a host of statistical approaches for identifying and testing disparities in stop data. Rather than wade into the debate about what type of statistical analysis is

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[25] *Id.*

[26] *Id.* at 28.

[27] Dkt. 391.

[28] Dkt. 116 at 27.

[29] SPD notes that, unlike some other similarly-sized and larger jurisdictions, it does not employ "stop and frisk" tactics as a routine patrol practice. Consequently, the universe of available data is comparatively smaller than has been examined in other jurisdictions.

best or most accurate, or what "benchmark" is most appropriate or analytically powerful, our analysis here attempts to proceed through a wide array of the most generally accepted approaches and benchmarks. Although it is theoretically possible that none of these benchmarks could product a definitive result, even when the results are taken together, it is the Monitoring Team's hope that, by relying on a multitude of approaches advanced by various researchers that all tell parts of but not the whole story, a clearer view of SPD's stop patterns with respect to race might emerge.

One major class of tests involved an overall, population-based analysis. Those analyses ask whether the population of stopped subjects is consistent with the overall Seattle population, and with smaller population units based on geography, in terms of race. However, they do not take into account that disparities in terms of race might be a natural byproduct of the police basing stops on other factors not related to race. For instance, one explanation for why individuals of some races may be stopped, in aggregate, at a disproportionate rate would be related to crime. If more individuals of a given race happen to engage in more crime (for a variety of reasons), or if crime tends to happen more frequently in neighborhoods with a higher composition of that given race, the racial disparity might originate with good-faith, race-neutral efforts by the police to curtail crime. Relatedly, the police may be more or less active in particular neighborhoods with discrete demographic breakdowns, due to crime, calls for service, or community concerns. Various socioeconomic factors may also explain the disparity.

Accordingly, the other major class of tests involves more sophisticated statistical approaches that seek to account for whether, in fact, other factors – like crime, geography, or socioeconomics – are actually driving the racial disparity. These approaches statistically attest for the possibility, frequently advanced, that the reason people of some races are stopped by the police more are because they are engaged in more crime or live in neighborhoods where there is more crime.

After controlling for things like crime and neighborhood, the Monitoring Team finds that the likelihood that an individual will be stopped in the first instance and, when stopped, will be frisked do vary substantially by and depend on race. Specifically:

- **Comparing overall, aggregate stop data against population data, Black individuals were stopped at a rate higher than their population share. Asians, Hispanics, and Whites were stopped less often.**

- **After accounting for the effects of crime, geography, and demographics, Black subjects are still appear to be disproportionately stopped – and Hispanic and Asian subjects are stopped less frequently than expected.** By one core measure, Black subjects appear to be over-stopped by a factor of more than five. Even if the ratio of Black-to-White crime share is used as a benchmark against which to compare a statistically-adjusted stop ratio, Black subjects still appear to be over-stopped by 34.3 percent.

- **Stops of non-whites are more common in police beats where there are more white residents.** Looking solely at the relationship between beat-level stop volume and

the percentage of Black residents found in each beat, there appears to be a marginal statistical relationship between the incidence of stops in a given SPD beat and the percentage of black residents who live in that area, with more stops occurring in beats where there are more Black residents. However, this omits the potential influence of other indicators like crime.

The statistical models that do account for various other factors like crime found a higher incidence of stops among beats – the basic geographic unit of policing – with higher shares of White residents, with stop levels declining as the share of non-White residents increase. And the higher number of people being stopped in White neighborhoods does not translate into more Whites being stopped. Instead, minority stops tend to be more common in police beats with higher shares of White residents.

- **Black subjects are over-stopped in four of the seven reported stop categories, including those driven by suspicion of violent and property crime, weapons possession, and disturbance.** Conversely, SPD stops initiated on suspicion of drug activity, trespassing, and suspicious person/behavior include a lower than expected number of Black subjects.

- **During a stop, non-White subjects generally, and Black subjects specifically, are more likely to be frisked than white subjects.** All statistical models used suggest a consistent and statistically significant disparity in terms of race in the probability of being frisked during a *Terry* stop. All else being equal, non-Whites are between 3.9 and 4.4 percent more likely to be frisked compared to Whites and Black subjects between 3.5 and 4.8 percent more likely to be frisked. Stating these results as a proportional increase from the "baseline," that is, the percent of white subjects frisked, the linear fixed effects model predicts a 33.08 percent increase in the probability of being frisked if the subject is non-White and a 33.55 percent increase if the subject is Black. Considering that the models presented here take into account individual, situational, geographic, and time factors to allow for a "fair" comparison, these results indicate a sizeable disparity between White and Non-white subjects when it comes SPD officers' decision to initiate a frisk in the context of a *Terry* stop.

This is true even though **minority subjects are less likely to be found with a weapon and just as likely as white subjects to be found with a firearm.** Specifically, compared to Whites, Blacks are 8.3 percent less likely to be found with a weapon and minorities are 7.1 percent less likely to be found with a weapon.

This finding sits at the intersection of the Fourth Amendment analysis of search and seizure practices and the Fourteenth Amendment analysis of disparate impact.[30]   It suggests, but does not definitively establish one way or another, that decision-making processes, at least in the aggregate, may be different to some relevant extent when interacting with individuals of different races.

- **Non-White subjects are more likely to be arrested pursuant to or following a stop than White subjects – with Blacks nearly 31 percent more likely to be arrested than similarly-situated white subjects.** This analysis does not, however, control for incidence of underlying crime.

- **Race does not influence whether a stop encounter will entail or result in a use of force.**

- **There is no relationship between race and the duration of a stop or race and whether an officer issues a subject a receipt at the conclusion of the stop, as SPD policy requires.**

In short, the statistical modeling analyses outlined here establish that **the racial disparity with respect to who is stopped and who is frisked in Seattle cannot be easily explained in terms of underlying societal or social disparities in crime, geography, or the like.** Even after incorporating those factors, **an individual's race alone helps to predict the likelihood of being stopped and the likelihood of being frisked by an SPD officer.**

What These Findings Mean

According to the Monitoring Team's qualitative assessment in Part III, SPD's stops of all races are systematically lawful under the Fourth Amendment and justified under SPD's Court-approved policy on stops. However, although the Monitoring Team finds that officers are generally complying with the requirements of the law with respect to search and seizure, as embodied in the Fourth Amendment, that finding alone does not certify, one way or another, whether officers or SPD are or are not complying with the law with respect to equal protection, as embodied in the Fourteenth Amendment.

By most statistical measures, it appears that non-Whites are disproportionately stopped. This disparity triggers additional obligations under SPD's policies – namely, for the Department to study

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[30] Some might view this is also an issue of disparate treatment, rather than disparate impact, as it relates to how a law enforcement officer handles a stop interaction or treats an individual after initiating a detention. However, because a frisk is a law enforcement action that must be separately and specifically justified, this report applies a disparate impact analysis to the incidence of frisks.

whether or not the disparity is warranted or unwarranted and, if unwarranted, to take steps to explore equally effective, alternative practices that might result in less disproportionate impact.

Disparate impact with respect to stops matters – even when police are justified in making the stop or conducting a frisk – because:

> Any police decision to detain an individual who is not visibly engaged in a crime may stir feelings of indignity or resentment. But it is even more corrosive and potentially explosive when the person believes he has been stopped solely because of his race or ethnicity, or because race of ethnicity is part of an over-generalized dragnet. Hence, the term [used by some] 'driving while black or brown.'[31]

The sense among some individuals that law enforcement is not treating everyone the same and that one's color impacts the likelihood of being temporarily detained by police officers leads to distrust and impacts police legitimacy.[32] The loss of trust and legitimacy, as the Monitoring Team has previously pointed out, affect the fundamental ability of the police and community to work together to address crime and solve community problems.

The Supreme Court at least currently situates "reasonable suspicion" as the threshold that officers must meet in order to initiate a stop, which it has expressly indicated is more than a "hunch" but something less than a likely or sure thing. Some implicit tolerance is built into this standard for instances where factors seem to suggest a suspicion, reasonable under the circumstances, that turns out to be unfounded – where specific factors tended to establish the suspicion of criminal activity but no criminal activity ultimately was afoot.

The theories of legal scholars or courts that some unjustified but temporary deprivation of rights may be necessary or permissible is cold comfort, however, to members of the community who are not engaged in any criminal activity but who are stopped, perhaps sometimes routinely, for what functionally feels like it amounts to no reason. Even when officers have legitimate reasons for initiating the encounter, and meets the requisite legal standard, the stopped subject reasonably believes that she is unduly carrying the weight or incurring the costs of social forces that have nothing to do with her. Even more simply, she believes it is unfair.

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[31] Merrick J. Bobb, et al, "Racial Profiling," *in* Steven J. Muffler, *Racial Profiling: Issues, Data, and Analyses* 32 (2006).

[32] *See* Tom Tyler & Cheryl J. Wakslak, "Profiling and Police Legitimacy: Procedural Justice, Attributions of Motive, and Acceptance of Police Authority," 42 *Criminology* 253 (2004).

Seattle is neither unique or alone in these challenges.[33] Likewise, the Seattle Police Department is not unique or alone in when it comes to the broader criminal justice system.[34] Thus, although it does not excuse or mitigate the profound, long-term effects of disproportionate enforcement, Seattle and its police department share with the rest of the country and its judicial system a set of historical, cultural, social, socioeconomic, educational, and other experiences and realities when it comes to race. In some ways, it would be quite surprising if SPD did not reflect larger realities related to race that are centuries in the making.

The specific challenge for Seattle will be for its communities, elected leaders, and political system to address – in a meaningful, nuanced, and systemic way – mechanisms for more evenly distributing the burdens and weight of certain law enforcement practices while ensuring, in the meantime, that the burdens and weight of crime are not increased or more unevenly distributed as a result. Under its Court-approved bias-free policing policy, SPD itself must identify unwarranted disparities and work with the community to determine if practices or policies might be changed in a manner that would ensure effective but less disparate enforcement. An Inspector General might conduct larger, systemic reviews of SPD policies and consider specific activities of the Department in light of potential racial disparity.

The Monitoring Team has previously observed that "[e]ven if a human organization could somehow attain perfection, the Consent Decree does not require a perfect police department."[35] Instead, in the area of stops, it required precise policies on stops, searches, and detentions and bias-free policing; high-quality training on such policies and related issues; the documentation of stops; the analysis of stop data; and collaboration with the community upon identification of any unwarranted disparate impacts to explore whether the Department could take steps or make changes to reduce or eliminate the disparity.

SPD is adhering to the requirements of the Fourth Amendment when it stops residents, even as sustained, difficult work remains to ensure that the subjects of that stop activity might affect some subjects less disproportionately. With respect to this long-term work, the Monitor and the Consent Decree, per the Court-approved bias-free policing policy developed with the community, looks

[33] G. Ridgeway, RAND Corporation, *Analysis of Racial Disparities in the New York Police Department's Stop, Question, and Frisk Practices* 4, http://www.rand.org/pubs/technical_reports/TR534.html; Hon. Arlander Keys, *The Consultant's First Semiannual Report on the Investigatory Stop and Protective Pat Down Agreement for the Period January 1, 2016 – June 30, 2016* (2017), https://www.cityofchicago.org/content/dam/city/depts/dol/supp_info/TheConsultantsFirstSemiannualReport032317.pdf; J. Chanin, et al, *Traffic Enforcement in San Diego, California* (2016), https://www.sandiego.gov/sites/default/files/sdpdvehiclestopsfinal.pdf.
[34] Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (2012); David Cole, *No Equal Justice: Race and Class in the American Criminal Justice System* (1999); Jerome G. Miller, *Search and Destroy: African-American Males in the Criminal Justice System* (1996).
[35] Dkt. 383 at 13.

forward to working closely with the Department and the presumed Inspector General on approaches to evaluating whether race-neutral adjustments to policies and procedures might have the effect of reducing disparities.

The road to policing that is effective, safe, and constitutional for all of Seattle's residents will not end with the Consent Decree. As Associate Justice Anthony Kennedy observed:

> The work of freedom is never done. Embedded in democracy is the idea of progress. Democracy addresses injustice and corrects it. The progress is not automatic. It requires a sustained exercise of political will, and political will is shaped by rational public discourse.[36]

As Seattle continues to strive to become an ever more forward-looking model of contemporary policing, the Monitor hopes that this assessment, even as it commends the Department for its initial compliance with the specific issues and provisions of the Consent Decree relating to stops, sets an agenda for a discourse that might ensure that the benefits and burdens of safe, effective law enforcement are broadly shared.

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[36] Speech by Supreme Court Associate Justice Anthony M. Kennedy to American Bar Association, Aug. 9, 2003.

Part I.
Overview of *Terry* Stops, Bias-Free Policing, and Disparate Impact Under the Consent Decree & Applicable Law

I. The Department of Justice's Concerns About Discriminatory Policing

In December 2011, the United States Department of Justice concluded that its investigation of the Seattle Police Department "raise[d] serious concerns" on the issue of "discriminatory policing."[37] Such concerns surfaced in the areas of force and stops and detentions.

First, of the cases that the 2011 investigation concluded involved "unnecessary or excessive uses of force, over 50% involved minorities."[38]   Although the Monitoring Team's Ninth Systemic Assessment, addressing use of force, "identified some divergence between the racial makeup of the population and the racial makeup of force subjects," it found "no statistically significant disparities with respect to the *type* or *severity* of force used."[39]   Thus, "although non-white subjects may be overrepresented vis-à-vis the population, a subject's race does not appear to predispose him or her to more or less serious force."[40]   Similarly, the Monitoring Team's qualitative analysis of a statistically significant sample of use of force cases across a 28-month span did not identify any disproportionate trends in terms of subject race among the very low percentage of cases (less than one percent) where the Monitor concluded that officer force was inconsistent with policy.

The Monitor's assessment of force did "note[], however, that within the levels of force, it appears that SPD officers are more likely to point firearms at historically-underrepresented than White subjects but are more likely to go hands-on with White subjects."[41]   However, because it does appear that Black, Latino, and other minority subjects are not disproportionately subjected to unjustified or more severe force, the Monitor noted that disparities with respect to force instruments or technique within the same force type or severity deserves "more study by SPD, the Community Police Commission, and the anticipated Inspector General."[42]

Second, the 2011 investigation found that "[a]nalysis of limited data suggests that, in certain precincts, SPD officers may stop a disproportionate number of people of color where no offense or

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[37] 2011 Findings Letter at 3.
[38] *Id.* at 6.
[39] Dkt. 383 at 9.
[40] *Id.*
[41] *Id.* at 9–10.
[42] *Id.* at 10.

other police incident occurred."[43] It specifically noted that "[s]ome SPD policies and practices, particularly those related to pedestrian encounters, could result in unlawful policing"[44] because they fostered "confusion" among SPD officers about the legal and constitutional requirements related to the stops and detentions of individuals.[45] It hypothesized that, "[w]hile not conclusive, some data and citizen input suggest that inappropriate pedestrian encounters may disproportionately involve youth of color."[46] In other words, imprecise policy and confusion among officers may have been contributing to the identified disparities.

Consequently, the Consent Decree required "[t]he City and SPD . . . to thoroughly examine the issues raised [related to stops of individuals and discriminatory policing concerns and] address the policies, procedures, and training that contribute to the problem, and conduct more sustained and effective community engagement."[47]

II.   *Terry* Stops: Law and SPD Policy

The Court approved SPD's revised policies related to *Terry* stops in January 2014.[48] Among other things, the new policies, which was the result of a collaborative effort across stakeholders, sought to clarify the grounds necessary for a stop, the important distinction between voluntary contacts and non-voluntary *Terry* stops, and documentation requirements. The policy addresses the legal intricacies of *Terry* stop law discussed below, but, as a starting point, it states:

- A *Terry* stop must be based on reasonable suspicion and documented using specific articulable facts as described in this policy.

- This policy prohibits *Terry* stops when an officer lacks reasonable suspicion that a subject has been, is, or is about to be engaged in the commission of a crime.

- Searches and seizures by officers are lawful to the extent they meet the requirements of the Fourth Amendment and Washington Constitution Art. 1, Section 7.

- A *Terry* stop is a seizure for investigative purposes. A seizure occurs any time an officer, by means of physical force or show of authority, has in some way restrained the liberty of a citizen. A seizure may also occur if an officer uses

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[43] 2011 Findings Letter at 6.
[44] *Id.* at 3.
[45] *Id.* at 6.
[46] *Id.*
[47] *Id.* at 3; *see* Dkt. 3-1 ¶¶ 140–41.
[48] Dkt. 118.

words, actions, or demeanor that would make a reasonable person believe that he
or she is not free to go.

The Court likewise approved training on search and seizure and bias-free policing in September 2014, again after substantial collaboration across stakeholders.[49] SPD implemented the training in two phases.[50] The first phase consisted of "introductory" electronic and roll call training.[51] The second phase consisted of two in-class training programs: one on voluntary contacts and *Terry* stops and the other on bias-free policing.[52] The Court-approved training continues to the present.[53]

The law and jurisprudence surrounding the stops and detentions of individuals can be technical and sometimes confusing – which was, in part, why the Consent Decree required that SPD make its policies clearer and provide substantial training to officers on search, seizure, and bias-free policing to ensure that officers conform to federal and state law.

This section seeks to outline what *Terry* stops are, the necessary grounds that an officer must have to initiate a *Terry* stop, the scope and duration of a stop, the difference between a *Terry* stop and a voluntary encounter, the relationship between such a stop and a "frisk," and the requirements under SPD policy for documenting *Terry* stops. However, not every relevant legal permutation or wrinkle is necessarily addressed. Because SPD policy expressly incorporates the framework and standards of federal and state law in the area of stops and detentions, this discussion addresses policy and law interchangeably.

A.   *Terry* **Stops Generally**

The Fourth Amendment of the United States Constitutions protects individuals from "unreasonable searches and seizures":

> The right of the people to be secure in their persons, houses, papers, and effects, against all unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

An arrest of an individual is one clear type example of the "seizing" of an individual that must be reasonable under the Fourth Amendment. However, the Fourth Amendment governs 'seizures' of

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[49] Dkt. 179.
[50] *Id.* at 2.
[51] *Id.*
[52] *Id.* at 3.
[53] Dkt. 350-1; Dkt. 353.

the person which do not eventuate in a trip to the station house and prosecution for crime–'arrests' in traditional terminology."[54] Thus, regardless of whether an officer arrests an individual or simply "accosts an individual and restrains his freedom to walk away, he has 'seized' the person" for purposes of the Fourth Amendment.[55]

"The express language:" of the Fourth Amendment "puts four things directly at issue" when considering whether a given seizure or search of an individual is justified: probable cause; particularity in describing items to be seized or location or objects to be searched; the reasonableness of the search that was conducted; and . . . the need for a warrant."[56]

The general rule has been that seizures or searches of an individual that are conducted "without prior approval by [a] judge or magistrate" are "per se unreasonable."[57] However, courts have developed a vast number of exceptions to the warrant requirement. "It has been the rule for centuries that people can be arrested without a warrant"[58] so long as a law enforcement officer has probable cause to believe that an individual has been or is committing a crime. Such probable cause "exists where the facts and circumstances within . . . [the officers'] knowledge and of which they had reasonably trustworthy information [are] sufficient in themselves to warrant a man of reasonable caution in the belief that an offense has been or is being committed."[59]

Thus, before the Supreme Court's 1968 decision in *Terry v. Ohio*,[60] "a lawful warrantless search or seizure requires that officers have probable cause to believe that an offense has been, is being, or will be committed."[61] However, *Terry* "recognized that in some circumstances an officer may detain a suspect briefly for questioning although he does *not* have 'probable cause' to believe that the suspect is involved in criminal activity, as is required for a traditional arrest."[62]

In *Terry*, a Cleveland detective, patrolling downtown for shoplifters and pickpockets, saw two men repeatedly "strolling down" the sidewalk, "looking in the same window, walking on a short distance, turning back, peering in the store window again, and returning to confer with" the other man at a

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[54] *Terry v. Ohio*, 392 U.S. 1, 17 (1968).

[55] *Id.* at 17–19 ("We . . . reject the notions that the Fourth Amendment does not come into play at all as a limitation upon police conduct if the officers stop short of something called a 'technical arrest' or a 'full-blown search.'").

[56] Josephine R. Potuto, "A Practitioner's Primer to the Fourth Amendment," *Nebraska L. Rev.* 412, 414 (1991).

[57] *Katz v. United States*, 389 U.S. 347, 357 (1967).

[58] Barry Friedman, *Unwarranted: Policing without Permission* 129 (2017).

[59] *Bringegar v. United States*, 338 U.S. 160, 175–76 (1949).

[60] 392 U.S. 1 (1968).

[61] David Keenen & Tina M. Thomas, "An Offense-Severity Model for Stop-and-Frisks," 123 *Yale L.J.* 1448, 1454 (2014).

[62] *Brown v. Texas*, 443 U.S. 47, 51 (1979) (emphasis added).

street corner – with each man "repeat[ing] this ritual alternately between five and six times apiece," or "roughly a dozen trips" in total.[63]   The officer observed the two men for at least "10 to 12 minutes."[64] The officer "became thoroughly suspicious" that the men were "casing a job, a stick-up," and he proceeded to approach and question the men.[65] The officer conducted a pat-down of one of the men, discovering a pistol.[66]

The Court in *Terry* "recast [the] [then-]fifty-year-old constitutional process of determining the sufficient level of probability to justify police action" from probable cause to something less than probable cause.[67]   Observing that "an entire rubric of police conduct – necessarily swift action predicated upon the on-the-spot observations of the officer on the beat – . . . historically has not been, and as a practical matter could not be, subjected, to the warrant procedure,"[68] the Court concluded that the Fourth Amendment permits a police officer to conduct "a brief, investigatory stop" if the officer "has a reasonable, articulable suspicion that criminal activity is afoot."[69]

B.   The Requirement of Reasonable Articulable Suspicion

Whereas "probable cause means a fair probability," "the level of suspicion required for a *Terry* stop is . . . less demanding than for probable cause."[70]   Indeed, "[r]easonable suspicion is a less demanding standard than probable cause not only in the sense that reasonable suspicion can be established with information that is different in quantity or content than that required to establish probable cause, but also in the sense that reasonable suspicion can arise from information that is less reliable than that required to show probable cause."[71] It found, then, that the Cleveland detective's stop of the two men was constitutionally permissible.

While a so-called *Terry* stop can therefore be based on something less than probable cause, "[t]he officer making a *Terry* stop must be able to articulate something more than an 'inchoate and unparticularized suspicion or hunch.'"[72] A "gut instinct" that something is amiss is not sufficient.

Instead, the officer must be able to point to specific "facts available to the officer at the moment of the seizure" that would "warrant a man of reasonable caution in the belief" that "criminal activity

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[63] *Terry v. Ohio*, 392 U.S. 1, 6 (1968).

[64] *Id.*

[65] *Id.*

[66] *Id.* at 7.

[67] Peter S. Greenberg, "Drug Courier Profiles, Mendenhall and Reid: Analyzing Police Intrusions on Less than Probable Cause," 19 *Am. Crim. L. Rev.* 49, 49 (1981).

[68] *Terry v. Ohio*, 392 U.S. at 20.

[69] *Id.* at 30; *accord State v. Kennedy*, 107 Wn.2d 1, 726 P.2d 445 (1986).

[70] *United States v. Solow*, 490 U.S. 1, 7 (1989).

[71] *Alabama v. White*, 496 U.S. 325, 330 (1990).

[72] *Id.* at 329 (quoting *Terry v. Ohio*, 392 U.S. 1, 27 (1968)).

may be afoot."[73]   That is, a *Terry* "stop must be justified by some objective manifestation that the person stopped" either was, "is, or is about to be, engaged in criminal activity."[74]   Objective, articulable facts sufficient to establish reasonable suspicion would include, but are not limited to, the hour of the day, a subject's unusual dress based on the area or weather, unusual actions, unusual smells or sounds, a subject's unusual presence in a high-crime area, an officer's personal knowledge of a particular subject, or statements by a witness or subject.

In *Terry* itself, the officer could readily point to the two men's specific, observed behavior over more than ten to twelve minutes – repeatedly walking past the same storefront and regularly conferring with the other – as objective evidence that would lead a reasonable officer under the circumstances to believe that the two may have been involved in criminal activity. Thus, the officer had sufficient grounds to conduct a stop not based a conclusory, vague sense that the two men appeared generally suspicious. Instead, the grounds for the stop stemmed from the specific, objective behavior in which the officer observed the men engaged in front of the store.

Relatedly, the reasonable suspicion must be a "particularized suspicion . . . that the particular individual being stopped is engaged in wrongdoing."[75]   In fact, "[t]his demand for specificity in the information upon which police action is predicated is the central teaching of th[e] Court's Fourth Amendment jurisprudence."[76]   Thus, to be sufficient under *Terry*, the reasonable suspicion must be not just that an individual *like* a given subject may be engaging in criminal activity but that the *actual, specific* subject has been, is, or will be engaged in criminal activity.

For this reason, "a stop based solely on the fact that the racial or ethnic appearance of an individual matches the racial or ethnic description of a specific suspect would not be justified."[77]   Likewise, a person's presence in an area of high crime, or where crime has been recently reported, is not enough to establish sufficiently particularized suspicion without "some suspicion of a particular crime [and] a particular person, and some connection between the two."[78]   Specific behaviors or factors must establish a sufficiently particular suspicion of a particular individual in connection with particular criminal activity. "General suspicions that [a subject] may have been up to no good are not enough . . . ."[79]

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[73] *Terry v. Ohio*, 392 U.S. at 21–22, 30.
[74] *United States v. Cortez*, 449 U.S. 411, 417 (1981).
[75] *Id.* at 418.
[76] *Terry v. Ohio*, 392 US. At 21 n.18 (collecting cases).
[77] *United States v. Montero-Camargo*, 208 F.3d 1122, 1134 n.21 (9th Cir.), *cert. denied*, 531 U.S. 889 (2000); *accord* Dkt. 116 at 22 ("Officers may not use discernible personal characteristics in determining reasonable suspicion or probable cause, except as part of a suspect description.").
[78] *State v. Martinez*, 135 Win. App. 174, 182 (Wash Ct. App. 2006).
[79] *Id.*; *accord State v. Thompson*, 93 Wn.2d 838, 841, 613 Pad 525 (1980) (proximity to others suspected of criminal activity insufficient ground by itself to stop an individual).

Accordingly, SPD Manual Section 5.140 imposes a general prohibition against the "use [of] discernible personal characteristics" such as race "in determining reasonable suspicion" for an investigatory stop "or probable cause" for an arrest.[80]   The only exception is "when the characteristic is part of a specific suspect description based on trustworthy and relevant information that links a specific person to a particular unlawful incident."[81]   In other words, a subject's race cannot enter into the decision to stop an individual unless there is specific, credible information that police should be looking for a specific person of a particular race in connection with a given call, incident, crime, or concern. The prohibition does not prevent officers from "consider[ing] relevant personal characteristics of an individual when determining whether to provide services designed for individuals with those characteristics (e.g., behavioral crisis, homelessness, addictions, etc.)."[82]

C.   Scope & Duration of *Terry* Stops

Generally, a *Terry* stop may be made to investigate a subject involved in an in-progress or completed felony.[83]   In the Ninth Circuit, a *Terry* stop may only be made to "investigate a completed misdemeanor (or other minor infraction)" if the nature of the misdemeanor entails a sufficiently significant "potential risk to public safety."[84] Thus, officers may conduct a *Terry* stop in connection with a completed misdemeanor trespass when the "underlying . . . activity posed an ongoing risk to public safety"[85] but may not in connection with a noise violation.[86] SPD Manual Section 6.220 therefore provides that "[w]here there is no probable cause for an arrest and only reasonable suspicion justifying a *Terry* stop, officers may make *Terry* stops for completed misdemeanor crimes only when there is an associated public safety risk."[87] A *Terry* stop may be of an individual or of a vehicle.[88]

The scope of the seizure, or the extent to which an officer may "limit[] a person's freedom during a *Terry* stop,"[89] is determined in light of "the totality of the circumstances – the whole picture."[90] Under SPD policy, officers must have "articulable justification" for things like "[o]rdering a motorist to exit a vehicle," "[d]irecting a person to stand or remain standing," or "[a]pplying handcuffs"

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[80] Dkt. 116 at 22.

[81] *Id.* at 24.

[82] *Id.* at 23.

[83] *United States v. Hensley*, 469 U.S. 221, 229.

[84] *United States v. Gregg*, 498 F.3d 1070, 1083 (9th Cir. 2007).

[85] *United States v. Moran*, 503 F.3d 1135 (10th Cir. 2007)

[86] *United States v. Gregg*, 498 F.3d 1070 (9th Cir. 2007).

[87] Dkt. 116 at 13.

[88] *Delaware v. Profuse*, 440 U.S. 648 (1979); *State v. Duncan*, 146 Wn.2d 166, 43 P.3d 513 (2002); *State v. Day*, 161 Wn.2d 889, 168 P.3d 1265 (2007).

[89] Dkt. 116 at 14.

[90] *United States v. Cortez*, 449 U.S. 411, 417–18 (1981).

during a *Terry* stop encounter.[91] Just as officers must limit the *Terry* stop seizure of an individual to a reasonable scope, "[d]uring a *Terry* stop, officers [must also] limit the seizure to a reasonable amount of time"[92] – although there is no bright-line cut-off for when a reasonable duration becomes unreasonable.[93]

D. Distinguishing *Terry* Stops and Other Types of Stops or Contacts

Some police interactions with individuals obviously do not rise to the level of an arrest or *Terry* stop and are, in fact, not seizures under the Fourth Amendment. These minimally intrusive encounters are commonly called "voluntary contacts." One type of voluntary contact is a social contact. Social contacts are "voluntary, consensual encounter[s] between the police and a subject" in which the police and subject "engage[] in casual and/or non-investigative conversation" and "[t]he subject is free to leave and/or decline any of the officer's requests at any point."[94] A friendly exchange between a police officer and a community member at a neighborhood meeting or a coffee shop would constitute a voluntary contact. A second type of voluntary contact is the non-custodial interview, "[a] voluntary and consensual" interview "that an officer conducts with a subject during which the subject is free to leave and/or decline any of the officer's requests at any point."[95] An officer asking a resident if the resident minded speaking with the officer for a minute about activity in a given neighborhood would constitute a non-custodial interview. The distinguishing characteristic of both types of voluntary contacts is, indeed, that the involved individual can decline to cooperate with an officer and elect to discontinue the interaction at any time.

A voluntary contact can become, or be transformed into, a *Terry* stop based on the nature and circumstances of the interaction. The test for whether a given interaction is voluntary or a *Terry* stop seizure is whether "a reasonable person would have believed that he [or she] was not free to leave"[96]:

> Examples of circumstances that might indicate a seizure, even where the person did not attempt to leave, would be the threatening presence of several officers, the display of a weapon by an officer, some physical touching of the person of the citizen, or the use of language or tone of voice indicating that compliance with the officer's request might be compelled.[97]

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[91] Dkt. 116 at 14.

[92] *Id.* at 15; *accord State v. Williams*, 102 Wn.2d 733 (1984), 689 P.2d 1065 (1984).

[93] *See State v. Bray*, 143 Win. App. 148, 177 P.3d 154 (2008) (30-minute *Terry* detention reasonable under circumstances); *State v. Williams*, 102 Wn.2d 733 (1984), 689 P.2d 1065 (1984) (ten-minute detention "appear[e]d to approach excessiveness" under the circumstances).

[94] Dkt. 116 at 12.

[95] *Id.*

[96] *United States v. Mendenhall*, 446 U.S. 544, 554 (1980).

[97] *Id.*

"When a citizen expresses his or her desire *not* to cooperate" or to continue to interact voluntarily with an officer, "continued questioning" or interaction "cannot be deemed consensual."[98] An officer must have reasonable articulable suspicion of criminal activity before engaging in behavior or activity that would transition a voluntary contact to a *Terry* stop.

Because the DOJ's 2011 investigation found that "SPD officers exhibit confusion between a casual, social contact and an investigative detention" – as well as confusion about the conditions under which an individual "is free to walk away from police and free to disregard a police request to come or stay"[99] – SPD policy and training has emphasized the distinguishing features of voluntary contacts and the important differences between such consensual encounters and non-consensual *Terry* stops. In particular, SPD policy provides the following definitions:

- *Social Contact*: A voluntary, consensual encounter between the police and a subject with the intent of engaging in casual and/or non-investigative conversation. The subject is free to leave and/or decline any of the officer's requests at any point; it is not a seizure.

- *Non-Custodial Interview*: A voluntary and consensual investigatory interview that an officer conducts with a subject during which the subject is free to leave and/or decline any of the officer's requests at any point.   It is not a seizure.

- *Terry Stop*: A brief, minimally intrusive seizure of a subject based upon articulable reasonable suspicion in order to investigate possible criminal activity. The stop can apply to people as well as to vehicles. The subject of a *Terry* stop is not free to leave. A *Terry* stop is a seizure under both the State and Federal constitutions.

On the other end of the spectrum, it must also be noted that not all Fourth Amendment seizures are necessarily *Terry* stops. As noted above, officers may stop an individual if they have probable cause that the individual has been or is committing a crime. If, for instance, an officer sees a subject rob a pedestrian, the officer has probable cause to stop, detain, and arrest the subject – such that the stop is not, strictly speaking, a *Terry* stop. As Part III of this report discusses further, this is important because some SPD officers appear to sometimes document stops that are, in fact, probable cause encounters as *Terry* stops on SPD's *Terry* stop documentation, which has implications for both the quantitative and qualitative analysis of SPD stop data.

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[98] *Morgan v.* Wisner, 997 F.2d 1244, 1253-54 (9th Cir. 1993) (finding subject's "unequivocal expression of his desire to be left alone [to] demonstrate[] that the exchange between" the subject and an officer "was not consensual").

[99] 2011 Findings Letter at 6.

E.   Searches Pursuant to *Terry* Stops (i.e. "Frisks")

During the course of a *Terry* stop, police officers may "conduct a carefully limited search of the outer clothing" of stopped individuals "in an attempt to discover weapons" where the facts and circumstances give the officer a "reasonable fear for his own or others' safety."[100] "The purpose of this limited search" – commonly referred to as a "frisk" – "is not to discover evidence of crime, but to allow the officer to pursue his investigation without fear of violence."[101] As such, the frisk is limited to a pat-down of a subject's clothing to determine whether the subject is in possession of a weapon, making exploration of a subject's pocket or the manipulation of items in the subject's clothing impermissible during a frisk.[102] Accordingly, SPD policy provides that "officers may conduct a frisk or pat-down of stopped subject(s) only if they reasonably suspect that the subject(s) may be armed *and* presently dangerous."[103]

A frisk is *not* automatically justified by the factors or circumstances that might justify the original stop. Instead, the officer must have sufficient, articulable grounds not just that the subject has been, is or will soon be engaging in criminal activity but also "reason to believe that the suspect is armed and dangerous."[104] Factors tending to support a frisk include, but are not limited to, a subject failing to keep his hands in view,[105] a bulge in a subject's clothing,[106] or the nature of the criminal activity underlying the stop.[107]

"Once the officer ascertains that no weapon is present after the frisk or pat-down is completed, the officer's limited authority to frisk is completed (i.e. the frisk must stop)."[108]

F.   Documentation of *Terry* Stops

SPD policy requires that officers "document all *Terry* stops."[109] Such documentation must "clearly articulate the objective facts they rely upon in determining reasonable suspicion" and include at least:

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[100] *Terry v. Ohio*, 392 US. 1, 30–31 (1968).

[101] *Adams v. Williams*, 407 U.S. 143, 146 (1972).

[102] *Minnesota v. Dickerson*, 508 U.S. 366, 378 (1993); *State v. Garvin*, 166 Wn.2d 242, 207 P.3d 1266 (2009).

[103] Dkt. 116 at 16 (emphasis in original).

[104] *Adams v. Williams*, 407 U.S. 143, 146 (1972).

[105] *State v. Ibrahim*, 164 Win. App. 503, 509–10, 269 P.3d 292 (2011); *State v. Harper*, 33 Win. App. 507, 655 P.2d 1199 (1982).

[106] *State v. Xing*, 137 Win. App. 720, 154 P.3f 318 (2007).

[107] *State v. Harvey*, 41 Win. App. 870, 873, 707 P.2d 146 (1985) (finding frisk justified because subject was stopped in connection with a burglary and "[i]t is well known that burglars often carry weapons").

[108] Dkt. 116 at 17.

[109] *Id.* at 18.

- Original and subsequent objective facts for the stop or detention;
- The reason (including reasonable suspicion or probable cause) and disposition of the stop (including whether an arrest resulted; whether a frisk or search was conducted and the result of the frisk or search; and whether the subject was moved or transported from the location of the initial stop);
- Demographic information pertaining to the subject, including perceived race, perceive age, perceived ethnicity and perceived gender; and
- Delays in completing necessary actions.[110]

To establish the information and data to collect about *Terry* stops, the Monitoring Team evaluated stop reporting practices in several agencies, including the Chicago Police Department, Las Vegas Police Department, Los Angeles County Sheriff's Department, Los Angeles Police Department, New Orleans Police Department, New York Police Department, Oakland Police Department, Philadelphia Police Department, Portland Police Bureau, San Francisco Police Department, and San Diego Police Department. The Team and SPD considered the detailed recommendations provided by monitors on stops documentation in New Orleans, Philadelphia, and Los Angeles. Recommendations by academics and other experts, as well as insights from recent court decisions in the area, were also considered and incorporated where appropriate.

The Team's research led it and SPD to believe that the most appropriate stop documentation instrument for deployment in Seattle would be a single, unified form that officers use for both pedestrian and traffic stops. SPD, whether as part of the stop template form or in other areas of its records management system, collects the following information about every pedestrian or vehicular stop:

Data Field	Sub-Fields or Check-Box Pick Lists
Incident Details	
Event/GO Number	
Precinct Serial No.	*[Note: Each stop/form should have a unique, numbered identifier in the manner of citation books.]*
Date of Occurrence	
Time and Duration of Contact	Start time (##:##)
	End time (##:##)
Address/Intersection of Occurrence	
Location of Occurrence (Precinct)	North
	South
	Southwest
	East
Video of Stop?	ICV

[110] *Id.*

	Third-Party
	None
	If none, why? [free response]
Type of Contact	Pedestrian
	Vehicle/traffic
	Other (specify) *[free response]*
If vehicle contact:	
Make/model of car	
License plate number	
Month/year of registration	
License missing, suspended, expired, or lapsed?	Yes
	No
Insurance missing or lapsed?	Yes
	No
Approximate speed of vehicle when stop initiated	
Speed limit where stop initiated	
Reporting Officer	
Serial Number	
Title/Rank	
First Name	
Middle Name	
Last Name	
Date of Birth	
Sex	Male
	Female
Race	White
	Black
	Asian/Pacific Islander
	American Indian/Alaska Native
	Hispanic/Latino
	Other (Specify)
Height	
Weight	
Phone Number	
E-Mail Address	
Unit of Assignment	
Assigned Sgt.	
Assigned Lt.	
Assigned Capt.	
Assigned Bureau	
CIT-Certified?	Yes
	No
Other officers (from any agency) present at any time during the stop?	Yes
	If yes, list names and serial numbers, if known
	No
Subject Information	
Name of Person Stopped	
Address	
Telephone Number	

E-mail address (if known)	
Date of Birth	
Gender	Female
	Male
	Unknown
Perceived Race	White
	Black
	Hispanic/Latino
	Asian/Pacific Islander
	American Indian/Alaska Native
	Other (specify)
Height	
Weight	
Type of party	Pedestrian
	Driver of vehicle
	Passenger in vehicle
Subject previously known to the officer?	Yes
	No
Other persons stopped/questioned/frisked?	Yes
	If yes, list precinct/Terry form serial numbers [free response]
	No
Contact Details	
Stop	
What was the reason for the stop? Describe the specific, articulable facts and observable subject behaviors that led you to suspect that the subject had been, was, or was about to be engaged in the commission of a crime.	*[Free narrative space]*
How was the stop initiated?	Self-initiated (by reporting officer)
	Response to Request (e.g., call for service from dispatch or from a third party)
How long did you observe or follow the subject before initiating the stop? *(Report or estimate in minutes.)*	_____ *minutes [free response]*
Officer explain reason for stop to subject?	Yes
	No
	If no, explain: [*free response*]
Officer in uniform?	Yes
	No
	If no, how identified to the subject?
	Shield
	I.D. Card
	Verbal
Officer's car marked?	Yes
	No
Approach subject with any of the following?	Hand on less lethal instrument/firearm?

	Less lethal instrument/firearm unclipped
	Less lethal/firearm drawn
Officer's assessment of subject's condition	CIT-eligible / Behavioral Crisis Event
	Impaired—Cognitive
	Impaired—Emotional/psychological
	Impaired—Physical
	Under Influence—Alcohol
	Under Influence—Drugs
	Unimpaired
	None of the above
Search	
Subject searched?	Yes
	No
Subject's vehicle searched?	Yes
	No
What was the reason for the search? Describe the specific, articulable facts and/or observable subject behaviors that provided legal authority for the search, as well as what was searched.	*[Free narrative space]*
Weapon found?	Yes
	No
	If yes, Describe:
	Pistol/Revolver
	Rifle/Shotgun
	Assault Weapon
	Knife/Cutting Instrument
	Machine Gun
	Other
Contraband found?	Yes
	Narcotics
	Other (specify)
	No
	If yes, describe: (1) contraband found, (2) location of contraband, and (3) the amount or quantity of contraband found. *[Free response]*
Outcome/Resolution	
What was the outcome of the stop?	No action taken/subject released
	Verbal warning
	Trespass admonishment
	Referral to services
	Written warning
	Ticket/citation/summons issued
	Offense [free response]
	Summons/Citation No. [free response]
	Vehicle impounded
	Involuntary commitment

	Subject arrested
	Offense [free response]
	Offense category
	Felony
	Misdemeanor
	Arrest no. [free response]
What was the reason for any arrest, citation, or receipt of a ticket or summons? Describe the specific, articulable facts or circumstances that constitute the legal basis for the subject's arrest, citation, or receipt of a ticket or summons.	*[Free narrative space]*
Additional Information	
Force applied to subject at any point during the interaction?	No Force Used
	Type I
	Type II
	Type III
	OIS
	If Force Used, Event/GO Number
Subject moved or transported from initial location at any point of the interaction?	Yes
	Instructed to get out of vehicle
	Instructed to sit on curb
	Backseat detention
	Other, specify: [free response]
	If yes, why? [free response]
	No
Subject specifically directed to assume any posture or position?	Yes
	If yes, what posture/position? [free response]
	If yes, why? [free response]
	No
Receipt	
All officers must issue a "receipt" to the stopped subject. "Receipts give individuals who have been stopped a record of the encounter, which can be referenced if the individual wanted to register a complaint . . . or a compliment/commendation." (Office of the Independent Monitor, City of New Orleans, "Review of NOPD's Field Interview Policies, Practices, and Data" at 34.)	

In late 2014 and early 2015, SPD assembled a "superior project management team" tasked with establishing an electronic platform for officers to effectively and efficiently enter data about stops.[111] That team "quickly identified [the] advantages of . . . using SPD's existing in-car computer system to

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[111] Fifth Semiannual Report at 40.

collect the necessary information," including the minimization of "logging duplicative information in separate systems by auto-filling a number of basic fields or data elements."[112]

"In March 2015, the Department began a 30- to 60-day pilot program to test the technological solution" for stops data collection "in the East Precinct."[113] After some refinements and training of officers to use the system, stop documentation began to be collected Department-wide in the summer of 2015.

III.   Bias-Free Policing and Disparate Impact

A.   Consent Decree Requirements

The Consent Decree required SPD to revise its policies relating to "unbiased" or "bias-free" policing, "in conjunction with the [Community Police] Commission," to:

- "Clarif[y] that the policy against biased policing extends to all protected classes under state, federal, and local laws, including race, ethnicity, national origin, gender, age, religion, sexual orientation, gender identity, or disability in making law enforcement decisions;
- Reaffirming that officers may not use race, ethnicity, or national origin in determining reasonable suspicion or probable cause, unless race, ethnicity, or national origin is used as part of a suspect(s) description;
- Reaffirming that officers will (1) not engage in, ignore, or condone bias-based policing; (2) be responsible for knowing and complying with the policy; and (3) report incidents where they observe or ae aware of other officers who have engaged in bias-free policing.[114]

The Court approved the resulting SPD policy, SPD Manual Section 5.140 – Bias-Free Policing, in January 2014.[115] That policy defines bias-based policing as the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws, as well as other discernible personal characteristics of an individual.[116] These "discernible personal characteristics" include, but are not limited to:

- Age
- Disability status

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[112] *Id.*
[113] *Id.*
[114] Dkt. 3-1 ¶ 146.
[115] Dkt. 118.
[116] Dkt. 116 at 5–6.

- Economic status
- Familial status
- Gender
- Gender identity
- Homelessness
- Mental illness
- National origin
- Political ideology
- Race, ethnicity, or color
- Religion
- Sexual orientation
- Status as a veteran.[117]

The policy prohibits employees from "mak[ing] decisions or tak[ing] actions that are influenced by bias, prejudice, or discriminatory intent."[118] Where "a person complains of bias-based policing, the employee shall call a supervisor to the scene to review the circumstances and determine an appropriate course of action."[119] SPD employees must document all allegations of bias.[120] A supervisor conducts a "preliminary inquiry" of bias complaints and must "refer the matter to OPA for further investigation" if or when the "supervisor determines that there may have been misconduct."[121] "Supervisors, commanders and civilian managers have an individual obligation to ensure the timely and complete review and documentation of all allegations of violation of this policy that are referred to them or of which they should reasonably be aware."[122]

The 2011 DOJ investigation concluded that SPD's "training fail[ed] to adequately address some of the underlying causes of racially biased policing, namely, that biased policing is not primarily about the ill-intentioned officer but rather the officer who engages in discriminatory practices subconsciously."[123] Accordingly, SPD needed to develop comprehensive, new training on the revised bias-free policing policy and related issues. The Monitoring Team has previously praised the quality of that training, which addressed issues relating to procedural justice and implicit bias and featured the direct involvement of the Community Police Commission, with "commissioners . . . providing a live, 20-minute presentation" in each training session "focusing on how issues relating to procedural justice, fairness, and bias-free policing have impacted the communities that they represent . . . ."[124]

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[117] *Id.* at 21–22.
[118] *Id.* at 22.
[119] *Id.* at 24.
[120] Dkt. 116 at 26.
[121] *Id.*
[122] *Id.* at 7.
[123] 2011 Findings Letter at 34.
[124] Fourth Semiannual Report at 49.

The Bias-Free Policing policy also addresses the issue of disparate impact. The policy outlines SPD's "commit[ment] to eliminating policies and practices that have an unwarranted disparate impact on certain protected classes" by seeking to "identify ways to protect public safety and public order without engaging in unwarranted or unnecessary disproportionate treatment."[125] Doing so "requires periodic analysis of data" by SPD to "identif[y] . . . SPD practices – including stops, citations and arrests – that may have a disparate impact on particular protected classes relative to the general population."[126] SPD must produce an annual report "describe[ing] the year's data collection and analysis and efforts to address disparate impact of policing."[127]

B. What Disparate Impact Does & Does Not Establish

Disparate impact exists when a law or government action impacts individuals of one race more than another. However, the existence of a disparity does not, by itself, establish impermissible governmental discrimination. But, evidence of a stark disparity may tend to establish a presumption of discriminatory purpose. A government entity may rebut this presumption by establishing race-neutral reasons or explanations for the law, action, or disparity. In many instances, both race as well as any of a number of race-neutral explanations might explain the disparity. When examining possible disparate impact, the existence of other influencing factors may make the precise cause or causes of the disparity unclear. This assessment attempts to examine some possible influencing factors to determine if they are responsible for disparity in SPD's stops. Ultimately, however, even if the exact cause of disparity not fully identifiable, there are still obligations under the Consent Decree. In fact, this disparity triggers additional obligations under SPD's policies – namely, for the Department to study whether or not the disparity is warranted or unwarranted and, if unwarranted, to take steps to explore equally effective alternative practices that would result in less disproportionate impact.

1. Disparate Impact Alone Cannot Generally Establish Unconstitutional Discrimination.

The Fourteenth Amendment of the U.S. Constitution guarantees "equal protection of the laws." However, "[t]he constitutional text offers virtually no guidance into the meaning of equal protection."[128] "From the beginning, nearly everyone has agreed that the central purpose of the

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[125] Dkt. 116 at 27.

[126] *Id.*

[127] *Id.* at 28.

[128] J. Michael McGuinness, "Equal Protection for Non-Suspect Class Victims of Governmental Misconduct: Theory and Proof of Disparate Treatment and Arbitrariness Claims," 18 *Campbell L. Rev.* 333, 333–34 (1996).

Equal Protection Clause is to outlaw certain kinds of discrimination."[129] As a threshold matter, "all laws discriminate between groups defined in some fashion"[130]:

> The Constitution's guarantee of equal protection of the laws is too broad to be applied literally, as all laws discriminate and government could not operate if all its discriminations were continually in question. Any realistic theory of equal protection must find a principle that identifies those situations where serious scrutiny is justified.[131]

Consequently, the issue that courts have needed to address is precisely what constitutes discrimination and when such discrimination is impermissible.

"The 'disparate impact doctrine' is a theory of discrimination that recognizes a legal wrong on the basis of the disproportionate negative effect of a practice affecting individuals in a protected class"[132] that is "otherwise unjustified by a legitimate rationale."[133] In the context of law enforcement stops of individuals, the disparate impact theory is essentially an argument that a given government activity is being applied unevenly and unfairly on a basis – race – for which there is no compelling underlying governmental interest. Such "disparate application arises when a facially neutral rule" – for this report's purposes, stopping and temporarily detaining individuals on the basis of reasonable articulable suspicion – "is applied unevenly on the basis of race or gender."[134] Under this theory, if a governmental action has a disproportionate impact on a protected group, it must justify the action by showing that it serves a legitimate governmental interest.[135]

"Once upon a time, the burning issue about equal protection and disparate impact was whether the Fourteenth Amendment itself embodied a disparate impact standard."[136] This is because "discriminatory intent was not originally a part of Fourteenth Amendment jurisprudence."[137] In

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[129] David A. Strauss, "Discriminatory Intent and the Taming of Brown," 46 *Univ. Chicago L. R.* 935, 7 (1989).

[130] John O. McGinnis, "Decentralizing Constitutional Provisions Versus Judicial Oligarchy," 20 *Const. Commentary* 51 (2003).

[131] William N. Eskridge, Jr., "Multivocal Prejudices and Homo Equality," *Ind. L. J.* 1085, 1087 (1999).

[132] F. Michael Higginbotham, *Ghosts of Jim Crow: Ending Racism in Post-Racial America* 214 (2013).

[133] *Ricci v. DeStefano*, 557 U.S. 557, 577 (2009).

[134] Julia C. Lamber, et al, "The Relevance of Statistics to Prove Discrimination: A Typology," 34 *Hastings L. J.* 553, 568 (1983)

[135] David A. Strauss, "Discriminatory Intent and the Taming of Brown," 46 *Univ. Chicago L. R.* 935, 1013 (1989).

[136] Richard Primnus, "The Future of Disparate Impact," 108 *Mich. L. Rev.* 1343, 1343 (2010).

[137] Henry L. Chambers, Jr., "Retooling the Intent Requirement Under the Fourteenth Amendment," 13 *Temple Pol. & Civ. Rights L. Rev.* 611, 614 & n. 17 (2004).

1976, however, the Supreme Court held[138] that, "in Constitutional cases, plaintiffs have the burden of proving *intentional* discrimination" – which generally "requires that a plaintiff . . . present evidence that the defendant *purposely* subjected the plaintiff to a disparate treatment because of race."[139] As such, where a government policy or activity appears appears "racially neutral on its face" but "ha[s] a 'disproportionate impact' on racial monitories, the Court looks at the context in which the policy was formulated, passed, initiated, and implemented to determine whether there was a 'bad purpose' that led to the disproportionate impact."[140]

Thus, courts have held that establishing that a practice is constitutionally impermissible requires proof of discriminatory intent. Simply, "official action will not be held unconstitutional solely because it results in a racially disproportionate impact."[141] A showing that a practice tends to affect people, in the statistical sense, disproportionately based on their race is not sufficient:

> Demonstrating discriminatory intent in racial profiling cases amounts to proving that law enforcement racial bias 'caused' the [stop and/or search] . . . . It is difficult to drawn an inference that statistical studies demonstrate intent or 'cause' in legal cases . . . . Law has a distinct interest in causation that cannot be addressed solely by statistical methodology – that of attributing responsibility to individual law enforcement actors.[142]

All of this is important because whether or not a governmental actor's discriminatory intent is established drives the level of scrutiny that a court will give to a particular law or governmental practice. "The current doctrinal test imposes heightened scrutiny on those laws and policies that invoke a suspect classification," which includes race.[143] Courts will generally apply a relatively "undemanding form of review" known as "rational-basis scrutiny"[144] – inquiring only whether the law is rationally related to a legitimate government interest – unless a law has substantially abridged a fundamental right or involves a suspect classification such as race. In those circumstances, courts will apply a much more demanding form of review known as "strict scrutiny" – requiring that the government establish that the law is narrowly tailored to achieve a compelling state interest. If

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[138] *Washington v. Davis*, 426 U.S. 229, 248 (1976).

[139] F. Michael Higginbotham, *Ghosts of Jim Crow: Ending Racism in Post-Racial America* 214 (2013). This disparate impact theory can be sufficient for establishing impermissible discrimination in in the context of employment discrimination cases (including those involving the government as employer).

[140] J. Mitchell Pickerill, et al, "Search and Seizure, Racial Profiling, and Traffic Stops: A Disparate Impact Framework," 31 *Law & Policy* 1, 9 (2009).

[141] *Village of Arlington Heights v. Metropolitan Housing District*, 429 U.S. 252, 264–65 (1977).

[142] Melissa Whitney, "Using Statistics to Prove Discriminatory Intent," 49 *Boston College L. R.* 263, 272 (2008).

[143] Sonu Bedia, "Collapsing Suspect *Class* with Suspect *Classification*: Why Strict Scrutiny is Too Strict and Maybe Not Strict Enough," 47 *Georgia L. Rev.* 301, 308 (2013).

[144] David A. Sklansky, "Cocaine, Race, and Equal Protection," 47 *Stanford L. R.* 1283, 1303 (1994).

discriminatory purpose or intent can be established and not adequately rebutted, courts would tend to consider the law or governmental practice to involve a classification based on race and would apply strict scrutiny.

In short, "racial imbalance does not, without more, establish a . . . case of disparate impact and thus protects defendants from being held liable for racial disparities that they did not create" because the source of the disparity is, in fact, related to other factors.[145]

2. Stark Disparate Impacts Can Create a Rebuttable Presumption of Discriminatory Intent Necessary to Establish Unconstitutional Discrimination.

However, courts have, at the same time and somewhat confusingly, conceded that a particularly stark or significant disparity – such that "the administration of a . . . law is 'directed so exclusively against a particular class of persons . . . with a mind so unequal and oppressive' that the system . . . amounts to 'a practical denial' of equal protection under the law" – may establish a presumption, which may be rebutted by additional evidence, that a governmental actor has indeed violated the Fourteenth Amendment, especially with respect to a given individual.[146]

This stems from the Supreme Court's earliest efforts to interpret what establishes governmental discrimination that violates the Equal Protection Clause.[147] In *Yick Wo v. Hopkins*, 118 U.S. 356 (1886), the Court found that a San Francisco ordinance – which, as written, expressed a legitimate business and governmental interest in regulating laundries "for the public safety" but, when applied, denied exemptions to 200 Chinese laundries but only one Caucasian laundry – violated the Constitution because the practical application of the law resulted in a sizeable disparity on the basis of race that was incompatible with its legislative purpose.[148]   Even as the Court appeared to narrow the persuasive effect of establishing a disparate impact in subsequent cases, it observed:

> This is not to say that the necessary discriminatory racial purpose must be express or appear on the face of the statute, or that a law's disproportionate impact is irrelevant in cases involving Constitution-based claims of racial discrimination. A statute otherwise neutral on its face, must not be applied so as invidiously to discriminate on the basis of race. *Yick Wo v. Hopkins*, 118 U.S. 356 (1886). It is also clear from the cases dealing with racial discrimination in the selection of juries that the systematic

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[145] *Texas Dept. of Housing & Community Affairs v. Inclusive* Communities, 576 U.S. __, 20 (2015).

[146] *United States v. Armstrong*, 517 U.S. 456, 465 (1996) (quoting *Yick Wo v. Hopkins*, 118 U.S. 356, 373 (1886)); *see also Regents of Univ. of California v. Bakke*, 438 U.S. 265, 289 (1978) (indicating that statistical information about the availability of entering-class states was evidence that a "special admission program is undeniably a classification based on race and ethnic background").

[147] The Monitoring Team does not analyze issues of disparity under Title VI or the Safe Streets Act, which could also apply.

[148] 118 U.S. at 373.

exclusion of [Blacks] is itself such an unequal application of the law as to show intentional discrimination [collecting cases].[149]

The Ninth Circuit, among others, has much more recently affirmed that the notion that statistical evidence of a starkly or significantly disparate impact can serve to establish the discriminatory intent necessary to establish an equal protection violation:

> [P]laintiffs must show that [the] actions of defendants had a discriminatory impact, and that defendants acted with an intent or purpose to discriminate based upon plaintiff's membership in a protected class. Where, as here, the challenged governmental policy is 'facially neutral,' proof of disproportionate impact on an identifiable group, such as evidence of 'gross statistical disparities,' can satisfy the intent requirement where it tends to show that some invidious or discriminatory purpose underlies the policy.

> [P]laintiffs contend that 'gross statistical disparities' alone may constitute proof of a practice of discrimination and relieve plaintiffs from their burden of showing intent to discriminate. This is true, but it is the rare case where impact alone will be sufficient to invalidate a challenged government action.[150]

In the context of stops, then, "the stronger the statistical association observed" between race and the incidence or probability of being stopped, then "the greater the justification for [an] individual plaintiff's use of population data to support his or her case."[151]

When "statistical disparities" that are particularly significant and therefore "relevant" to "demonstrat[ing] a *prima facie* case of discrimination," a constitutional violation is not definitively established from the legal perspective.[152] Instead, the "impact alone is not determinative, and the Court must look to other evidence."[153] The governmental actor may "rebut the presumption of purposeful discrimination" that such statistical evidence has assisted in establishing.[154]

When a *prima facie* case, whether through statistical or other evidence, is established, "the burden of proof shifts to the State [or governmental actor] to rebut the presumption of unconstitutional action

[149] *Washington v. Davis*, 426 U.S. 229, 241 (1976).

[150] *Committee Concerning Community v. Modesto*, 583 F.3d 690, 702-03 (9th Cir. 2009); *accord Mendiola-Martinez v. Doe*, No. 14-15189 at 41–42 (9th Cir., Sep. 12, 2016).

[151] Melissa Whitney, "Using Statistics to Prove Discriminatory Intent," 49 *Boston College L. R.* 263, 275 (2008).

[152] *Castandea v. Partida*, 430 U.S. 482, 500–01 (1977).

[153] *Arlington Heights*, 429 U.S. at 266.

[154] *Castandea v. Partida*, 430 U.S. 482, 500–01 (1977).

by showing that permissible racially neutral selection criteria and procedures have produced the monochromatic result."[155] Put differently, the government may rebut a presumption by providing evidence that (a) the disparity arises from legitimate and race-neutral purposes, and/or (b) the disparity is actually driven by some other factor such that the racial effective is an unintentional side effect or byproduct stemming from a legitimate purpose.

Indeed, given the complexity of the social world, disparities based on race and other protected groups can arise in many contexts – but the disparity might not be caused by or even substantially related to race. For instance, SPD's Harbor Patrol provides law enforcement services over "200 miles of City shoreline, 147 miles of freshwater, and 53 miles of saltwater."[156] Local data suggests that subjects who receive citations from SPD's Harbor Patrol are disproportionately White when compared to the general population. One explanation might be that the Harbor Patrol is impermissibly and intentionally targeting Whites. However, another explanation is that Seattle boat owners happen to be disproportionately White – which would be consistent with nationwide data indicating that boat owners are indeed overwhelmingly (90 percent) White.[157] A number of disparate social trends may contribute to more boat owners being White – the historic economic advantages that White populations have enjoyed compared to other populations, a concentrated cultural interest in or acceptance of boating (which might or might not be related to economic issues), and others.

Similarly, when evaluating data on stops, racial disparities may derive from intentional targeting. Alternatively, it might arrive not from the intention of the Department or individual officers to unfairly target or discriminate but from subconscious or implicit bias. These would be explanations that would suggest that policy, training, and departmental practices might need to be amended.

3. *Disparate Impact May Be Caused by Legitimate, Race-Neutral Factors*

Not all disparate impact is caused by intentional targeting. A number of other explanations – both that have nothing to do with race (or where race is a colluding factor that cannot be clearly isolated or separated out of the equation) might explain certain disparities. For instance, gang populations may be concentrated in certain of Seattle's precincts. In those precincts, a surge of violence may lead the Department to deploy more officers to certain neighborhoods to combat the violence. If the gangs operating in those neighborhoods are predominantly of a particular race, or the neighborhood population in general is predominantly of a particular race, the expanded focus of more patrol officers might lead to a higher number of instances where officers suspect an individual may be

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[155] *Washington v. Davis*, 426 U.S. 229, 241 (1976).

[156] Harbor Patrol, About Policing, About Us, Seattle Police Department, City of Seattle, https://www.seattle.gov/police/about-us/about-policing/harbor-patrol (last visited May 19, 2017).

[157] National Marine Manufacturers Association, "Recreational Boating Industry Trends" (Dec. 13, 2011), http://consensus.fsu.edu/Boat Summit/pdfs/Industry_Trends_Growth_Summit_(Dammrich).pdf.

engaged in criminal activity and initiate stops. In this scenario, race is at play in a few different ways but not, by themselves, in ways that can be completely isolated or that a police department can entirely control. The so-called "self-segregation" of individuals by race with respect to where they live, while a product of federal, sate, and local housing laws that were race-conscious[158] and have likely been driven by longstanding economic disparities, is one complicated social phenomenon that would influence stop statistics. Likewise, the complicated social realities that lead individuals to join criminal gangs and the composition of those gangs might also influence the statistics.[159]

4.   *Some Specific Government Action Likely Must Be Causally Linked to the Disparity.*

The Supreme Court has recently suggested that the existence of a disparate impact alone, without evidence that the action or activity of a government agent has caused that disparity, is insufficient to establish liability. "[A] disparate-impact claim that relies on a statistical disparity must fail if the plaintiff cannot point to a defendant's policy or policies causing that disparity."[160] In *Texas Dept. of Housing & Community Affairs v. Inclusive Communities*, the Inclusive Communities group bringing the suit argued that a state agency was "granting too many [tax] credits [to developers] for housing in predominantly black inner-city areas and too few in predominantly white suburban neighborhoods."[161] Statistical evidence established a disparity.[162]

The Court described the importance of additional evidence suggesting the importance of a causal connection:

> For instance, a plaintiff challenging the decision of a private developer to construct a new building in one location rather than another will not easily be able to show this is a policy causing a disparate impact because such a one-time decision may not be a policy at all. It may also be difficult to establish causation because of the multiple factors that go into investment decisions about where to construct or renovate houses.[163]

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[158] *See generally* Richard Rothstein, *The Color of Law: A Forgotten History of How Our Government Segregated America* (2017) (outlining how public policy at all levels initiated and perpetuated segregation).

[159] Accordingly, SPD's policy on bias-free policing distinguishes disparate impact between what it calls "warranted" and "unwarranted." The policy commits to "identify[ing] ways to protect public safety and public order without engaging in unwarranted or unnecessary disproportionate enforcement."

[160] *Texas Dept. of Housing & Community Affairs v. Inclusive Communities Project,* 576 U.S. __ , 19–20 (2015).

[161] *Id.* at 3.

[162] *Id.*

[163] *Id.* at 20–21.

Although the decision applied a federal statute and not the Constitution, many commentators assume that the logic applies to cases analyzed per the Equal Protection Clause.[164] To the extent that it does, it means that, in the context of a police department's stop activity, a racial disparity in the composition of stop subjects, even a stark disparity, may be legally permissible unless some sustained policy, procedure, or practice causes the disparity. This may be especially true given that all individual stops by particular SPD officers of specific subjects are a "one-time decision" that may ultimately "not be a policy" of the Department "at all."[165]

> ### 5.   Some Types of Laws or Government Actions That Attempt to Address for Disparate Impacts Might Be Legally Impermissible.

Supreme Court developments since 2009 have introduced some complexity to how government entities might affirmatively or proactively address practices that produce disparate impacts. Specifically, there appear to be limits to how a jurisdiction may use the identification or knowledge of a disparate impact in terms of race in taking certain actions. In *Ricci v. DeStefano*, 129 S. Ct. 2658 (2009), a class of prospective firefighters in New Haven, Connecticut took a promotion exam. "[T]he results showed that white candidates had outperformed minority candidates," with "[s]ome firefighters . . . threaten[ing] a discrimination lawsuit if the City made promotions based on the tests" that they believed were "discriminatory."[166]   The City "threw out the examinations."[167] "Certain white and Hispanic firefighters who likely would have been promoted based on their good test performance sued the City . . . ."[168]

Although the Court analyzed the facts under federal employment law and not constitutional standards, "its opinion appeared to lend support to the notion that laws imposing disparate-impact liability might themselves violate the Constitution."[169] It found that, because "the City chose not to certify the examination results because of the statistical disparity based on race – i.e., how minority candidates had performed when compared to white candidates," such "race-based decisionmaking" was impermissible "[w]ithout some other justification."[170]   "Whatever the City's ultimate aim – however well intentioned or benevolent it might have seemed – the City made its employment decision because of race,"[171] and making decisions based solely on race is impermissible. The City's

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[164] Samuel R. Bagenstos, "Disparate Impact and the Role of Classification and Motivation in Equal Protection Law After *Inclusive Communities*," 101 *Cornell L. Rev.* 1115, 1129 (2016).

[165] *Texas Dept. of Housing & Community Affairs v. Inclusive Communities Project,* 576 U.S. __ , 20–21 (2015).

[166] *Ricci v. DeStefano*, 129 S. Ct. 2658, 2664 (2009).

[167] *Id.*

[168] *Id.*

[169] Samuel R. Bagenstos, "Disparate Impact and the Role of Classification and Motivation in Equal Protection Law After *Inclusive Communities*," 101 *Cornell L. Rev.* 1115, 1124 (2016).

[170] *Ricci v. DeStefano*, 129 S. Ct. 2658, 2673 (2009).

[171] *Id.* at 2674.

desire or belief that it was appropriately staving off a disparate-impact lawsuit was insufficient – because, in such a lawsuit, the City would be able to demonstrate "on the strong basis in evidence that, had it not certified the [test] results [showing a disparate impact], it would have been subject to disparate-treatment liability."[172]

At the same time, however, the Court has more recently affirmed governmental "authorities' race-neutral efforts":

> When setting larger goals, . . . authorities may choose to foster diversity and combat racial isolation with race-neutral tools, and mere awareness of race in attempting to solve the problems facing inner cities does not doom that endeavor at the outset.[173]

Because "race may be considered in certain circumstances and in a proper fashion" to promote greater diversity and stave off social isolation, a police department may properly consider if certain activities lead to impermissibly disparate outcomes and whether other approaches may eliminate the disparity.[174] Thus, it appears that while the city of New Haven could not invalidate test scores after the fact because they discovered a disparity, a police department may proactively ensure that a facially race-neutral enforcement action is conducted in a manner or according to a policy that does not promote a disparity.

6. How the Consent Decree and SPD Policy Requires For Disparate Impact to Be Addressed.

Sorting out whether disparity on the basis of suspect classifications, like race, is the result of intentional discrimination, the result of unknowing or subconscious bias, or is the effect of one or many factors either having nothing to do with race or that are tangled up with race is challenging. When there are reasonable and legitimate reasons for a practice that produces disparities with respect to whom the practice is applied, the courts have been historically reluctant to invalidate governmental actions as discriminatory and impermissible.

Consequently, neither the Consent Decree nor the Court-approved policies on stops and bias-free policing demand that SPD immediately stop practices that it may determine are linked to disparate impacts. Instead, and importantly, it requires that SPD determine whether such disparities are warranted or unwarranted and, where "unwarranted disparate impacts are identified" with respect to a given SPD practice or policy, "the Department will consult as appropriate with neighborhood,

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[172] *Id.* at 2681.

[173] *Texas Dept. of Housing & Community Affairs v. Inclusive Communities Project,* 576 U.S. __ , 23 (2015).

[174] *Id.* at 22.

business and community groups, including the Community Police Commission, to explore equally effective alternative practices that would not result in disproportionate impact."[175]

This does not mean that the identification of disparate impacts in this report, through SPD's own analysis, or by other community organizations is not important. It certainly is. It means that, if Seattle is going to resolve unwarranted disparities in its policing, it is up to the Seattle community, SPD, the Department's formal oversight mechanisms, elected officials, and community watchdogs to identify meaningful disparities, explore their causes, and determine if SPD could carry out safe, effective, and constitutional policing while eliminating or reducing the disproportionality. Simply because some disparities might not establish violations of the Constitutional, state, or federal law does not mean that they cannot, or should not, be addressed through these local political mechanisms.

This approach ensures that Seattle can work out specific solutions informed substantially by the experiences and values of all of the city's diverse communities. Especially in the context of Seattle considering how its systems of external oversight and accountability will function going forward, this report, as summarized in the subsequent parts, cannot exhaustively conduct the whole of the important work that responsible public servants must in the coming years.

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[175] Dkt. 116 at 27.

Part II.
Quantitative Assessment of SPD Stop Data

This section presents the results of the Monitoring Team's analysis of SPD's aggregate stop data. It considers overall patterns and trends to determine whether individuals with certain characteristics tend to be stopped disproportionately.

At the outset, it must be noted that elements of the analysis are necessarily detailed and granular. Although the Monitoring Team, as always, endeavors to make this report as accessible to the general public as possible, the highly technical nature of some of the analyses that it is necessary to perform does require, from time to time, some in-depth discussion about statistical methods.

I.   Nature of the Data Used

A. *Terry* stops

This portion of the report analyzes 13,124 administrative records generated by Seattle Police Department (SPD) officers following *Terry* stops conducted between July 1, 2015 and January 31, 2017. These data were recorded using an electronic form, known as the *Terry* "template" (a copy of the template is found in Appendix 1), compiled by the SPD, and transferred to the Monitoring Team.

SPD officers use the *Terry* template to capture basic descriptive information about the subject, including perceived race/ethnicity, gender, age, height, and build, as is shown in Table 1. There is also record of where (listed in terms of specific address and SPD beat) and when (date and time) the stop occurred, how long it lasted, the suspected crime, and the outcome of the stop. The data also include basic information about the officer initiating the stop and whether there were other SPD officers present.[176]

The template provides SPD officers eight options for describing their perceptions of the subject's race: American Indian/Alaska Native, Asian, Black, Hispanic, Multiracial, Other, Unknown, and White. For analytical purposes, and given the generally lower rate of representation in the Seattle community overall, American Indian/Alaska Native, Multiracial, and Other were collapsed into a single variable, "other," in order to make meaningful statistical inferences using the array of

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[176] For reasons not entirely known, the initial *Terry* stop dataset included a significant amount of missing data related to officer race. To account for this problem, officer race data was drawn from SPD's personnel database and merged into the *Terry* stop data file. To the extent that the missing data on officer race is the result of affirmative officer omission, the Department needs to explore mechanisms to ensure complete capture of all relevant information.

statistical tests necessary.[177] Cases labeled as "unknown" were dropped from the analysis, which left the five categories used: Asian, Black, Hispanic, White, and Other.

Table 1: Information missing from the *Terry* stop data (July 1, 2015 – Jan 31, 2017)

Variable name	Description	Missing	Percentage
Subject demographics (n=8)			
subjperceivedrace	Race	182	1.39
subjperceivedagerange	Age	458	3.49
subjperceivedsex	Gender	84	0.64
subjperceivedheight(feet/inches)	Height	915	6.97
subjperceivedbuild	Build	511	3.89
subjpreviouslyknownbyoffcr	Subject known to officer	122	0.93
terrystopsubj (lastname/firstname)	Subject name	393	2.99
howsubjidentified	Form of identification given	154	1.17
Stop characteristics (n=11)			
ccaddress	Stop location (XY coordinates)	176	1.34
ccgoprecinct	SPD Precinct	265	2.02
ccgosector	SPD Sector	265	2.02
ccgobeat	SPD Beat	265	2.02
inserttime1	Stop time	0	0.00
insertdate1	Stop date	0	0.00
contacttype	How officer notified of issue	17	0.13
cccasetype	Cited reason for stop	3,543	27.00
descriptorsbeforecontactyn	Description of subject before stop	1,094	8.34
durationoffcrobservedprior	Length of time subject observed	41	0.31
otherspdoffcrspresentyn	Multiple officers at stop	722	5.50
Officer description (n=5)			
officerrace	Race	268	2.04
assignmenttype	Assignment type	1,702	12.97
offcrpresentserial1	Badge number	2	0.02
uniformyn	Officer in uniform	0	0.00
markedvehicleyn	Officer in marked vehicle	2	0.02

[177] It is common practice among both academic and government statisticians to group together those races/ethnicities that comprise a relatively small proportion of the population under analysis, be it jurisdictional demographics, police stops, or otherwise. The use of one aggregate variable – in this case, the 'Other' variable - allows the analyst to include categories that represent sample sizes that are too small for individualized analysis.

Post-stop outcomes (n=7)

explainedstoptosubjyn	Officer explained stop	142	1.08
durationofseizure	Duration of seizure	72	0.55
friskedforwpnyn	Frisk conducted	227	1.73
reportableforceusedyn	Forced used	165	1.26
foundweapontype	Weapon found	17	0.13
stopresolution	Stop resolution	131	1.00
subjgivenreceiptyn	Receipt issued	790	6.02
Total missing data		12,725	3.13

n = 13,124

The template classifies the officer's stated reason for the stop in terms of SPD's Type Code, a two- to six- character abbreviation of 251 incident types. The template also tracks the outcomes of each *Terry* stop. Post-stop outcomes include whether the subject was frisked, the nature of the weapon discovered, and whether the stop led to an arrest or just a street check. SPD officers also document those instances where a stop led to the use of force and when a receipt was issued, as required by SPD policy, at the conclusion of the stop.

The SPD *Terry* stop template is data collection instrument consistent with the practices of other law enforcement agencies – including the New York City Police Department (NYPD)'s longstanding stop form[178] and the requirements under AB 953, a new California law that requires annual data collection and dissemination for all traffic and pedestrian stops conducted across the state.[179] It is worth noting that, while SPD's dataset includes many of the variables needed to conduct a disparate impact analysis, its strength lies in the detail it provides. Several variables, including XY coordinates of stop location, duration of pre-stop observation, pre-stop subject description, and post-stop receipt issuance, among several others, allow for a more nuanced analysis than has occurred in several other jurisdictions to date.

Most of the variables not found in the dataset – for example, behavioral data, including the subject's demeanor, whether the subject was under the influence of alcohol or drugs, or experiencing a mental health event – are rarely included in similar analyses. Nonetheless, as explained below, our post-stop assessment uses a sensitivity analysis to assess the degree to which unobserved variables may be driving our results.

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[178] *See* G. Ridgeway, G., RAND Corporation, *Analysis of Racial Disparities in the New York Police Department's Stop, Question, and Frisk Practices* 54–55 (2007), http://www.rand.org/pubs/technical_reports/TR534.html.

[179] AB 953: The Racial and Identity Profiling Act of 2015. State of California, Department of Justice, https://oag.ca.gov/ab953 (last visited Apr. 15, 2017).

B. Demographic and Crime Data

The analysis of *Terry* stops is supplemented by demographic and socioeconomic data drawn from the 2010 U.S. Census, including tract level population totals,[180] as well as the distribution of race, age, and gender. The present inquiry draws on the 2011-2016 American Community Survey (ACS) for data on unemployment and percent foreign-born. As census tract designations do not align perfectly with SPD's beat level boundaries, these data were apportioned as needed using the mapping software ArcGIS.

The study also draws on crime reports filed by SPD officers between June 1, 2015 and December 31, 2016. Incident-level data are aggregated at the beat and census tract levels and categorized by crime type and offender race.[181] The benchmark crime variable includes data on crime suspects (26.64 percent of the crime variable), arrestees (24.59 percent), and crime 'subjects' (37.96 percent), along with several other crime report categories, which together account for 10.80 percent of the variable total (see Appendix 2 for the racial distribution of these data). Further, as described in Appendix 13, the crime data was grouped into the same eight categories used for the stop data.

It is worth noting that, because data on crime comes from SPD itself, systemic biases affecting stops may affect the underlying enforcement data. In turn, trends in both data sets could affect the size of the disparity identified.[182]

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[180] According to the U.S. Census Bureau, "Census tracts are small, relatively permanent geographic entities within counties (or the statistical equivalents of counties) delineated by a committee of local data users. Generally, census tracts have between 2,500 and 8,000 residents and boundaries that follow visible features." U.S. Census Bureau *Geographic Areas Reference Manual* 10, https://www.census.gov/geo/reference/garm.html (last visited Apr. 15, 2017). A map of Seattle's census tracts can be found here: http://www.seattle.gov/dpd/cs/groups/pan/@pan/documents/web_informational/dpdd017051.pdf.

[181] Because of nuances in the existing SPD records management system, some individuals are labeled as "suspects" even if they are later arrested.

[182] With that said, scholars have consistently found that, despite these limitations, self-reported administrative statistics represent a valid measure of jurisdictional crime incidence. *See* W. R. Gove, et al, "Are uniform crime reports a valid indicator of the index crimes? An affirmative answer with minor qualifications," 23 *Criminology* 451 (1985); W.G. Skogan, "The validity of official crime statistics: An empirical investigation," *Social Science Quarterly*, 25 (1974). Further, the incident-level data used herein reflect a richer demographic description of crime incidence than either victimization surveys (e.g., the FBI's National Crime Victimization Survey) or more traditional crime report data (e.g., the FBI's Uniform Crime Reporting Program). *See* R. Chilton & J. Jarvis, "Victims and offenders in two crime statistics programs: A comparison of the National Incident-Based Reporting System (NIBRS) and the National Crime Victimization Survey (NCVS)," 15 *Journal of Quantitative Criminology* 193 (1999).

Note that 144,670 individual crime reports (19.30 percent of the 749,763 filed during the study period) listed the race of the arrestee/suspect/subject as "unknown." As such, these records were dropped from the study, raising questions about the reliability of the racial distribution of this benchmark.[183]

C. *Terry* Stop Data Audit

This section presents the results of an audit of the dataset, including an analysis of information missing from the data recorded following SPD *Terry* stops. A high volume of missing data would raise questions about whether the data included in the analysis accurately reflects the *Terry* stop practices of SPD officers. By contrast, a dataset with low levels of missing data would provide greater confidence that it is a more reliable measure of *Terry* stop activity and an indication of SPD officer compliance with post-stop reporting requirements.

The *Terry* stop dataset is missing 3.1 percent of all possible records.[184] This finding is comparable to that generated by a 2006 review of NYPD stop and frisk data,[185] and compares favorably to similar audits of traffic stop data collection efforts in Cincinnati,[186] San Diego,[187] and the State of Arizona.[188] On balance, then, the Monitoring Team concluded that the SPD *Terry* stop data serve as relatively complete records of such encounters.

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[183] Some have argued that because calls for service do not reflect the institutional biases of the police department in the same way that crime data do, they represent useful data against which to compare the racial distribution of pedestrian stops. *See* R. S. Engel, et al, "Race, place, and drug enforcement: Reconsidering the impact of citizen complaints and crime rates on drug arrests," 11 *Criminology & Public Policy* 603 (2012). Others have noted that the validity of calls for service is affected by the biases of individual citizens and the challenge of accurately identifying criminal perpetrators, raising questions about their utility as a benchmark for police stops. *See* K. Beckett, "Race, drugs and law enforcement: Toward equitable policing," 11 *Criminology & Public Policy* 641 (2012). Finally, a recent study of pedestrian stops in San Jose, California found that the calls for service benchmark produced results similar to those generated by violent crime data. See M.R. Smith, et al, The University of Texas at El Paso Center for Law and Human Behavior, San Jose Police Department Traffic and Pedestrian Stop Study (2017), https://www.sjpd.org/Records/UTEP-SJPD_Traffic-Pedestrian_Stop_Study_2017.pdf. Despite the findings from San Jose, future evaluation of SPD Terry stop patterns should consider including a calls for service benchmark.

[184] Computed as 12,725 missing cases divided by 406,844 total possible cases (31 variables, 13,124 stops).

[185] G. Ridgeway, RAND Corporation, *Analysis of Racial Disparities in the New York Police Department's Stop, Question, and Frisk Practices* 4 (2007). http://www.rand.org/pubs/technical_reports/TR534.html.

[186] K.J. Riley, et al, RAND Corporation, *Police-community relations in Cincinnati* (2005).

[187] J. Chanin, et al, *Traffic enforcement in San Diego, California* (2016), https://www.sandiego.gov/sites/default/files/sdpdvehiclestopsfinal.pdf.

[188] R. Engel, et al, University of Cincinnati Policing Institute, *Traffic Stop Data Analysis Study: Year 3 Final Report, Prepared for the Arizona Department of Public Safety* (2009).

With that said, there are two data quality issues that merit further attention. The first is that 27.2 percent of all *Terry* stop records lacked a narrative describing the officer's reason for initiating the stop (a variable labeled *Stop Reason*). This is problematic for several reasons.[189]

First, this rate of missing data raises serious questions about the reliability of this variable for capturing the true distribution of justifications for conducting *Terry* stops by the SPD. Indeed, *Stop Reason* is central to the evaluation of the racial distribution of stops, and because of the high rate of missing data, a significant portion of the data must be dropped from the analysis. Truncating a relatively small data set by 27.2 percent necessarily reduces the confidence that may be attributed to these findings.

Table 2: *Stop Reason* missing data, by stop outcome

Outcome	*Terry* stops	Missing data on *Stop Reason*
Street Check	4,841 (38.0%)	3,296 (68.1%)
Citation/Infraction	51 (0.4)	14 (27.5)
GO or Supplemental Report	5,057 (39.7)	112 (2.2)
Arrest	2,790 (21.9)	39 (1.4)
Total	12,739	3,461 (27.2)

Source: Seattle Police Department
Note 1: These data do not reflect the 385 cases where the post-stop outcome was either missing or unknown.
Note 2: The category 'Arrest' denotes those stops that ended in an arrest accompanied by either a GO report or a supplemental file. Similarly, 'GO Report' includes those stops where an officer filed a standard GO report or a GO report with the request for a prosecutorial check.
Note 3: The relationship between post-stop outcome and the Missing data on Stop Reason variable are statistically significant (Chi-square = 6.200, N=12,739, df=4, p<0.0001).

Second, these missing data also complicates the analysis of post-stop outcomes. Table 2 displays the incidence of *Stop Reason* missing data by the legal outcome of the stop. The Arrest category includes those stops where a subject was arrested; General Offense ("GO") and Supplemental Reports are used to document incidents where the officer detected a crime, but did not arrest the subject. Citation/Infraction includes those instances where the officer issued a citation or infraction summons. "Street Checks" are used to document circumstances the reporting officer believes may be suspicious but are not directly tied to a detected crime. Some 68.1 percent of the stops ending in a Street Check did not include a stated reason for the stop. This fact – that two-thirds of the stops resulting in no legal action had no cause stated – raises questions about the reliability of these data and, possibly, the legitimacy of this sub-set of stops.

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[189] Though it is beyond the scope of the immediate analysis, it is worth noting that in the absence of a narrative description of the interaction, the data included as part of the *Stop Reason* variable can sometimes still be used to evaluate the legality of the stop itself.

Table 3: The racial distribution of total stops and those stops ending in a street check that were missing *Stop Reason* data

	Total stops	Stops ending in a street check, missing *Stop Reason* data
Asian	393 (3.3%)	95 (2.9%)
Black	4,001 (33.2)	953 (29.0)
Hispanic	574 (4.8)	150 (4.6)
White	6,186 (51.4)	1,841 (55.9)
Other	887 (7.4)	252 (7.7)
Total	12,041 (100.0)	3,291 (100.0)

Source: Seattle Police Department
Note: These data do not reflect the 824 cases where subject race was either missing or unknown.

However, Table 3 lists total stops and the proportion of those stops ending in a street check, where data on *Stop Reason* was not recorded, by subject race. The racial distribution is comparable, which reduces the concern that the incidence of missing *Stop Reason* data was the result of race-based decision-making.[190]

A further issue related to data quality that is worth noting is the decline in monthly stop volume over time. As shown in Figure 1, monthly stop volume dropped steeply after an initial high of 1,025 stops, recorded in July 2015. After the first four months on record, during which the SPD initiated an average of 954.5 stops, there was a sharp decline. The average monthly stop total over the next twelve months, from November 2015 through October 2016, was 645.9, some 32.3 percent lower than the first four months on record. Between November 2016 and January 2017, the final three months of the study period, the SPD recorded the three lowest stop totals on record, with a monthly average of 518.3.

There are several reasons for the last-quarter drop in stops. First, crime and enforcement activity tends to be highly seasonal, and the decrease in stops in November through January is less pronounced if evaluating the percentage drop between Summer 2015 and Winter 2015-2016 as compared to the percentage drop between Summer 2016 and Winter 2016-2017. Second, and relatedly, stop activity may be closely following crime trends – which our Ninth Systemic Assessment noted to be flat to slightly down over the same appropriate period studied in this report.

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[190] As shown in Table 2, the relationship between the distribution of post-stop outcomes and the incidence of missing *Stop Reason* data do not appear to be random, though, per Table 3, not race-determinative. Additional analysis suggests that missing data is also not correlated with subject gender, stop time, or stop month. Future evaluation should revisit these missing data in hopes of more thoroughly considering the issue and its effect on the disparate impact analysis of both stops and post-stop outcomes.

Third, and perhaps most simply, officers may be making the same number of "good," i.e. appropriately justified, stops and not making "bad," i.e. unjustified, stops.

Figure 1: Terry stops, by month and year
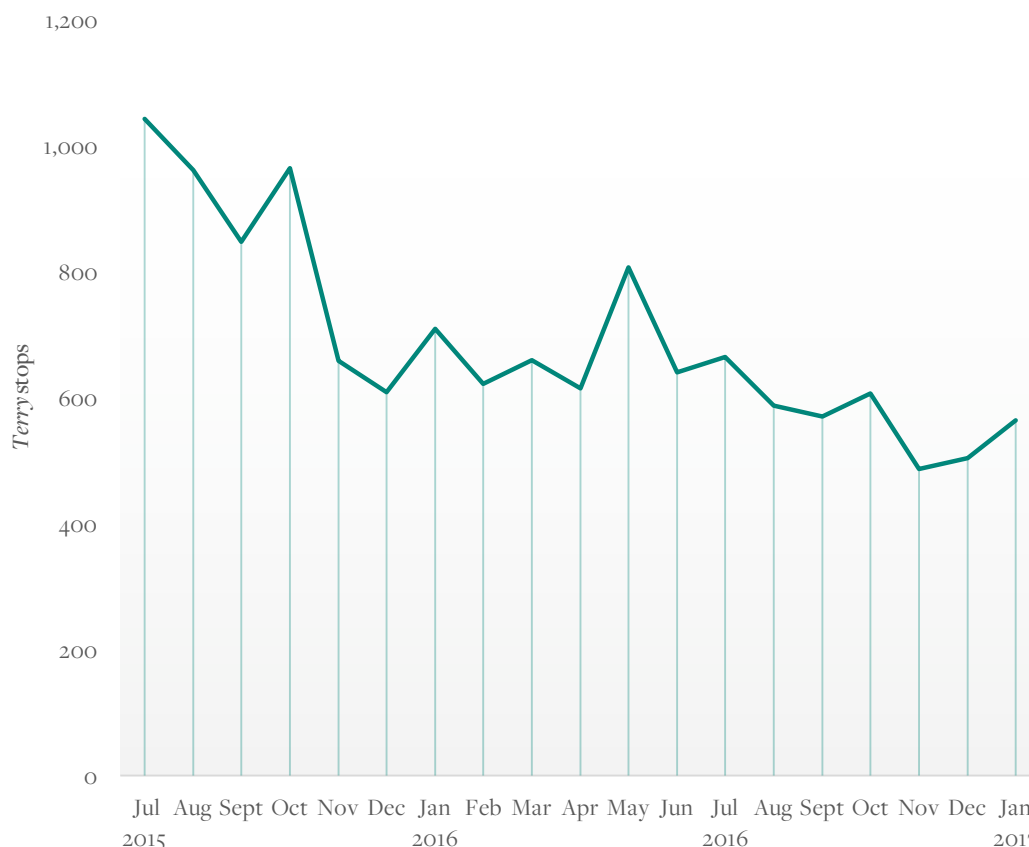
Source: Seattle Police Department.

Regardless of the underlying reasons for the decrease in the number of stops over time, the findings of the Monitoring Team's Ninth Systemic Assessment indicate that the decline in stops has not coincided with an increase in crime. Put simply, the Monitoring Team identifies **no evidence that a lower number of stops has led to an increase in crime or made Seattle residents less safe**.

Figure 2 tracks changes in the racial distribution of *Terry* stops over the same period. In the first four-month block, stops involving White subjects represented 47.6 percent of the total, compared to 52.4 percent involving non-Whites. Between November 2016 and January 2017, the monthly average non-White share had dropped to 45.8 percent, while the average monthly share of White stops had increased to 54.2 percent. In other words, as the overall reported stop volume decreased, so too did the rate of non-White stops. It should be cautioned, however, that the relative changes are not overly dramatic (plus or minus two percent).

Figure 2: Racial distribution of *Terry* stops, by month and year
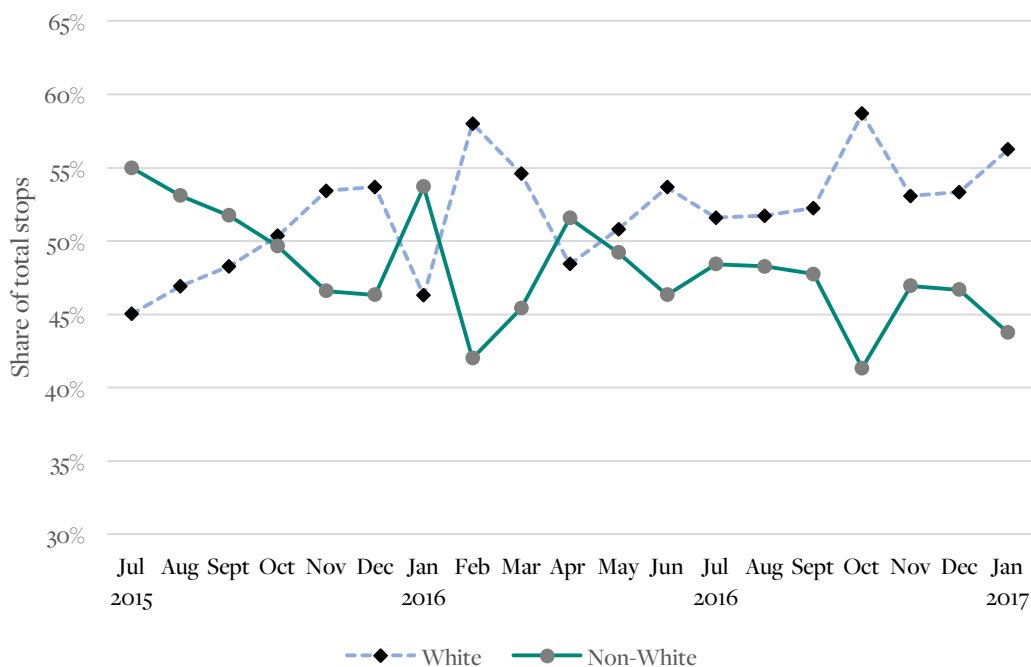
Source: Seattle Police Department

It is not known whether these patterns reflect a change in officer compliance with *Terry* stop reporting requirements, adjustments to SPD stop policy or practice, a seasonal shift in criminal behavior, or some other factor.

II.   Disparate Impact Analysis of *Terry* Stops

First, we evaluate whether there are racial disparities with respect to who is being stopped in the first instance. Evaluating the extent to which an individual's race or ethnicity affects the likelihood that he or she will be stopped by police is a challenging analytical task. To do so, researchers must develop a benchmark against which to compare the racial distribution of actual stop data with an individual's risk of being stopped in the absence of bias.[191] An appropriate benchmark must incorporate the various legal and non-legal factors that shape stop risk, including when, where, and how often a person is out in public, and the nature of their appearance, activity, and demeanor while engaging in public activity, among several other relevant variables.[192]

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[191] R. Tillyer, et al, "Best practices in vehicle stop data collection and analysis," 33 *Policing: An International Journal of Police Strategies & Management* 69 (2010).

[192] *Id.*; L.A. Fridell, Police Executive Research Forum, *By the numbers: A guide for analyzing race data from Vehicle Stops* (2004); G. Ridgeway and J. MacDonald, "Methods for assessing racially biased policing," *in* S.K. Rice & M.D. White (Eds.) *Race, ethnicity, and policing: New and essential readings* 180 (2010);

As reliable records of these variables are difficult – if not impossible – to obtain, analysts are forced to develop statistical proxies based on rough assumptions about the profile and activity of a jurisdiction's residents and the priorities of the relevant law enforcement actors. This has led to a robust discussion in academic and social science literature about both the merits and disadvantages of a host of statistical tests and benchmarks.

Rather than wade into the debate about what type of statistical analysis is best or most accurate, or what "benchmark" is most appropriate or analytical powerful, our analysis here attempts to proceed through a wide array of the most generally accepted approaches and benchmarks to examine the question of whether stop activity affects some people more than others. Consequently, **some of the tests may yield results that do not entirely align with the results of other methodological approaches.** That is, to at least some extent, to be expected. While it is theoretically possible that none of these benchmarks can produce a definitive result, even when combined, it is the Monitoring Team's hope that, by relying on a multitude of approaches advanced by various researchers, which all tell parts of but not the whole story, a clearer view of SPD's stop patterns with respect to race might emerge.

Part A of this sub-section focuses on an overall, population-based analysis. It asks whether the population of stopped subjects is consistent with the overall Seattle population, and with smaller population units based on geography, in terms of race. However, this approach does not take into account that disparities in terms of race might be a natural byproduct of the police basing stops on other factors, like crime, where affected individuals simply happen to differ in racial composition from the general population.

Consequently, Part B uses contemporary statistical approaches that seek to account for whether other factors – like crime, geography, or socioeconomics – are actually driving the racial disparity. By evaluating the results of Part B, the Monitoring Team can consider whether it is in fact the case, as some contend, that racial disparities in stop trends might simply reflect underlying disparities in the criminal population or that neighborhoods with a higher concentration of certain racial populations might have more problems with crime victimization – or, whether, even after accounting for those factors, unexplained racial disparities remain.

A. Overall, Population-Based Analysis

1. *In Terms of Aggregate, Overall Data, Black Residents Were Stopped at a Rate Higher than Their Population. Asians, Hispanics, and Whites Were Stopped Less Often.*

Samuel Walker, "Searching for the denominator: Problems with police traffic stop data and an early warning system solution," 3 *Justice Research and Policy* 63 (2010).

Figure 3: Comparing the racial distribution of *Terry* stops with Seattle's racial/ethnic composition
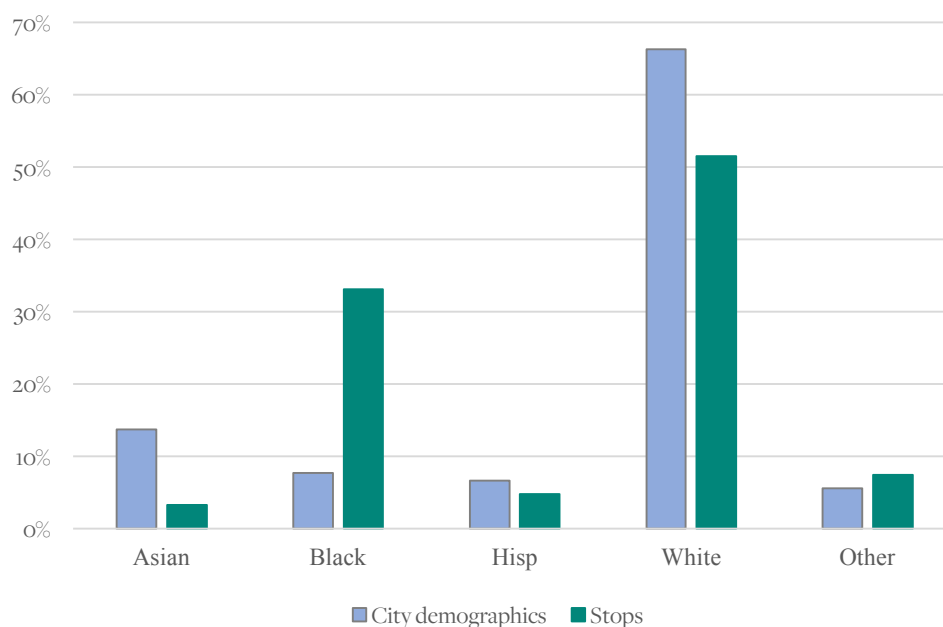
Sources: Seattle Police Department, U.S. Census Bureau

A common approach to this challenge has been to draw on U.S. Census figures to capture a jurisdiction's demographic profile and then use these data to make inferences about the distribution of *Terry* stops.[193]   This methodology compares the racial composition of the population of individuals who a police department stopped with the racial composition of the overall population, whether City-wide or by smaller geographic units. The underlying theoretical assumption is that officers can, and do, stop anyone in the population if they develop the requisite reasonable articulable suspicion – making anyone and everyone in the population who is exposed to police presence at least the possible subject of a stop. Consequently, the racial composition of individuals exposed to police presence is the pool from which the population of stopped subject draws.

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[193] J. Fagan, Expert report of Jeffrey Fagan, *Floyd v. City of New York*. U.S. District (S.D.N.Y.) [hereinafter "*Floyd* Expert Report"] at 2. Retrieved (Apr. 15, 2017), https://ccrjustice.org/sites/default/files/assets/files/Expert_Report_JeffreyFagan.pdf; A. Gelman, et al, "An analysis of the New York City police department's "stop-and-frisk" policy in the context of claims of racial bias," 102 *Journal of the American Statistical Association* 813 (2007); G. Ridgeway, RAND Corporation, *Analysis of racial disparities in the New York Police Department's stop, question, and frisk practices*, http://www.rand.org/pubs/technical_reports/TR534.html. This is also true in the context of traffic stops.

Even before conducting the basic comparison of the characteristics of those stopped with the racial breakdown of the Seattle population, it must be noted that many scholars and statisticians argue that the overall population is an inappropriate benchmark. They argue that the more appropriate comparison is to "the racial composition of those participating in criminal activity."[194]

Many of the more sophisticated statistical techniques that this report employs have stemmed from scholars trying to move beyond the argument about whether the appropriate statistical benchmark for comparing stop data is general population data or criminal population data.

However, both scholarly literature[195] and court decisions have credited the use of overall population data in assessing whether stop activity produces disparities by race. This is principally because a good portion of individuals who are stopped, and therefore part of the stopped subject population, have not been engaged in criminal activity and cannot be fairly considered part of the criminal population:

> There is no basis for assuming that the racial distribution of stopped pedestrians will resemble the racial distribution of the criminal population *if the people stopped are not criminals* . . . There is no reason to believe that . . . people who are stopped and then subject to no further enforcement action are criminals. As a result, there is no reason to believe that their racial distribution should resemble that of the local criminal population, as opposed to that of the local population in general . . .
>
> Crime suspect data may serve as a reliable proxy for the pool of *criminals* exhibiting suspicious behavior. But there is no reason to believe that crime suspect data provides a reliable proxy for the pool of *non-criminals* exhibiting suspicious behavior.[196]

Because the Monitoring Team's approach is to assess SPD's data in light of the major, accepted approaches in the field, we begin with an overall comparison of stop data to Seattle racial population data. Figure 3 compares the racial distribution of SPD's *Terry* stops to Seattle's demographic profile. These data highlight disparities between actual stop rates and the stop rates one would expect given the City's racial/ethnic composition: Black residents and those classified as 'Other' were stopped at a higher rate than their representation in the overall population. On the other hand, Asians, Hispanics, and Whites were stopped less often than expected.

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[194] Greg Ridgway, RAND Corporation/New York City Police Foundation, "Analysis of Racial Disparities in the New York City Police Department's Stop, Question, and Frisk Practices" xi (2007).

[195] *See, e.g.*, *Floyd* Expert Report; Ian Ayres & Jonathan Borowsky, ACLU of Southern California "A Study of Racially Disparate Outcomes in the Los Angeles Police Department" (Oct. 2008).

[196] *Floyd v. City of New York*, Case No. 1:08-cv-01034 Dkt. 373 (Aug. 12, 2013) 51-54, *available at* http://www.sdnyblog.com/files/2013/08/Floyd-v-City-of-NY-liability.pdf.

Figure 4: Black population, by SPD patrol beat
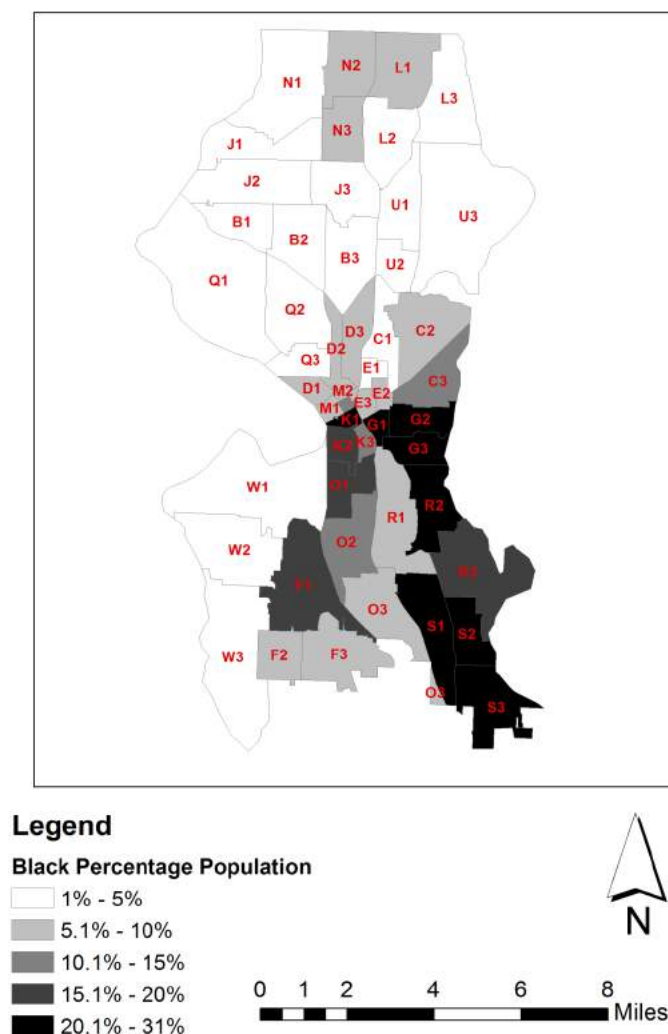
Source: Seattle Police Department

2.   *More Stops Occur in SPD Beats Where There Are More Black Residents.*

However, these overall, City-wide differences provide only a partial and limited insight into whether race is the reason for the disparity or if some other factor – like crime or neighborhood demographics – is actually driving the disparity. Comparing stop patterns to citywide demographic information assumes that population demographics and police activity are evenly distributed across the city. As Figure 4 shows, this is not the case in the city of Seattle.[197]

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[197] See Appendix 3 for data used to generate Figure 4 as well as additional beat-level racial and other socioeconomic data.

Black residents comprise a much large population share in beats located in the southeastern portion of the city and under the command of the South Precinct leadership.

Figure 5: The relationship between Terry stop volume and Black population share, by police beat
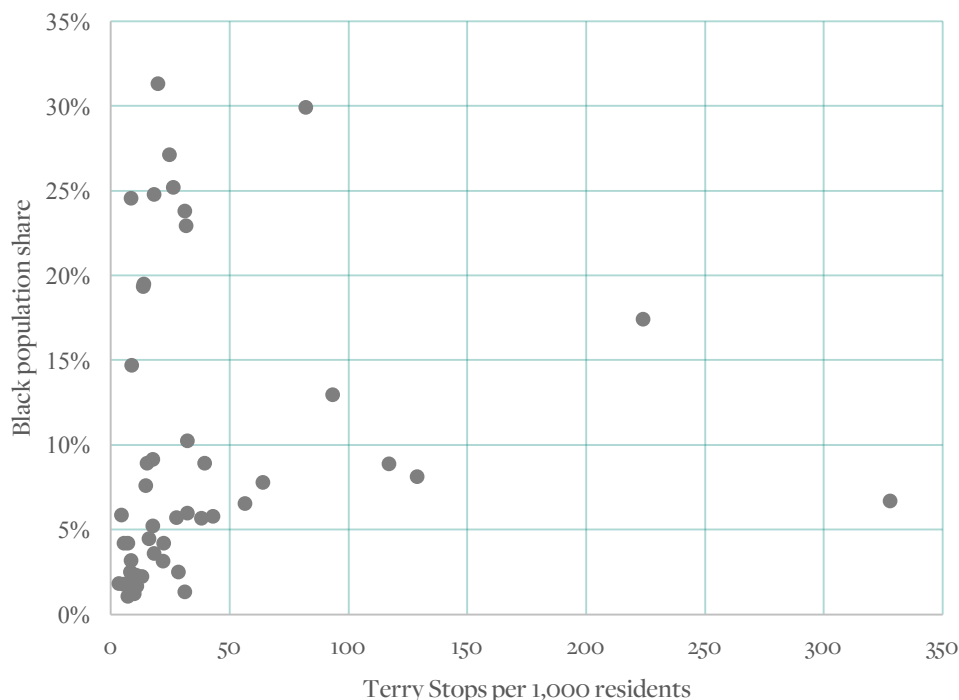
Note: Seattle's three business districts – beats O1, O2, and M3 – are excluded from Figure 5.
Sources: Seattle Police Department, U.S. Census Bureau

As such, the use of population data to benchmark stop patterns requires a narrower geographic lens. SPD's *Terry* stop data can be parsed by "beat." "The beat is the smallest geographic area that a single patrol unit – one or two people in a car or on foot – can patrol effectively."[198]

Figure 5 documents the relationship between beat-level stop volume and the percentage of Black residents found in each beat. The data that there is a weak relationship between the two variables (r = 0.1126). In other words, **there is a marginal statistical relationship between the incidence of stops in a given SPD beat and the percentage of black residents who live in that area, with slightly more stops occurring in beats where there are more black residents.**

Nonetheless, while this beat-based analysis offers a more nuanced picture of the relationship between demographic and stop patterns, this bivariate analysis omits the influence of other factors

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[198] John Dempsey & Linda Frost, *Police* 46 (2010).

related to *Terry* stops, including the incidence of crime in each beat, as well as other indicators. For this, a more advanced statistical analysis that tests whether race is still a driver of any disparities, even after accounting for things like crime and neighborhood geography, is needed.

B. Statistical Test 1: Modeling Total Stops at the Patrol Beat Level

1. Methodology

The first statistical evaluation will consider the effects of beat-level variation in resident demographics and crime incidence on the distribution of *Terry* stops at the patrol beat level. This analysis draws on a series of multivariate regression models similar to those used to evaluate *Terry* stops in New York City,[199] Los Angeles,[200] and Philadelphia, Pennsylvania.[201] In general, this approach can be articulated as:

$$Stops_{ij} = \alpha + \beta_1 * Demographics + \beta_2 * Crime_{j-1} + \Sigma_i \beta_i * Other\ factors + \varepsilon_i \qquad [\mathbf{1}]$$

The outcome, *Stops*, is measured in terms of stop counts at the beat-level (i) by month (j). Because the stop data are measured in terms of counts – that is, the number of total and crime-specific *Terry* stops in each of the 51 SPD beats by month – a count-based analysis is necessary. The statistical model typically associated with count outcome variables is the Poisson regression model; however, because *Terry* stop counts are measured by beat and month, a Poisson model is not appropriate due to greater variability in the distribution of stops. Therefore, our estimates for this portion of the analysis are obtained using a negative binomial (NB) regression model which is better suited to account for overdispersion in outcome of interest.[202]

2. Unit of Analysis

Research is clear that a city's population demographics and crime patterns vary greatly by neighborhood.[203] In order to examine the extent to which these factors affect the distribution of *Terry* stops, the unit of analysis must be capable of reflecting this place-based diversity. Recent

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[199] *Floyd* Expert Report at 2.

[200] G.P. Alpert, et al, Analysis Group, *Pedestrian and motor vehicle post-stop data analysis report* (Oct. 3, 2016), http://assets.lapdonline.org/assets/pdf/ped_motor_veh_data_analysis_report.pdf.

[201] Bailey, et al, *Plaintiffs v. City of Philadelphia, et al., Plaintiffs' fifth report to court and monitor on stop and frisk practices* (2015), https://www.aclupa.org/download_file/view_inline/2230/198/.

[202] J. S. Long, *Regression Models for Categorical and Limited Dependent Variables* (1997).

[203] E.R. Groff, et al, "Is It Important To Examining Crime Trends at the "Micro" Level? A Longitudinal Analysis of Street Variability in Crime Trajectories," 26 *Journal of Quantitative Criminology* 7 (2010); Y.A. Kim, "Examining the Relationship Between the Structural Characteristics of Place and Crime by Imputing Census Block Data in Street Segments: Is the Pain Worth the Gain?," *Journal of Quantitative Criminology*, 1-44 (2016).

scholarship has also shown that police behavior, including traffic and pedestrian stop patterns, are influenced by the unique operational rules, norms, and cultural expectations that exist within police department organizational units.[204]   In order to account for these organizational influences, this research will model *Terry* stop patterns at the SPD beat level (n = 51). It is possible that aggregating the *Terry* stop data at the beat level sacrifices the kind of nuance possible with a more fine-grained analysis.[205]

3.   *Variable Expression*

The dependent variable, *Terry Stops* is expressed as a count of the total number of stops to occur in each SPD patrol beat by month (July 2015 through January 2017).

The construct *Demographics* accounts for the racial composition of each beat. Specifically, the model includes separate variables denoting the percentage of Black, Hispanic, Asian, and Other non-White residents (which includes those subjects classified as American Indiana/Native Alaskan, Native Hawaiian/Pacific Islander, Multiracial, or Other). The beat-level percentage of White residents is omitted from the model, and thus will serve as the reference category. "When a racial composition variable is significant, this means that its relationship to stop activity is significantly different from that of the White racial composition" of the beat.[206]

Crime is a population-adjusted measure of the total and stop-specific crime by beat and lagged by one month (*j-1*).[207] This variable controls for the relationship between crime and *Terry* stop incidence. These data are logged to account for the possibility that SPD adjusts patrol emphases, and thus *Terry*

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[204] Geoff Alpert & J.M. MacDonald, "Police use of force: An analysis of organizational characteristics," 18 *Justice Quarterly* 393-409 (2001); D. Eitle, et al, "The effect of organizational and environmental factors on police misconduct," 17 *Police Quarterly* 103 (2014); S.D. Mastrofski, et al, "Organizational determinants of police discretion: The case of drinking-driving," 15 *Journal of Criminal Justice* 387 (1987); E.A. Paoline III & W. Terrill "The impact of police culture on traffic stop searches: an analysis of attitudes and behavior," 28 *Policing: An International Journal of Police Strategies & Management* 455 (2015).

[205] C. Schnell, et al, "The influence of community areas, neighborhood clusters, and street segments on the spatial variability of violent crime in Chicago," *Journal of Quantitative Criminology* 1 (2016); D.T. O'Brien & C. Winship, "The Gains of Greater Granularity: The Presence and Persistence of Problem Properties in Urban Neighborhoods," *Journal of Quantitative Criminology* 1 (2016).

[206] *Floyd* Expert Report at 31.

[207] The use of a one-month lag, which is consistent with previous analyses of *Terry* stop data, allows the analyst to account for short-run organizational changes made in response to crime incidence during the immediate prior month, including the allocation of capital or labor resources, enforcement strategies, or otherwise. *See Floyd* Expert Report at 31.

stop patterns, in response to crime the preceding month's crime volume and geographic distribution.[208]

Variables accounting for the percentage of foreign-born residents and the beat-level per capita income (logged) are also included.[209] The model also includes a dichotomous variable to control for the effects of Seattle's business and industrial areas (incorporated by SPD beats O1, O2, and M3), where the day-night population differences are not captured by census demographic data. Finally, these models will control for seasonal effects by including fixed effects for stop month/year.

This model includes variables to control for various situational factors known to affect police stop patterns. A beat-level count of stops occurring as a result of proactive officer action is included to distinguish highly-discretionary action (operationalized as stops initiated without knowledge of the subject's physical description and stops initiated "on view" rather than following a dispatch request), which has been shown to evidence greater degrees of race-based disparity.[210] Finally, patrol strength, an important organizational variable that captures the manpower of the SPD at the sector level, is included as a control.

4. Modeling Stops by Suspicion Type and Subject Race

The analysis of total stops is supplemented by several additional models designed to consider the influence of beat-level demographic and crime patterns on the incidence of Terry stops motivated by specific types of suspicious or criminal behavior. When an officer conducts a stop, they are required to classify the reason for the stop in terms of SPD's Type Code, a two- to six-character abbreviation of 251 incident types. Each stop was grouped by crime/suspicion type into one of eight categories (see Appendix 12 for details on the coding process):

- Violent crime
- Property crime
- Drugs
- Weapons
- Trespass
- Disorder/nuisance
- Suspicious circumstances

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[208] One limit of this approach is the pragmatic argument that, while a crime occurring on, for example, May 29 would affect stops on May 31, a crime that occurred on April 30 would in most instances not realistically be affecting law enforcement responses a month later.

[209] Bailey, et al., *Plaintiffs v. City of Philadelphia, et al., Defendants, Plaintiffs' sixth report to court and monitor on stop and frisk practices* A4–A5 (2016).

[210] R. Hetey, et al, Stanford University/Stanford SPARQ, *Data for change: A statistical analysis of police stops, searches, handcuffings, and arrests in Oakland, Calif., 2013-2014* (2016).

- Other crimes

Stop totals for each of these categories serve as the outcome of interest for eight additional statistical models. These 'crime-specific' models will include the same set of covariates as described above, in addition to a variable controlling for the percentage of crimes that match the officer's stated reason for the stop (i.e., the model examining drug-related *Terry* stops will include a variable denoting the percentage of total crime in each beat that involved drugs).

5.   Test 1 Findings

Table 4 shows results generated by eight multivariate statistical models constructed to measure actual *Terry* stop patterns against expected stop patterns given beat-level population demographics and crime incidence.

The first model, labeled *All Stops,* predicts that SPD is more likely to conduct a *Terry* stop in beats that experienced higher levels of crime in the previous month, even after controlling for the racial composition of the beat.

The results indicate that as the percentage of Black residents increases relative to Whites, stop likelihood actually decreases, while the percentage of Other residents is correlated with an increase in stop likelihood. Neither Hispanic nor Asian population share corresponds to a statistically significant difference in predicted stop volume.

Per capita income is negatively correlated with stop incidence; stops become less likely as beat-level income increases. Similarly, stops are less likely to occur in the three designated business district beats (O1, O2, and M3) than they are in non-business locations.[211] The percentage of foreign-born residents had no effect on *Terry* stop likelihood. Finally, patrol strength is negatively associated with the number of stops, but its effect is weak and not statistically different from zero.

The effects of both crime and per capita income were fairly consistent across all seven crime-specific models. SPD *Terry* stops are predicted to move in tandem with crime: as beat-level crime increases in the previous month, so does stop likelihood. The influence of per capita income is negative, with stop incidence predicted to decrease as income levels rise.

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[211] It should be noted that other designations not explored in the present study could have similar effects as the "business" zone designation. For instance, the presence of parks or other social services might similarly drive higher population presence in certain neighborhoods. Follow-up analyses may find it useful to try to take the location or occurrence of other social goods and services into account.

Table 4. Terry Stops by Suspected Crime Controlling for Crime Conditions in Prior Month and Beat Characteristics.

	All Stops	Violent	Property	Drug	Weapon	Trespassing	Disturbance	Suspicious
Lag crime	0.083	0.103	0.067	0.406	0.094	0.192	0.190	0.081
	[0.014]***	[0.031]***	[0.028]*	[0.077]***	[0.049]+	[0.047]***	[0.035]***	[0.040]*
% black	−3.008	−0.753	−1.978	−8.788	1.628	−5.894	−3.776	−3.051
	[0.359]***	[0.619]	[0.574]***	[1.808]***	[0.936]+	[1.181]***	[0.678]***	[0.677]***
% hispanic	−0.311	0.909	0.175	0.836	−0.604	−0.608	−1.058	−0.825
	[0.995]	[1.277]	[1.277]	[3.299]	[2.311]	[1.929]	[1.528]	[1.337]
% asian	0.037	1.671	1.502	−5.222	2.161	−1.141	−0.065	−1.627
	[0.467]	[0.774]*	[0.721]*	[2.043]*	[1.310]+	[1.085]	[0.809]	[0.974]+
% other	7.565	−4.448	10.573	11.028	−3.692	25.467	4.263	13.132
	[2.695]**	[4.396]	[3.997]**	[10.796]	[5.940]	[9.183]**	[4.460]	[4.588]**
Per capita	−0.470	−0.527	−0.320	−0.613	−0.425	−0.225	−0.566	−0.334
	[0.045]***	[0.074]***	[0.068]***	[0.170]***	[0.122]***	[0.102]*	[0.075]***	[0.086]***
% foreign	0.403	−1.892	−2.438	8.852	−3.419	2.422	1.023	1.578
	[0.685]	[1.144]+	[1.080]*	[3.213]**	[1.983]+	[1.681]	[1.175]	[1.416]
business	−0.234	−0.169	−0.065	−0.114	−0.179	−0.290	−0.372	−0.006
	[0.104]*	[0.161]	[0.152]	[0.356]	[0.267]	[0.236]	[0.170]*	[0.170]
patrol	−0.038	−0.052	0.011	−0.316	0.116	−0.088	−0.114	0.025
	[0.025]	[0.048]	[0.044]	[0.127]*	[0.083]	[0.078]	[0.049]*	[0.047]
_cons	7.558	6.783	3.833	6.214	3.553	1.117	7.187	3.594
	[0.626]***	[1.119]***	[1.023]***	[2.634]*	[1.887]+	[1.742]	[1.081]***	[1.238]**
N	969	965	965	965	965	965	965	965

+ p<0.1; * p<0.05; ** p<0.01; *** p<0.001

Black population share is statistically significant and negatively correlated with five of the seven crime-specific models. Higher percentages of Black residents predict a lower likelihood of *Terry* stops initiated on suspicion of property crime, drug crime, trespassing, a disturbance, or suspicious behavior.

Conversely, Black population share was positively associated with weapons stops. As the share of Black residents increases, the odds of a weapons-related *Terry* also stop increases. Despite marginal statistical power, this relationship is worth noting, particularly in light of the centrality of weapon-related suspicion to the legal authority underlying *Terry* stops. Black population share was *not* correlated with the distribution of violent crime stops.

The effects of percent Asian and percent Other variables varied by stop type. As the share of Asian population share increases, so does the likelihood of violent crime, property crime, and weapons-related stops. On the other hand, stops conducted on suspicion of drug crime and suspicious behavior decreased as the percentage of Asians increased. There was no predicted relationship between percent Asian and stops related to either trespassing or disturbance.

The statistical association between Other population share and stops related to property crime, trespassing, and suspicion was significant and positive, while non-existent for the other four stop types. Lastly, across all models, Hispanic population share was not associated with a statistically discernible increase or decrease in *Terry* stops.[212]

C. Statistical Test 2: Modeling Beat-Level Stops by Subject Race

1. Background & Nature of the Test

The foregoing analysis addressed the relationship between two prominent beat-level benchmarks – population demographics and crime incidence – and the likelihood that a *Terry* stop will occur. The extent to which these contextual factors affect the racial distribution of *Terry* stops remains an open question, particularly in light of the considerable variance in the distribution of stops, by subject race, age, and gender, as is shown in Table 5.

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[212] In an effort to evaluate the extent to which these findings are sensitive to changes in the method itself, the analysis was replicated using a series of ordinary least squares (OLS) models (with beat-level stop rate per 1,000 residents used as the outcome of interest). The full results, which showed no substantial differences from those discussed above, are displayed in Appendix 4. Appendix 5 shows the full results of Test 1 replicated using SPD sector as the unit of analysis. While this approach provides a less nuanced picture of crime and demographic distribution than the beat level analysis, it is arguably a more effective representation of police officer patrol patterns. The sector level findings are largely consistent with those produced at the beat level.

Table 5: *Terry* **stops, by subject perceived race, age, gender, and status**

	Asian	Black	Hispanic	White	Other	Total*
Race	399 (3.3%)	4,067 (33.2)	595 (4.9)	6,304 (51.4)	903 (7.4)	12,268 (100.0)
Under age 17	22 (3.6%)	329 (53.85)	29 (4.75)	177 (28.97)	54 (8.84)	611 (5.17)
18 - 25	119 (4.18)	1,028 (36.07)	167 (5.86)	1,322 (46.39)	214 (7.51)	2,850 (24.13)
26 - 35	118 (3.13)	1,089 (28.86)	173 (4.59)	2,128 (56.40)	265 (7.02)	3,773 (31.95)
36 - 45	65 (2.7)	743 (30.87)	116 (4.82)	1,306 (54.26)	177 (7.35)	2,407 (20.38)
46 - 55	39 (2.39)	549 (33.58)	65 (3.98)	849 (51.93)	133 (8.13)	1,635 13.85)
56 or over	21 (3.94)	158 (29.64)	9 (1.69)	313 (58.72)	32 (6)	533 (4.51)
Total	384 (3.25)	3,896 (32.99)	559 (4.73)	6,095 (51.61)	875 (7.41)	11,809 (100.0)
Female	93 (3.7%)	701 (27.6)	62 (2.4)	1,452 (57.2)	231 (9.1)	2,539 (20.7)
Male	305 (3.1)	3,360 (34.6)	532 (5.5)	4,839 (49.9)	667 (6.9)	9,703 (79.3)
Total	398 (3.3)	4,061 (33.2)	594 (4.9)	6,291 (51.4)	898 (7.3)	12,242 (100.0)
Description before contact	221 (60.7)	2,658 (70.8)	349 (64.4)	3614 (62.6)	521 (62.8)	7,363 (65.4)
Total	364	3,753	542	5,775	830	11,264 (100.0)
Known to officer prior to stop	34 (8.65)	495 (12.37)	43 (7.49)	660 (10.67)	134 (15.11)	1,366 (11.34)
Total	393	4,001	574	6,186	887	12,041 (100.0)

Source: Seattle Police Department

* Reflects column totals

Figure 6, which documents the most frequent reasons cited by SPD officers in justification of a *Terry* stop by subject race, suggests that this racial variance persists even as stops are disaggregated by stop type. Black and White subjects comprise the majority of stops across each of the seven categories, with totals significantly higher than subjects of Asian, Hispanic, or Other racial backgrounds. The seven categories shown account for 31.9 percent of the total population of stops. The most commonly cited stop reason, suspicious person, accounted for seven percent of the overall total, with White subjects targeted in 60.4 percent of such stops, more than double the volume of Black subjects stopped under similar circumstances (29.1 percent). Critically, the proportion of Black and White subjects varies by stop type.

Figure 6: *Terry* **stops, by crime suspicion type and subject race**
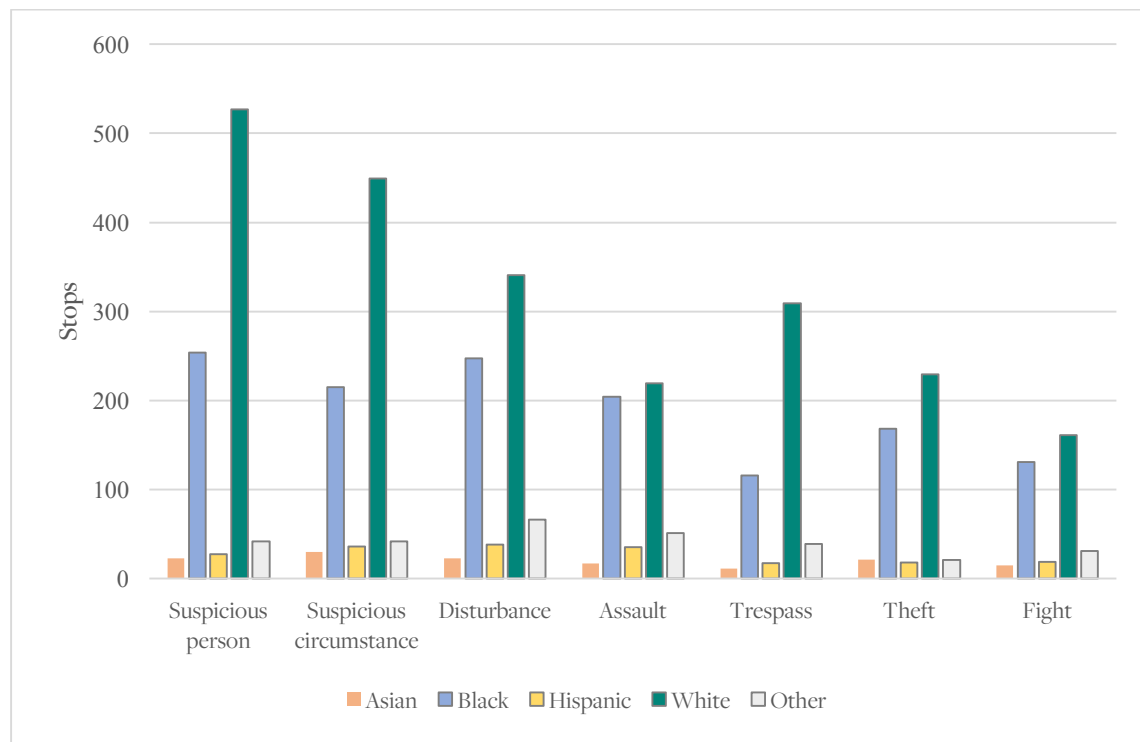
Source: Seattle Police Department

Along those lines, Figure 7 documents the relationship between the racial composition of a patrol beat and the rate at which Blacks are stopped.[213] These data show that as the proportion of a beat's White residents increases, so too does the likelihood that a *Terry* stop in that beat will involve a Black subject.

This might be consistent with the notion, advanced by some members of the Seattle community, that a Black subject may be more likely to be the subject of a *Terry* stop when they are located in a "Whiter" neighborhood. It might also speak to long-term, social disparity issues that produce differential access to necessary services or common spaces in specific neighborhoods. For instance, if some residents must travel to "Whiter" neighborhoods to access safe public parks, good health care, or other necessary social services, the increased activity might account for some of the trend.

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[213] This is expressed in terms of the ratio of Black stop rate (Black stops divided by total stops, by beat) to Black population share.

Figure 7: The ratio of stop rates involving Black subjects and Black population share, by police beat

Sources: Seattle Police Department, U.S. Census Bureau

To test whether the race of subjects has an impact on *Terry* stop patterns, the statistical analysis has to take into account that stops occur under certain circumstances and within specific geographic contexts. For instance, as mentioned above, SPD beats vary in their demographic composition, crime rate, and other social characteristics, and these "contextual" factors may influence how police officers approach *Terry* stop suspects of different races.

To account for any beat-level heterogeneity that may influence the effect of race or "minority status" on the likelihood of being stopped (relative to Whites), we employ what statisticians call a multilevel negative binomial regression model with beat-level random intercepts.[214]   The primary model is expressed as follows:

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[214] As mentioned above, since the distribution of *Terry* stops is overdispersed, a negative binomial regression model is preferred over a Poisson regression model. This applies for multilevel models as well.

$$Stops_{ij} = Level\ 1: \alpha + \beta_1*Subject\ Race + \beta_2*Time\text{-}variant\ factors\ (Crime,\ Patrol\ Strength) + \varepsilon_i \quad [\mathbf{2}]$$
$$= Level\ 2: Level\ 2: \Sigma_i\beta_i*Police\ Beat\ (Random\ Intercept) + \varepsilon_i$$

The outcome, *Stops*, is measured in terms of beat-level stop counts by subject race (i) and month (j). Those stops involving White subjects are used as the reference category (as a kind of baseline or benchmark to which other groups are compared) and thus not included in the model. The construct *Race* is operationalized in terms of four dichotomous variables created to measure the effects of "minority status" (Black, Hispanic, Asian, and Other) on the likelihood of being stopped relative to Whites. Time-variant factors include crime lagged by one month (j-1) and police force strength by sector. Because stop counts by race are nested within beats, we estimate a two-level negative binomial model with beat-level random intercepts to estimate beat-level heterogeneity in the total number of stops by race. The measurement of population demographics, crime patterns, and other relevant covariates is the same as described above. This analysis is also disaggregated by the stated reason for the *Terry* stop.

2. Test 2 Findings

Table 6 shows results of the multivariate statistical analysis of *overall stop totals* disaggregated by beat, subject race, and stop month. As with the previous analysis, these beat-race-month stop totals are further disaggregated by *stop reason*, the justification provided by the officer initiating the *Terry* stop. The findings are presented in terms of incidence rate ratios,[215] which represents the ratio of the category of interest, Black, Hispanic, Asian, and Other stops, to the baseline referent category, White stops. This means that Table 6 situates its findings with reference to the proportion of stops of White subjects – comparing the relative stop shares of various, other racial groups in terms of Whites.

This model, labeled All Stops, predicts that **for any given stop, after controlling for crime incidence, officer deployment variation, and other beat-level contextual factors, Blacks are less likely to be stopped than Whites (IRR = 0.618).** It is also less likely that a stop will involve subjects of Hispanic (IRR = 0.090), Asian (IRR = 0.063), or Other (IRR = 0.137) racial/ethnic backgrounds, compared to Whites. **The results affirm that it is most likely that a stop will involve a White subject – which is unsurprising given the substantial representation of White individuals in the Seattle population and in the population of individuals involved in crime in Seattle.**

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[215] The incidence rate ratio is calculated by dividing the number of stops for the category of interest over the number of stops for the baseline category (e.g., IRR = Minorith Stops ÷ White Stops).

Table 6. *Terry* stops by race and suspected crime controlling for crime conditions in prior month and beat-level heterogeneity (Incidence Rate Ratios)

	All Stops	Violent	Property	Drug	Weapons	Trespass	Disturbance	Suspicious
Race Indicators								
Black	0.618	1.219	0.660	0.423	1.258	0.371	0.705	0.468
	[0.025]***	[0.094]*	[0.047]***	[0.091]***	[0.169]+	[0.048]***	[0.057]***	[0.038]***
Hispanic	0.090	0.157	0.085	0.093	0.183	0.054	0.101	0.062
	[0.005]***	[0.020]***	[0.011]***	[0.030]***	[0.039]***	[0.014]***	[0.013]***	[0.009]***
Asian	0.063	0.091	0.067	0.027	0.091	0.036	0.080	0.058
	[0.004]***	[0.014]***	[0.010]***	[0.014]***	[0.025]***	[0.011]***	[0.011]***	[0.009]***
Other	0.137	0.205	0.136	0.128	0.181	0.118	0.176	0.098
	[0.007]***	[0.024]***	[0.015]***	[0.038]***	[0.039]***	[0.022]***	[0.019]***	[0.012]***
Time-variant characteristics								
Lag crime	1.054	1.063	1.001	1.377	1.064	1.219	1.175	1.051
	[0.012]***	[0.028]*	[0.000]*	[0.101]***	[0.052]	[0.059]***	[0.035]***	[0.033]
Patrol	1.004	1.024	1.006	1.067	1.336	0.908	0.943	1.158
	[0.035]	[0.063]	[0.053]	[0.171]	[0.122]**	[0.078]	[0.061]	[0.072]*
Beat-level characteristics								
Random Intercept	0.223	0.240	0.136	0.880	0.329	0.273	0.305	0.239
	[0.046]***	[0.064]***	[0.039]***	[0.335]**	[0.124]**	[0.088]**	[0.078]***	[0.061]***
N	4,829	4,829	4,829	4,829	4,829	4,829	4,829	4,829

+ p<0.1; * p<0.05; ** p<0.01; *** p<0.001

Meanwhile, five of seven crime-specific models predict that stops involving non-White subjects are less likely to occur than those involving Whites.[216] The extent of the White/non-White disparities vary by stop type and subject race.

Even after controlling for beat-level contextual factors, Black subjects are more likely to experience violent crime and weapons-related stops more often than are White subjects after controlling for beat-level contextual factors. Again, this occurs in the context of the wide disparity between White (66.3 percent) and Black (7.7 percent) city residents,[217] and the fact that Whites are more frequently represented in violent (66.0 percent) and weapons-related crime reports (67.9) than are Blacks (21.6 percent and 22.4 percent, respectively).[218] In other words, despite representing a far smaller share of the city's residency and crime-specific populations, Blacks are more likely than Whites to be stopped under these specific circumstances.

As was the case with the first set of stop models, beat-level crime is positively correlated with *Terry* stops across six of eight models. In these models, as beat-level crime increases, so too does the likelihood that an individual will be stopped there, regardless of subject race. Lagged crime was not correlated with either weapons- or suspicion-related stops. The variable used to control for the effects of sector-level variation in SPD patrol density had a statistically significant effect in just two models—those limited to weapons and suspicion stops.[219]

As Figure 3 and Table 5 indicate, the most-stopped racial group overall are White subjects, which is in many ways unsurprising given that Whites make up a majority of the Seattle population and Seattle's population of individuals involved in crime. Consistent with these raw data, Table 6 situates the regression results in terms of the likelihood that non-Whites will be stopped compared to Whites. Yet, in order to interpret the disparities apparent in the findings presented in Table 6, the results must be indexed in terms of one of the previously-discussed benchmarks – the overall Seattle

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[216] In some cases, scholars have chosen to model pedestrian stops using multi-level "random effects" models. Random effects models allow the analyst to include an additional layer of detail in describing unit-level heterogeneity, but may require the sacrifice of some parsimony. Appendix 6 compares the results generated by the random intercept models used to produce the results shown in Table 6 with those generated by random effects models. The results were nearly identical.

[217] U.S. Census Bureau, Quick Facts: Seattle, Washington, https://www.census.gov/quickfacts/table/PST045216/5363000,00 (retrieved May 21, 2017).

[218] Appendix 3 lists the racial distribution of SPD crime reports between June 1, 2015 and December 31, 2016.

[219] To examine the extent to which the Test 1 and Test 2 findings are a function of officer discretion, we replicated the analysis using only those stops occurring "on view," where the officer initiated contact on his or her own volition (as opposed to receiving a dispatched call for service or request for activity from another officer). The results of these analyses, shown in Appendices 7 and 8, are statistically and substantially similar to that presented above.

population or the "criminal" population.   The next section discusses Table 6 in light of these benchmarks.[220]

C.   Discussion of Statistical Tests 1 and 2

1.   Stops Are More Frequent in Beats With More White Residents.

In Test 1, the first series of models, which benchmarked beat-level stop totals against demographic and crime data, predicted **a higher stop count among beats with higher shares of White residents and that stop levels decline as the share of minority residents increases**. Findings from Test 2's models were consistent: the likelihood of race-beat-month stop totals for Black and other non-White subjects tended to decrease as their population share increased relative to Whites, even after controlling for relevant contextual and circumstantial factors.

That **minority stops tend to be more common in police beats with higher shares of White residents** finds support in a theory of police behavior known as "race out of place" theory, as well as in recent analysis of *Terry* stop data from cities such as Philadelphia.[221] In essence, this research suggests that, for various reasons, police officers tend to initiate more affirmative law enforcement action or attention toward citizens who seem "out of context" or appear, for any of a variety of reasons, not to belong in a given environment or context.[222] Given that Seattle and King County are among the places in the United States with the highest concentration of White residents,[223] the "race out of place" effect could be particularly significant in Seattle – and could be especially important in

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[220] *See, e.g.*, G. Ridgeway, RAND Corporation, *Analysis of Racial Disparities in the New York Police Department's Stop, Question, and Frisk Practices* 4–14 (2007), http://www.rand.org/pubs/technical_reports/TR534.html.

[221] Bailey, et al., *Plaintiffs v. City of Philadelphia, et al., Defendants, Plaintiffs' fifth report to court and monitor on stop and frisk practices* 26 (2015).

[222] *See, e.g.*, S. Bass, "Policing space, policing race: Social control imperatives and police discretionary decisions," 28 *Social Justice*, 156 (2001); T. Cresswell, *In place-out of place: geography, ideology, and transgression* (1996); A.J. Meehan & M.C. Ponder, "Race and place: The ecology of racial profiling African American motorists," 19 *Justice Quarterly* 399 (2002); K.J. Novak & M.B. Chamlin, "Racial threat, suspicion, and police behavior: The impact of race and place in traffic enforcement," 58 *Crime & Delinquency* 275 (2012).

[223] Gene Balk, "Whitest Big County in the U.S.? It's Us," *Seattle Times* (July 3, 2015), http://www.seattletimes.com/seattle-news/data/whitest-big-county-in-the-us-its-us/ ("King County is the whitest of the nation's 20 most-populous counties"); Justin Mayo and Lornet Turnbull, "Census Ranks Seattle Among Whitest Cities," *Seattle Times* (Apr. 23, 2011), http://www.seattletimes.com/seattle-news/census-ranks-seattle-among-whitest-big-cities/   (noting that Seattle has the fifth-highest concentration of white residents of the largest 50 cities in the United States and "the eighth-lowest diversity index among the 50 cities").

the context of stops, where officers are needing to assess environmental and circumstantial factors to determine whether an individual may or may not be suspicious.

Table 7: Comparing population, crime, and stop patterns, by race

	Asian	Black	Hispanic	White	Other
Population (%)	13.7	7.7	6.6	66.3	5.6
Crime (%)	8.3	27.7	2.1	60.3	1.6
Terry stops (%)	3.3	33.2	4.9	51.4	7.4
Ratio of stops to population	0.24	4.31	0.74	0.78	1.32
Ratio of stops to crime	0.40	1.20	2.33	0.85	4.63

Sources: Seattle Police Department, U.S. Census Bureau

Against this backdrop, it is important to revisit the distribution of SPD's *Terry* stops as compared to the city's demographic and crime-related profile. Table 7 compares the racial distribution of Seattle's population, crime incidence, and SPD's *Terry* stops. These raw data indicate that Black residents were stopped 4.31 times more than their population share would predict and 1.2 times what their crime share would predict. Whites, by contrast, were stopped 22 percent less often than expected given their population share and 15 percent less than what their crime share would predict. Asians are also stopped less often than expected given both crime and demographic data, while Hispanics were under-stopped by population share, but over-stopped in terms of crime. Subjects of Other races were over-stopped by both measures.

However, **the outcomes presented in Table 7** *do not account for the several other factors* **that may explain these race-based disparities, including where, when, and why the stop occurred**. The statistical modeling exercises described above (Tables 1 and 2) incorporate statistical controls that take into account a host of other variables and factors, while comparing the distribution of stops of White and non-White subjects. In keeping with the use of White stops as the point of comparison, Table 8 displays the population and stop data of non-White subjects as a fraction of White shares. Note that these data do not reflect additional multivariate statistical analysis but are merely used to illustrate how the findings presented in Table 6 compare to the expected stop rates given demographic and crime-driven benchmarks.[224]

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[224] The comparison of statistically adjusted outcomes (in this case, the predicted stop rate of non-Whites relative to Whites after controlling for relevant contextual factors) to a theoretically important reference point (benchmarks #1 and #2) is common (*see* Ridgeway 2007) even if not yet ubiquitous (*see, e.g.*, M.R. Smith, et al, The University of Texas at El Paso Center for Law and Human Behavior, San Jose Police Department Traffic and Pedestrian Stop Study (2017), https://www.sjpd.org/Records/UTEP-SJPD_Traffic-Pedestrian_Stop_Study_2017.pdf) in research on the disparate impact of police pedestrian stop enforcement. However, the use of a reference group to interpret such results is standard practice in other fields. A.J. Karter, et al, "Elevated rates of diabetes in Pacific Islanders and Asian

Table 8: Comparing the distribution of non-White population, crime, and stop shares

	Asian	Black	Hispanic	Other
Benchmark #1: Expected stop rate given population distribution (calculated based on Ratio of non-White population to White population)	0.21	0.12	0.10	0.08
Benchmark #2: Expected stop rate given racial distribution of crime (calculated based on ratio of non-White crime share to White crime share)	0.14	0.46	0.03	0.03
Raw ratio of non-White stops to White stops (unadjusted)	0.06	0.65	0.10	0.14
Statistically adjusted ratio of non-White stops to White stops*	0.063	0.618	0.090	0.137

*Incidence rate ratios (IRR) drawn from All Stops model presented in Table 6
Sources: Crime data, Seattle Police Department, Population data, U.S. Census Bureau

2. After Accounting for the Effects of Crime and Other Social Factors, Black Subjects are Stopped More Often than Their Population and Crime Shares, While Hispanic and Asian Subjects are Stopped Less.

Blacks account for 7.7 percent of Seattle's population, while Whites comprise 66.3 percent, which means the Black-White population ratio is 0.12, or 1 Black resident for every 8.33 of the city's Whites. Following the same logic, the raw (unadjusted) Black-White stop ratio was 0.65, which means that there was 1 Black stop for every 1.54 stops involving a White subject.[225] Thus, the raw data suggest a disparity in Black to White stops relative to what would be expected based on Black-White population ratio. Based on results from the *Total stops* analysis of race-beat-month stop levels, the statistically adjusted Black-White stop ratio was 0.618, or 1 Black stop for every 1.62 White stops.[226] In other words, **after accounting for the effects of beat-level crime, demographic, and other social variation, Blacks subjects appear to be stopped disproportionately, in light of Black-to-White population, by a measure of 5.17 – or a 415 percent difference.[227]   If the ratio of Black-to-White crime share is used as the benchmark against which to compare the statistically-adjusted stop ratio, Black subjects appear to be disproportionately stopped by 34.8 percent.[228]**

subgroups. Diabetes care," 36 *Diabetes Care* 574 (2013) ; R.L. Sacco, et al, "Stroke incidence among white, black, and hispanic residents of an urban community the Northern Manhattan Stroke Study," 147 *Am. J. of Epidemiology* 259 (1998); K.F. Sheinart, et al, "Stroke recurrence is more frequent in Blacks and Hispanics," 17 *Neuroepidemiology* 188 (1998).

[225] This was calculated by dividing 1 over the unadjusted Black-White stop ratio (1÷0.65=1.54).

[226] This was calculated by dividing 1 over the statistically-adjusted Black-White stop ratio (1÷0.618=1.62).

[227] Computed as the adjusted ratio of Black-to-White stops drawn from the regression analysis presented in Table 6 divided by the expected number of stops based on the ratio of Black-to-White population share (0.618 ÷ 0.12 = 5.15, or a 415 percent difference).

[228] 0.618/0.46 = 1.348, or a 34.3 percent difference.

Using the same comparative analysis, **Asian and Hispanic subjects were stopped less frequently than their population or crime shares would predict, while subjects grouped in the "Other" racial category appear to have been over-stopped by the SPD.**

Table 9: Using crime and stop type to benchmark Black and White stop patterns

Crime/Stop type	Black crime share	White crime share	Benchmark #2: Ratio of Black/White crime share	Statistically adjusted Black/White stop ratio (IRRs)*	IRR/B-W crime share
Violent crime	0.216	0.660	0.327	1.217	3.719
Property crime	0.287	0.570	0.504	0.660	1.311
Drug crime	0.323	0.541	0.597	0.423	0.708
Weapons	0.224	0.679	0.330	1.258	3.813
Trespass	0.303	0.586	0.517	0.371	0.718
Disturbance	0.236	0.666	0.354	0.705	1.990
Suspicious person/behavior	0.297	0.583	0.509	0.468	0.919
All stop types	*0.314*	*0.558*	*0.563*	*0.618*	*1.098*

* Incidence rate ratios (IRR) drawn from the models presented in Table 6
Sources: Seattle Police Department, U.S. Census Bureau

Given the disparities evident in the stop patterns of Black subjects presented in Table 8, it is worth more carefully examining the distribution of Black stops by stop type. Table 9 shows the results of a comparative analysis of Black and White stop and crime patterns. The first two columns list the proportion of crime incidence involving Black and White subjects, followed by the crime share ratio of Blacks to Whites, which is the benchmark used for this particular comparison. The fourth column of data lists by stop type the statistically adjusted ratio of Black-to-White *Terry* stops, produced by the eight statistical models used to analysis race-beat-month stop counts presented in Table 6.

> **3. *Blacks Are Disproportionately Stopped in Encounters Driven By Suspicion of Violent and Property Crime, Weapons Possession, and Disturbance. They are Under-Stopped on Suspicion of Drug Activity, Trespassing, and Suspicious Person/Behavior.***

By comparing these data to the ratio of Black-White crime shares, one can see the difference between the statistically-adjusted distribution of *Terry* stops and the distribution of stops one would expect using a crime-driven benchmark (fifth column of Table 9).[229] **Blacks appear to be disproportionately stopped in four of the seven reported stop categories, including those driven by suspicion of violent and property crime, weapons possession, and disturbance.**

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[229] A ratio of 1.00 would suggest stop patterns that are proportional to the Black-White crime share for each stop reason. Any ratio over 1 indicates Blacks are disproportionately stopped.

Conversely, SPD stops initiated on suspicion of drug activity, trespassing, and suspicious person/behavior include a lower than expected number of Black subjects.

D.   Limitations on the Data

The foregoing analysis draws heavily on best practices in the academic literature and several reports produced for litigation related to *Terry* stop regimes in other major American cities. The results produced reflect this approach: After controlling for several relevant factors, Black subjects were stopped more often than either their share of the population or crime reports would predict, as was the case in New York, Los Angeles, and Philadelphia.

Despite this consistency, the findings discussed above should be interpreted in light of several relevant limitations. First, and perhaps most importantly, the nature of the analytical exercise is reason for some caution in interpreting the findings. As the Monitoring Team observed at the outset, the use of external benchmarks is a controversial subject among researchers, with divergent views existing on the validity of the process itself and most appropriate and effective benchmarks.[230]

Some scholars suggest that benchmarking is an inherently flawed approach, and that census data provides limited value as a benchmark of *Terry* stops.[231] Others see the use of demographic and crime data benchmarks as a "necessary" and though not a perfect analytical process, one that is far more effective than other alternatives, including a naïve comparison of the racial distribution of police stops and that of the city's population.[232]

Second, the data used represent a comparatively short period of time for such an analysis. Ideally, such an analysis would incorporate more than nineteen months of stop records, particularly when the information collected during this period were produced by officers who were implementing a new set of policies and practices. The relatively small sample size complicated (and prohibited in some cases) some of the more fine-grained analyses and sub-analyses, particularly as it related to the Test 2 modeling of drug and weapons stops by race/beat/month. This challenge was compounded by the high rate of missing data associated with the *Stop Reason* variable, which undergirded the Test 2 analysis.

Finally, the *Terry* stop data used for this analysis are self-reported by SPD officers. They contain the officer's perception of the subject physical description, including perceived race, and his or her documentation of the stop location, time, and, critically, the reason for the stop. That there are no

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[230] *See Floyd* Expert Report at 74–78.
[231] G. Ridgeway, RAND Corporation, *Analysis of Racial Disparities in the New York Police Department's Stop, Question, and Frisk Practices* 4 (2007), http://www.rand.org/pubs/technical_reports/TR534.html
[232] *See generally* Floyd Expert Report.

other sources of information against which to compare the *Terry* stop data necessitates further skepticism of their reliability, particularly in light of the observations missing from the dataset.

III.   Disparate Impact Analysis of Post-Stop Treatment & Outcomes

The previous section considered whether there are disparities in terms of subject race in who is stopped in the first instance. This section now turns to whether there are racial differences in how subjects are treated during a stop and what the outcome a stop is (a citation, an arrest, sending the subject on his or her way, and the like). Specifically, this section examines the duration of the seizure, decision to initiate a frisk, use of force, whether an arrest was made, and the discovery of a weapon.

As with the previous analysis of who gets stopped, this analysis of who is frisked and who receives what outcomes at the end of a stop begins by identifying differences among subjects of different races in SPD post-stop outcome data. **Unlike the preceding section, the relevant point of comparison is not the general population but, instead, other people who have likewise been stopped.** Knowledge of both the numerator (the racial distribution of post-stop outcomes) and the denominator (the racial distribution of stops) provides the analyst more leverage in conducting the evaluation – and, consequently, increased confidence in the findings.[233] Like the preceding section, the overall analysis of aggregate data in Part A below does not establish, one way or another, whether there are sufficiently race-neutral reasons or explanations for why individuals of some races may be frisked more during a stop or arrested more following a stop.

Part B uses accepted, contemporary statistical techniques to sort through whether race-based disparities can be explained by crime, demographics, or socioeconomics – or whether the racial disparities still exist even after accounting for, or statistically "controlling for," the effects of various other factors.

A. Overall Analysis of Aggregate Data

1. *Some Differences in Frisk Rate and Other Post-Stop Outcomes Exist Across Precincts.*

Table 10 lists *Terry* stop totals and the incidence of relevant post-stop outcomes. In the West precinct, SPD officers frisked 16.1 percent of stop subjects. By contrast, subjects stopped in the South precinct were frisked 36.4 percent of the time, more than twice the rate in the West

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[233] F. Baumgartner, et al, University of North Carolina-Chapel Hill Department of Political Science, *Police Searches of Black and White Motorists. (Durham, NC)* (2014); R.S. Engel, et al, University of Cincinnati Policing Institute, *Understanding Best Search and Seizure Practices: Final Report* (2007).

precinct.[234] The number of frisks that led to the discovery of a weapon in the West precinct was 32.2 percent, or just under 1 of every 3 frisks. In the South precinct, 18.8 percent of frisks (close to one out of five) revealed the presence of a weapon.[235]

Table 10: Post-stop outcomes, by stop SPD Precinct

Precinct	Stops	Frisks	Weapons found	Hit (by stop)	Hit (by frisk)	Arrest	Street check	Receipt issued
North	4,039	673 (16.7%)	175	4.3%	26.0%	705 (17.5%)	1,429 (35.4%)	39.6%
South	1,970	718 (36.4%)	135	6.9%	18.8%	541 (27.5%)	687 (34.9%)	47.5%
Southwest	1,026	278 (27.1%)	80	7.8%	28.8%	161 (15.7%)	419 (40.8%)	42.8%
East	1,698	434 (25.6%)	105	6.2%	24.2%	446 (26.3%)	490 (28.9%)	42.2%
West	3,958	639 (16.1%)	206	5.2%	32.2%	937 (23.7%)	1,816 (45.9%)	39.5%
Citywide	*12,691*	*2,742 (21.6%)*	*701*	*5.5%*	*25.6%*	*2,790 (22.0%)*	*4,841 (38.1%)*	*41.4%*

Sources: Seattle Police Department

A similar if less pronounced variance is present in other post-stop data, including arrests. For example, stops in the North precinct led to an arrest some 17.5 percent of the time, compared to the 26.3 percent arrest rate following East precinct stops. In sum, these **data suggest at least some connection between the odds that a subject will experience certain post-stop outcomes and the location of his or her stop** (**specifically, the Precinct in which a stop occurred**).

It is important to note that this relationship may well not be causal. That is, it could be that there is something about the nature of the stops or officers that is leading to the elevated arrest rates in East precinct. However, it could also be that there is a difference in the nature of individuals who are stopped in that precinct. The data alone do not establish if the reasons for the difference are related to something that the Department can control or not.

2. *Time of Day Is Associated With Post-Stop Outcomes.*

The time of day at which a stop occurs also appears to be a relevant factor in predicting post-stop outcomes, as is shown in Table 11. Although stops occur most often between 3:00 pm and 9:00 pm,

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[234] The similarity of these aggregate numbers to the rates that were identified in the Monitoring Team's sample that was qualitatively considered in Part III provides added confidence that the Team would find the same results from a qualitative perspective if it surveyed all stops rather than a statistically significant sample of stops.

[235] Note that Tables 10-12 represent a descriptive account of the full dataset and thus do not necessitate the inclusion of statistics measuring the strength of the relationship between variables (e.g., p-value) or the accuracy of an estimate (e.g., standard errors).

the frisk rate (25.6 percent) was highest between 9:00 pm and midnight, followed by the midnight to 3:00 am period (23.8 percent).

Table 11: Post-stop outcomes, by stop time

	Stops	Frisk	Hit rate	Arrest	Street check	Receipt issued
Midnight - 3:00 AM	13.9%	23.8%	25.1%	23.1%	37.3%	35.4%
3:00 - 6:00 AM	11.1	22.5	18.7	21.1	39.2	40.4
6:00 - 9:00 AM	8.6	19.3	25.4	20.6	38.7	42.6
9:00 - Noon	11.0	18.0	29.4	19.9	34.3	41.8
Noon - 3:00 PM	12.7	18.5	26.1	20.0	41.9	37.9
3:00 - 6:00 PM	15.6	20.9	30.8	22.2	36.3	40.6
6:00 - 9:00 PM	16.0	21.3	26.6	21.7	38.3	37.6
9:00 - Midnight	11.1	25.6	21.9	24.3	34.9	37.1

Source: Seattle Police Department

Arrests were also most likely to occur after dark. Between midnight and 3:00 am, the arrest rate was 23.1 percent. That period topped all others but the 9:00 pm to midnight period, during which SPD officers arrested 24.3 percent of stop subjects. Stops, frisks, and arrests were all less likely during morning and early afternoon hours.

The rate at which officer frisks identified weapons was highest between 3:00 and 6:00 pm, with 30.8 percent of frisks leading to the discovery of a weapon. The lowest rate of weapon discovery during frisks (18.7 percent) was recorded between 3:00 am and 6:00 am. This may reflect that officers are perhaps more likely to believe that an individual is armed and presently dangerous during the hours at which the fewest number of individuals are on Seattle's streets.

3. In Terms of Aggregate, Overall Data, Hispanics and Black Subjects Were Frisked More Often than White Subjects.

Table 12: Post-stop outcomes, by subject race

	Asian	Black	Hispanic	White	Other	Total
Stops	399 (3.3%)	4,067 (33.2)	595 (4.9)	6,304 (51.4)	903 (7.4)	12,268
Frisks	101 (25.3)	1,093 (26.9)	165 (27.7)	1,092 (17.3)	189 (20.9)	2,640 (21.5)
Weapons found	18	206	43	340	44	651
Hit (by stop)	4.5	5.1	7.2	5.4	4.9	5.3
Hit (by frisk)	17.8	18.8	26.1	31.1	23.3	24.7
Arrest	109 (27.3)	999 (24.6)	144 (24.2)	1,176 (18.7)	192 (21.3)	2,764 (21.4)
Street check	137 (34.3)	1,398 (34.4)	223 (37.5)	2,618 (41.5)	352 (39.0)	4,988 (38.5)
Receipt issued	157 (42.8)	1,646 (43.8)	240 (44.9)	2,371 (40.3)	307 (36.6)	4,721 (41.5)

Sources: Seattle Police Department, U.S. Census Bureau

Table 12 presents these same post-stop data disaggregated by subject race/ethnicity. **Hispanics, who were frisked following 27.7 percent of stops, had the highest frisk rate, followed by Black subjects, who were frisked 26.9 percent of the time.** White subjects were the least likely to be frisked, with a frisk occurring in 17.3 percent of stops.

4. In Terms of Aggregate, Overall Data, Weapons Were Far More Likely to Be Recovered During a Frisk of White Subjects than Asian or Black Subjects.

Despite their relatively low frisk rate, across all racial groups, weapons were most frequently recovered during a frisk of White subjects – with nearly one-third (31.1 percent) of frisks resulting in discovery of a weapon. Asian (17.8 percent) and Black (18.8 percent) subjects represented the two lowest hit rates.

This finding could mean a number of different things. It could mean that officers are conducting the same type of analysis or decision-making process with respect to initiating a frisk for all subjects, regardless of race, and White subjects are substantially more likely to be in possession of a weapon than Asian or Black subjects. It could also mean that the threshold for initiating a frisk of White subjects is more precisely and finely tuned – such that frisks of Whites happen when it is more definitively or clearly established that they may be in a possession of a weapon whereas frisks of Black and Asian subjects happen when the possibility that the subject may be armed and presently dangerous is less clearly established.

However, as Part III of this report describes, the Monitoring Team did not find, for instance, that frisks of Black subjects more likely than frisks of White subjects to be based on inappropriate or questionable justifications. In fact, the Team's reviewers found the opposite – with all evaluated frisks of Black subjects being adequately justified per SPD policy and state and federal law, while some 7 percent of stops of White subjects were inadequate. Because it is unclear what the correct explanation is, this should be studied further.

5. In Terms of Aggregate, Overall Data, Asian and Black Subjects Were Most Likely to Be Arrested Subsequent or Pursuant to a Stop.

Despite their comparatively low hit rates, **Asian and Black subjects were the most likely to be arrested subsequent or pursuant to a stop**, at rates of 27.3 and 24.6 percent, respectively. **White subjects had the lowest arrest rate**, at 18.7 percent. White subjects (41.5 percent) **were most likely to experience a "Street Check" the term SPD uses to describe contacts that do "not necessarily involve a violation of law or the identification of a crime."**[236] Asians (34.3

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[236] Seattle Police Department, *Stops and Detentions: Annual Report* 11 (May 2015)., http://spdblotter.seattle.gov/wp-content/uploads/2017/05/Stops-and-Detentions-Annual-Report-

percent) and Blacks (34.4 percent) were the least likely to experience a street check. In short, then, **stop encounters with Black and Asian subjects more commonly end with an arrest, while stop encounters with White subjects more commonly end with no law enforcement action taken.**

There are several plausible explanations for these disparities. For instance, one might hypothesize that Black residents may be more likely live in high crime areas of the city or choose to be out late at night rather than during the day – and thus are more likely to experience higher levels of exposure to police. Another might hypothesize that Black subjects are being subjected to disparate treatment, with police officers utilizing discretion differently for White subjects than for Asian or Black subjects. More simply, the disparities may be attributable to other social, socioeconomic, and cultural factors outside of SPD's control; may be attributable to disparate treatment by SPD and its officers; or, to some relevant extent, both.

Using only the overall, aggregate data about race from the general SPD dataset does little to help resolve the issue of whether the differences in treatments are most driven by some other factor that is not purely a subject's race or are instead driven primarily by racial identity. Indeed, a central challenge of the post-stop analysis is to distinguish unlawful disparity from variation that exists because of SPD policy, random chance, or some other social or sociological factor. To that end, several statistical models have been developed to determine if race, in itself, is driving the disparity or whether other factors may be driving the difference.

B.   Statistical Analysis

1.   *Explanation of Statistical Approaches*

This section outlines the various statistical approaches that the Monitoring Team used with respect to post-stop treatment and outcomes. Although drafted and included here to guide a general but sophisticated reader, a complete and fair accounting of statistical methods does require some detailed accounting and an inevitable use of some statistical language.

To assess the effect of minority status on post-stop outcomes, all statistical models in this report assume that race can be reasonably treated as independent or "exogenous" if we condition on observed characteristics surrounding the stop.[237] Formally, this is represented by Equation 2:

Final.pdf. SPD's annual reports on stop data inform the Monitor's conclusion that the Department is meaningfully addressing the requirements of SPD policy to examine and analyze stop data for trends.
[237] G. W. Imbens, "Sensitivity to exogeneity assumptions in program evaluation," 93 *American Economic Review* 126 (2003).

$$(Y_i^1, Y_i^0) \perp M_i | X_i, C_i \tag{3}$$

where M_i is an indicator of race or 'minority status', X_i are observable characteristics of the individual being stopped (e.g., sex, age, subject known by/described to officers), C_i are contextual characteristics of the stop (e.g., race of officer, on view stop, month of the year, patrol beat), and Y_i is a post-stop outcome of interest (e.g., duration of stop, frisk, weapon 'hit', use of force, arrest). The central assumption of this model is that, conditional on individual (X_i) and contextual characteristics (C_i), minority status (M_i) is independent of post-stop outcomes (Y_i^1, Y_i^0). If this assumption holds, the marginal effects of race can be identified using a linear probability model.

The main empirical strategy for estimating the effect of minority status on post-stop outcomes is a *linear fixed effects model* with robust standard errors that accounts for various endogenous variables associated with race.[238] Linear fixed effects deal with endogenous variables by: (a) controlling for individual-level factors associated with minority status in the context of a stop; (b) controlling for monthly variation in the number of stops; and (c) controlling for location-level heterogeneity in the race of subjects being stopped. The latter is crucial for the purposes of the present report because pedestrian stops and racial composition in Seattle vary by location. Robust standard errors were calculated to correct for what is called hetreoskedasticity (different variances) in the error term.[239] Beat-level analysis captures the smallest level of aggregation possible to take this into account. Further, all model specifications include individual-level controls (i.e., sex, age, subject known/described), stop characteristics (i.e., race of reporting officer, on view stop), seasonality fixed effects (i.e., month), and fixed effects at the beat-level to isolate spatial variation in the race of stopped subjects.

In addition to the linear fixed effects models, two "matching methods" with alternative algorithms are estimated for robustness: (1) *propensity score matching*; and (2) *nearest neighbor matching*.[240] The rationale for using matching as robustness tests is because these methods compare post-stop outcomes for subjects that are as similar as possible on observed characteristics, except for their race. In other words, it tries to compare, in the statistical sense, stops within the data set that share relevant characteristics to gauge the extent to which outcomes were the same or different. Matching

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[238] M. Gangl, "Causal inference in sociological research," 36 *Annual Review of Sociology* 21 (2010).

[239] Because we have a small number of beats (51) and heterogeneity between them, robust standard errors with beat-level fixed effects are preferred over clustered standard errors. While clustered standard errors are often recommended in these cases, they may be biased if there is between-cluster variation even with a larger number of clusters. *See* J. Harden, "A bootstrap method for conducting statistical inference with clustered date," 11 *State Politics & Policy Quarterly* 223 (2011).

[240] P.R. Rosenbaum & D. Rubin, "The central role of the propensity score in observational studies for causal effects," 70 *Biometrika* 41 (1983); A. Abadie & G.W. Imbens, "Large sample properties of matching estimators for average treatment effects," 74 *Econometrica* 235 (2006).

estimators use the average outcomes for most-similar observations to impute the missing "potential outcomes," and the difference between the observed outcome and the imputed potential outcome is an estimate of the expected effect of the variable of interest (i.e., minority status).

The first matching method we use, *propensity score matching* ("PSM"), uses a parametric logit model[241] to match on the propensity score, which is the probability that a person, with a set of observed individual (X_i) and contextual characteristics (C_i), is a minority ($M_i = 1$). Formally,

$$PS = Prob(M_i = 1 \,|\, X_i, C_i) \qquad\qquad [\mathbf{3}]$$

If minority status is purely a function of observed individual and contextual characteristics, that is, conditionally independent, assignment is as-if random with respect to post-stop outcomes. PSM does not require bias correction to handle multidimensionality because it uses a single covariate (i.e., the propensity score) as the matching variable. The models used to evaluate post-stop outcomes will use individual-level demographic characteristics, monthly indicators, and precinct-level indicators to estimate the propensity score.

The second, *nearest neighbor matching* ("NNM"), is a non-parametric matching method for which no explicit functional form for either the outcome model or the selection model is specified. Because it is a non-parametric method, it overcomes the potential for what is called model dependence associated with PSM methods. NNM imputes the missing "potential outcome" for each observation using the average outcomes of most-similar individuals. Similarity between Whites and non-Whites is based on a weighted function of the specified covariates for each observation. To standardize covariates and handle multidimensionality, NNM uses the *Mahalanobis* distance in which the weighted function is the inverse of the covariance matrix.[242] As with PSM methods, these covariates include individual-level characteristics, month, and precinct-level indicators.

The quantity of interest is the effect of a subject's race or ethnicity on the likelihood of experiencing certain post-stop outcomes, which can be estimated using marginal effects in the case of linear fixed effects model, and average treatment effects ("ATE") for the matching models. In the Linear FE models, the marginal effect represents the average difference in post-stop outcomes produced by a "discrete change" in minority status, that is, from minority to non-minority. In the matching models, the ATE represents the average difference between minority and white subjects in post-stop outcomes. For both matching models, standard errors were calculated using the conditional bias

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[241] A logit model refers to a model where the thing that is being determined is binary. In this case, an individual is either a minority or not, and the model is exploring the factors related to a stop that would help predict, or tend to be associated with, a stop subject being a member of a minority population.

[242] A. Abadie & G.W. Imbens, "Bias-corrected matching estimators for average treatment effects," 29 *Journal of Business & Economic Statistics* 1 (2011).

correction suggested by Abadie and Imbens, which assumes control units from independent samples and, therefore, have different variances.

In addition to the abovementioned estimates, the Team conducts a sensitivity analysis for "hidden bias" – that is, statistical bias that may not be readily apparent – in our estimates due to the potential effects of unobservable factors that may differentiate minority from non-minority stops. This method calculates bounds on the magnitude of an effect that an *unobserved covariate* would have to have on the likelihood of being stopped as a minority in order to overturn the inferences about the effects of race that we find.[243] The effect can then be compared to the magnitude of effects that *observed covariate*s actually have on the likelihood of being stopped as a minority, in order to assess the plausibility that the effects of race on post-stop outcomes are due to unmeasured variables such as the subject's demeanor, the influence of alcohol or drugs, or mental health events.

Finally, to evaluate the impact of race or "minority status" on the hit rate with respect to the frisk (i.e., whether a frisk led to the discovery of a weapon), we use a two-step Heckman model that corrects for selection bias.[244] Because not all SPD *Terry* stops lead to a frisk, estimates of weapons found that fail to take into account whether a subject was frisked in the first place will be biased. The Heckman selection model reduces bias in predicting the hit rate by first predicting the probability that a subject was frisked based on individual and contextual factors, and then correcting for this selection bias in the model estimating whether a weapon was found. Standard errors for hit rate models were obtained using the two-step variance estimator derives by Heckman, which corrects for sample selection bias.

The tables below present the results comparing post-*Terry* stop outcomes between: (1) White and all non-White (Alaskan/Native America, Asian, Black, Hispanic, and Other) subjects; and (2) White and Black subjects.[245] Thus, the reported coefficients represent the effects of, respectively, non-White and Black subjects on post-stop outcomes relative to White subjects. To compare effect sizes across all variables, the tables below also present *Y-standardized* coefficients, which are calculated by dividing the regression coefficient of the linear fixed-effect model for each dependent variable by the overall standard deviation of that variable in the sample estimate.[246] The results from the post-stop analysis are presented in Tables 13 through 15.[247]

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[243] P.R. Rosenbaum, *Observational Studies* (2d ed., 2002).

[244] J.J. Heckman, "Sample selection bias as a specification error," 47 *Econometrica* 153 (1979).

[245] We dropped observations from the analysis for cases where the *Terry* stop record indicates subject perceived race as "unknown" (n=674).

[246] *Y-standardized* coefficients are equivalent to Cohen's D, which is frequently used in experimental research to calculate treatment effect sizes.

[247] We did not include the *Stop Reason* variable as a part of either the linear fixed effects models or the matching protocol. While a potentially relevant factor in predicting post-stop outcomes, the large amount

2. Findings

i. No Significant Disparities Were Found Between White and Non-White Subjects with Respect to Stop Duration.

The first post-stop outcome evaluated is the duration of the seizure. Results in Tables 13 and 14, respectively, show that **there are no significant disparities between White and non-White subjects or between White and Black subjects with respect to how long individuals are detained during a stop**.

Table 13. Modeling the effects of minority status (White vs. Non-White) on post-stop outcomes

	Model 1 (Linear FE)[1]	Model 2 (PS Matching)[2]	Model 3 (NN Matching)[2]	Effect Size[3]
Duration of seizure	0.014 [0.019]	0.014 [0.019]	0.014 [0.021]	0.015
Seizure 20+ minutes	0.008 [0.006]	0.010 [0.007]	0.007 [0.007]	0.027
Subject frisked	0.039 [0.008]***	0.041 [0.009]***	0.044 [0.009]***	0.095
Force used	0.003 [0.003]	0.005 [0.003]	0.004 [0.004]	0.018
Arrest	0.027 [0.008]***	0.018[+] [0.009]*	0.025 [0.010]***	0.066
Receipt issued	0.003 [0.010]	−0.005 [0.010]	0.003 [0.011]	0.006

+ $p<0.1$; * $p<0.05$; ** $p<0.01$; *** $p<0.001$

Notes: Control variables omitted from for space purposes (See Appendix 4 for full results). N ranges between 11,487 to 11,524.

[1] Robust standard errors in brackets.

[2] Abadie-Imbens adjusted standard errors in brackets.

[3] Y-standardized coefficients based on results from Linear FE.

However, the Team also recoded this post-stop outcome as a dichotomous variable to capture stops in which officers reported a duration of over 20 minutes, and there are no statistically discernible differences between Whites and all non-White subjects. Specifically, for at least two of the three statistical models, **stops involving Black subjects are roughly between 1.2 and 1.7 percent more likely to last over 20 minutes compared to stops involving White subjects – although this statistically significant relationship is comparatively weak.** There is, however, some

of missing data associated with this variable (27.2 percent of the sample, or 3,461 stop records) would have reduced the sample size and with it the statistical power of our findings.

uncertainty in this particular finding, as indicated by the non-significant results obtained with the nearest-neighbor matching model.

3. Non-White Subjects Generally, and Black Subjects Specifically, Are More Likely to Be Frisked than White Subjects.

Second, **all statistical models used suggest a consistent and statistically significant disparity in terms of race in the probability of being frisked during a** *Terry* **stop.** All else being equal, **non-Whites are between 3.9 and 4.4 percent more likely to be frisked compared to Whites and Black subjects between 3.5 and 4.8 percent more likely to be frisked, also relative to Whites.** This finding must be situated in light of the finding below that Blacks are frisked more often even when White subjects are most likely to be found in possession of a firearm.

Stating these results as a proportional increase from the "baseline," that is, percent of white subjects frisked, the linear fixed effects model predicts a 33.08 percent increase in the probability of being frisked if the subject is non-White and a 33.55 percent increase if the subject is Black.[248] Considering that the models presented here take into account individual, situational, geographic, and time factors to allow for a "fair" comparison, **these results indicate a sizeable disparity between White and Non-white subjects when it comes SPD officers' decision to initiate a frisk in the context of a** *Terry* **stop.**

4. Minority Subjects are Less Likely to Be Found With a Weapon and Just as Likely as White Subjects to be Found with a Firearm.

Finally, the results from the hit rate analysis are presented in Table 15. To account for selection bias, we used a Heckman two-stage model to estimate the probability that an SPD frisk will uncover a weapon of any sort (Model 1) and the probability that a frisk will lead to the discovery of a firearm (Model 2).

The Model 1 results show that compared to Whites, minorities are 7.1 percent less likely to be found with a weapon, while Blacks are 8.3 percent less likely. Regarding firearms exclusively, the results generated by Model 2 indicate no discernible difference in the hit rate between Whites and non-

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[248] These figures were obtained by taking the estimated effect of race on the likelihood of being frisked for non-Whites and Blacks (given by the regression coefficient) and dividing it by the adjusted frisk rate for Whites as predicted by the fixed effects model (given by the constant or intercept). The model predicts a 3.902% increase in the probability of frisk for non-Whites and an adjusted frisk rate of 11.795% for Whites, which represents a 33.08% change (Proportional increase = 3.902÷11.795 = 33.081). Form Blacks, the model predicts a 3.708% increase in the probability of frisk and an adjusted frisk rate of 11.052% for Whites, representing a 33.55% change (Proportional increase = 3.708÷11.052 = 33.081).

Whites or between White and Black subjects. These data suggest that **despite being frisked at significantly higher rates, minority subjects are less likely to be in found with a weapon and just as likely as White subjects to be in possession of a firearm.** Taken in conjunction with other findings, this means that **minority subjects are more likely to be frisked during a stop encounter, even though they are less likely to be found with a weapon and just as likely to be found with a firearm than White subjects.**

There are many possible explanations for why frisks of White subjects are more likely to turn up weapons than frisks of non-White subjects. One may be that White subjects are more likely, in fact, to be in possession of weapons than non-White subjects. Another is that police may be that officer decisionmaking may differ to some relevant extent when considering a frisk of a White subject as a non-White subject. Regardless, however, these findings at least partially cast some doubt on the idea that Black subjects are more likely to be frisked because they more frequently have weapons.

Table 14. Comparing the post-stop outcomes of Black and White subjects

	Model 1 (Linear FE)[1]	Model 2 (PS Matching)[2]	Model 3 (NN Matching)[2]	Effect Size[3]
Duration of seizure	0.010 [0.021]	0.013 [0.023]	0.012 [0.023]	0.011
Seizure 20+ minutes	0.013[+] [0.007]	0.017* [0.009]	0.009 [0.008]	0.042
Subject frisked	0.037 [0.009]***	0.035 [0.010]***	0.048 [0.011]***	0.091
Force used	0.007[+] [0.004]	0.005 [0.004]	0.008[+] [0.004]	0.043
Arrest	0.027 [0.010]**	0.021[+] [0.011]***	0.034 [0.011]**	0.066
Receipt issued	0.005 [0.011]	0.000 [0.011]	0.006 [0.012]	0.011

+ p<0.1; * p<0.05; ** p<0.01; *** p<0.001

Notes: Control variables omitted from for space purposes (See Appendix 5 for full results). N ranges between 9,719 to 9,797.

[1] Robust standard errors in brackets.

[2] Abadie-Imbens adjusted standard errors in brackets.

[3] Y-standardized coefficients based on results from Linear FE model.

The propensity score matching models presented in Tables 13 and 14 control for biases that could arise from *observed* differences between white/non-white and white/black subjects that may also be related to post-stop outcomes. These include demographics, stop characteristics, seasonality, time of day, and police beat.

It is possible, however, that *unobserved* factors related to subject race, know as "hidden biases," may be responsible for the reported differences in post-stop outcomes. That is, the tests summarized in Tables 14 and 15 do not account for or control for absolutely every social, cultural, or other factor

that might explain stop activity and patterns. There may well be factors that are not expressly accounted for in the statistical models used in Tables 14 and 15 that might actually be more significant or dispositive than the effects of the factors that are considered.

What statisticians call "sensitivity analysis" is a method for estimating the magnitude that any hidden bias would have to have in order to overturn the inferences about the effects of race that have been made. Specifically, this involves the calculation of so-called Wilcoxon signed-rank tests of the effects of race on each post-stop outcome for which we find significant effects. Propensity-score matched pairs of individuals are placed under different assumptions about the likelihood of each individual in a given matched pair being non-white/black. The initial test is conducted under the assumption of equal likelihood of each individual in the pair being non-white/black, which is associated with an odds-ratio or "gamma" (Γ) of 1. The procedure then simulates odds ratios or *gammas* of increasingly greater values due to the effects of unobserved factors, such that the odds of an individual in a matched pair being non-white/black increase, for example, by 10% (Γ =1.1), then by 20% (Γ =1.2), then by 30% (Γ =1.3), and so forth. The Wilcoxon signed-rank test under each of these different assumptions is calculated until the null hypothesis of "no effect" can no longer be rejected at the .05 level. The value of Γ at that point represents the magnitude of the effect that the hidden bias would have to have on subject race in order to alter the inference about the effect we report.

As the preceding paragraph is quite technical, the casual reader can simply keep in mind that, as the value of Γ increases, so too does the confidence that the results summarized in Tables 14 and 15 would not be unduly affected by the influence of unobserved or uncontrolled variables.[249]

We applied these methods to the post-stop outcomes where significant effects of race were reported in Tables 13 and 14 for the propensity score matching models. The results are shown in Table 16. The sensitivity analysis suggests that an unobserved factor would have to change the odds of being a *Non-white* subject by 24 percent for subject frisked and by 9 percent for arrest in order to overturn our inferences. In the case of *Black* subjects exclusively, hidden bias would have to change such odds

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[249] It is important to note that Rosenbaum bounds sensitivity analysis provides a conservative test of hidden bias due to unobserved variables. This is because this method assumes unobserved variables are related to dependent variables so strongly as to perfectly predict which of the two propensity-score matched subjects ranks higher on post-stop outcomes. Therefore, sensitivity analysis will suggest the existence of hidden bias even if the effects of unobservables on the dependent variable are weaker than assumed in the test. *See* T.A. DiPrete & M. Gangl, "Assessing bias in the estimation of causal effects: Rosenbaum bounds on matching estimators and instrumental variables estimation with imperfect instruments," 34 *Sociological Methodology* 271 (2004).

by 7 percent for duration of seizure over 20 minutes, by 22 percent for subject frisked, and by 6 percent for arrest.[250]

Table 15. Sensitivity analysis for selected post-stop outcomes

	White vs. Non-White		White vs. Black	
	PS Matching Results[1]	Gamma (Γ)[2]	PS Matching Results[1]	Gamma (Γ)[2]
Seizure 20+ minutes	Not sig.	Not sig.	0.017* [0.009]	1.07
Subject frisked	0.041 [0.009]***	1.24	0.035 [0.010]***	1.22
Arrest	0.018 [0.009]*	1.09	0.021 [0.011]+	1.06

+ p<0.1; * p<0.05; ** p<0.01; *** p<0.001

Notes: Control variables omitted from for space purposes (See Appendix 10 for full results). N ranges between 11,487 to 11,524.

[1] Abadie-Imbens adjusted standard errors in brackets.

[2] Gamma (Γ) indicates the level at which the effect of race becomes sensitive to hidden bias (upper bound p-value > .05).

The results for subject frisked suggest that **hidden statistical bias – or the effects of uncontrolled or unaccounted factors – would need to be associated with at least a 22 percent increase in the odds of being a non-white or black subject in order to challenge our findings.**

To put this in context and evaluate whether hidden biases were responsible for the pattern of effects that were reported, we compare this magnitude to the effects that *observed* variables actually have on the probability of being a non-white/black stop subject. The results of the "selection model" predicting minority status (non-white/black) reported in Appendix 9 indicate, for instance, that the odds of being a non-white/black subject increase, respectively, by factors of 1.18 and 1.23 if the reporting officer knows the subject. These results means that, for hidden bias to alter the inference we made in the case of subject frisked (Γ =1.24 for Non-White and Γ =1.22 for Black), the effect of these unobserved factor(s) would have to be at least as large as the effect of subject known, and exert effects on the probability of being non-white/black *over and above* this effect. This appears implausible, given that the observed variable "subject known" could be proxying for other unobserved confounders related to personality, demeanor, and the like. We conclude that the reported results are robust to reasonable levels of potential bias caused by unobserved variables related to subjects' minority status in the context of a *Terry* stop. Thus, **the foregoing sensitivity**

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[250] Note that results of sensitivity analysis are presented for post-stop outcomes where statistically significant differences were identified: Frisk and arrest of Whites vs. non-Whites (Table 13) and seizures of more than twenty (20) minutes, frisk, and arrest of Whites vs. Blacks (Table 14).

analysis suggests that the results generated by our propensity score matching exercise are not overly sensitive to unobserved variables.

5. *Race Does Not Influence Whether the Encounter Will Result in a Use of Force.*

Next, in relation to force used during a stop encounter, the results show no statistically significant differences between White and minority subjects, and a marginally significant difference – albeit a small one – between White and Black subjects. Thus, **race does not appear to influence whether the subject of a stop will be involved in a use of force incident during the encounter.**

6. *Race Does Not Appear to Affect Whether an Officer Issues a Subject a Receipt at the Conclusion of a Stop.*

Likewise, the effect of "minority status" on probability being issued a receipt is no different from zero. Instead, it appears that, when they provide receipts of the encounter, SPD officers are not giving receipts to some individuals but not others.

7. *Non-White Subjects are More Likely to Be Arrested Pursuant to or Following a Stop Than White Subjects – with Blacks Nearly 31 Percent More Likely to Be Arrested Than Similarly-Situated White Subjects.*

Table 16: Comparing the hit rates of Black, Non-White, and White subjects

		White vs. Non-white		White vs. Black	
		All Weapons (Model 1)	Firearm (Model 2)	All Weapons (Model 1)	Firearm (Model 2)
Hit Rate (2nd stage)	Minority	−0.071	0.011	−0.083	0.013
		[0.017]***	[0.008]	[0.019]***	[0.008]
	_cons	0.212	0.080	0.199	0.053
		[0.039]***	[0.018]***	[0.041]***	[0.019]**
Frisked (1st stage)	Minority	0.149	0.150	0.142	0.142
		[0.030]***	[0.030]***	[0.033]***	[0.033]***
	Age	−0.039	−0.039	−0.040	−0.040
		[0.012]***	[0.012]***	[0.013]**	[0.013]**
	Male	0.482	0.482	0.481	0.482
		[0.037]***	[0.037]***	[0.040]***	[0.041]***
	Subject known	0.052	0.048	0.060	0.057
		[0.044]	[0.044]	[0.048]	[0.048]
	Subject described	0.288	0.289	0.293	0.294
		[0.035]***	[0.035]***	[0.039]***	[0.039]***
	On view	−0.309	−0.307	−0.316	−0.314
		[0.037]***	[0.037]***	[0.041]***	[0.041]***
	White officer	0.127	0.126	0.136	0.136
		[0.037]***	[0.037]***	[0.041]***	[0.041]***
	Time of day	0.179	0.179	0.182	0.183
		[0.029]***	[0.029]***	[0.031]***	[0.031]***
	_cons	−1.150	−1.148	−1.125	−1.127
		[0.165]***	[0.165]***	[0.175]***	[0.175]***
	N	11,577	11,573	9,797	9,794

+ p<0.1; * p<0.05; ** p<0.01; *** p<0.001

Notes: Coefficients are from Heckman two-step estimation; Beat and month fixed effects omitted for space purposes.

Regarding the probability of arrest following a *Terry* stop, the results from **Tables 13 and 14** indicate that **there are consistent and statistically discernible differences between White and Non-white subjects. Relative to White subjects, minorities are between 1.8 and 2.7 percent more likely to be arrested, and Blacks are between 2.1 and 3.4 percent more likely to be arrested, after controlling for several relevant contextual factors.** These findings are robust across all models, suggesting another post-stop outcome where there is evidence of disparity in the treatment of White and non-White subjects. Taken as an increase from the baseline (percent of White subjects arrested), for instance, **Black subjects are 30.72 percent more likely to be arrested than White subjects similarly situated in terms of individual and situational characteristics.**

8. *Minority Subjects are Less Likely to Be Found With a Weapon and Just as Likely as White Subjects to be Found with a Firearm.*

Finally, the results from the hit rate analysis are presented in Table 15. To account for selection bias, we used a Heckman two-stage model to estimate the probability that an SPD frisk will uncover a weapon of any sort (Model 1) and the probability that a frisk will lead to the discovery of a firearm (Model 2).

The Model 1 results show that compared to Whites, minorities are 7.1 percent less likely to be found with a weapon, while Blacks are 8.3 percent less likely. Regarding firearms exclusively, the results generated by Model 2 indicate no discernible difference in the hit rate between Whites and non-Whites or between White and Black subjects. These data suggest that **despite being frisked at significantly higher rates, minority subjects are less likely to be in found with a weapon and just as likely as White subjects to be in possession of a firearm.** Taken in conjunction with other findings, this means that **minority subjects are more likely to be frisked during a stop encounter, even though they are less likely to be found with a weapon and just as likely to be found with a firearm than White subjects**.

Part III.
Qualitative Assessment of SPD Stops

I.   Methodology

A. What Stops Were Reviewed

In order to assess whether SPD's *Terry* stops comply with the requirements of the Fourth Amendment and SPD's policy, the Monitoring Team carefully examined stop documentation describing the basis for the stop for a large number of *Terry* stop templates in the study period. Accordingly, data for this study come from two different sources. The first source is the "Terry Stop Template" database ("Template"), which includes contemporaneous information collected by Seattle Police Officers after interactions with the public. The second source is a "Terry Narrative Review" ("Narrative") database, which includes information collected by members of the Monitoring Team after reviewing a sample of narratives selected from records in the Template database.

The Template database contained 13,124 records collected between July 1, 2015, and January 30, 2017. From this database, 1,449 cases were sampled using a stratified sampling strategy, with stratification at the precinct level and oversampling three race/ethnic groups: American Indian/Alaska Native, Asian, and Hispanic. The sample sizes were calculated to have enough power to detect cross-precinct differences of 7 percent or greater with 95 percent confidence, and within-population differences of 3 percent with 95 percent confidence.[251]

The racial and ethnic profiles of the Template database and the Narrative database are displayed in Table 1. This information is recorded by officers and available as one of the many required fields on the stop documentation templates. The two groups with the highest levels of representation in the Template database are Whites (48 percent) and Blacks (31 percent). The Monitoring Team oversampled three other identifiable groups (American Indian/Alaska Native, Asian, and Hispanic) in order to have enough power to analyze differences involving those groups. For purposes of analyzing the entire population, the Team weighted the data according to the sampling strategy so that it resembles the population from which it was sampled.

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[251] The 3 percent figure applies only to the entire population. In subpopulations of the data (i.e., subjects who were frisked for weapons) larger differences may not be statistically significant due to smaller sample sizes.

Table 17. Race/Ethnicity Profile of Population and Sample

Race/Ethnicity	Terry Stop Database	Sample	
		Unweighted	Weighted
NA	1%	1%	0%
American Indian / Alaska Native	3%	12%	4%
Asian	3%	11%	3%
Black	31%	24%	33%
Hispanic	5%	15%	4%
Multi-Racial	3%	2%	3%
Other	0%	0%	0%
Unknown	5%	3%	4%
White	48%	31%	47%
N	13,124	1,447	1,447

SPD's stop documentation template does not automatically log how the officer encountered the subject: in a vehicle (including a car, bicycle, etc.) or as a pedestrian. The Monitoring Team's review concluded that 80 percent of stops were of pedestrian subjects. Eighteen percent of stops were vehicular encounters. The type of encounter could not be determined for two percent of stops. As Table # indicates, no statistically significant relationships were identified between the type of stop (vehicular or pedestrian) and a subject's race or ethnicity.

Table 18: Race/Ethnicity of Subject by Type of Encounter

What type of encounter was this?	Subject Race			
	Black	White	Other	Total
Pedestrian	78%	82%	78%	80%
Vehicular	20%	17%	19%	18%
Could not determine	2%	1%	3%	2%
The relationship between subject race and the type of encounter is not statistically significant (Chi-square = 1.46, N= 1447, df=4, p=.21)				

B. How the Stops Were Evaluated

Cases were allocated to reviewers using a random assignment process, with the total number of cases assigned to each reviewer keyed to the availability of individual reviewers. A total of ten members of the Monitoring Team reviewed the documentation describing the sampled set of stops. The Monitoring Team's experts considered the data and narrative provided in the *Terry* stop "templates," as well as any General Offense ("GO") reports to which the stop form itself alluded. For instance, in a relatively small number of instances, officers indicated in their narrative that information about the context and justification for a given stop encounter could be found in a related GO report – often because the encounter had led to an arrest or involved some other, more major

incident or law enforcement outcome. In those cases, Monitoring Team members reviewed the relevant GO reports.

As with the Monitoring Team's previous qualitative assessments, "reviewers used an electronic qualitative review instrument in which they logged basic information about the" stop "and made determinations about the extent to which each individual officer's performance . . . was consistent or inconsistent with various aspects of SPD's" policy on stops.[252] Part I of this report outlines the primary aspects of the relevant federal law, state law, and SPD policy against which Monitoring Team's reviewers evaluated each stop. The instrument required reviewers to make a basic determination as to whether there was reasonable articulable suspicion that the subject had been, was, or would soon be engaged in criminal activity. If the reviewer determined, based on the facts provided on the stop documentation, that there was reasonable articulable suspicion, they were asked to detail the factor or factors that provided the basis for such suspicion, including the:

- Subject's physical behavior (e.g., manner of movement, body language)
- Circumstances of the encounter (e.g., time of day, nature of neighborhood, location on street, proximity to crime scene)
- Specific information from dispatch, communications, eyewitnesses, or a citizen
- Subject's words (e.g., statements, answers to questions, representations)
- Officer's prior knowledge about the subject (e.g., prior interactions, knowledge of subject's criminal history or criminal modus operandi)
- Additional/other (with an instruction to specify in a free response field)

If reviewers determined that a stop lacked sufficient reasonable articulable suspicion, the instrument asked them to detail the reason or reasons why reasonable articulable suspicion was not established for the initial stop, including that:

- Location alone is exclusive or disproportionate justification
- Evasion/nervousness of subject alone is exclusive or disproportionate justification
- Innate/immutable subject characteristic(s) (e.g., race, gender) is exclusive or disproportionate justification
- Reliance on uncorroborated, anonymous tip
- Conclusory statements rather than facts are the exclusive or disproportionate justification
- Facts do not establish criminal activity that had been, was, or would soon be occurring

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[252] Dkt. 383 at 73.

- Stop was actually a voluntary stop (social contact or non-custodial interview and therefore not a *Terry* stop)
- Stop was actually a probable cause stop (and therefore not a *Terry* stop)
- Incomplete documentation/narrative (e.g., insufficient facts articulated or incomplete data provided such that stop justification could not be readily determined one way or another)
- Additional/other (with an instruction to specify in a free response field)

Reviewers were prompted to make a separate determination where the officer conducted a frisk with respect to whether a reasonable officer under the circumstances would have suspected that the subject may have been armed and presently dangerous.[253] Depending on the answer, the instrument required reviewers to identify the factors that established grounds for the frisk or the reasons why the frisk was not justified. Finally, reviewers also explored whether the officer:

- Limited the encounter to a reasonable scope;[254]
- Initiated the stop or frisk based on a completed misdemeanor and there was no associated public safety frisk;[255]
- Arrested the subject for failing to provide identification during the stop;[256]
- Arrested the subject for not answering questions or remaining silent;[257]
- Appeared to use a traffic violation as a pretext for investigating an unrelated crime for which the officer lacked reasonable articulable suspicion;[258]
- Limited the stop encounter to a reasonable duration.

The eleven reviewers commenced qualitative reviews in mid-March 2017 after extensively piloting the qualitative assessment instrument. The Monitoring Team's reviewers were White, Black, and Asian; former law enforcement professionals, lawyers, and civilian oversight professionals with years of experience working with police departments; men and women; young and old. The data were downloaded regularly during the reviewing process to assess the progress of each reviewer and to check whether any reviewers deviated statistically from the assessments of other reviewers. Although there were still some statistically significant differences among reviewers with respect to some data points following this process, the secondary and tertiary reviews of cases with statistical deviations either confirmed the initial assessment or, otherwise, appeared to subsequent reviewers to be a good-faith difference of

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[253] SPD Manual 6.220 ¶ 8.
[254] *Id.* ¶ 4.
[255] *Id.* ¶ 3.
[256] *Id.* ¶ 7.
[257] *Id.*
[258] *Id.* ¶ 9.

opinion or an example of a close call. Consequently, the Monitoring Team has confidence that no particular reviewer was either too onerous or too lenient when examining the stops.

With respect to applying the relevant legal and policy standards, all Monitoring Team reviewers remained mindful that the law does not require that an officer's suspicion turn out to be valid in the end – that, every time an officer stop a subject, that subject be found to have been, currently, or imminently be engaging in criminal activity. The standard that the Supreme Court in *Terry* established, and upon which other courts have expanded, is that the specifically-articulated circumstances, factors, and facts present establish a *reasonable suspicion* of criminal activity – not a hunch, certainly, but by no means a sure thing. The Court leaves some room for individuals to be stopped where a reasonable person in the shoes of an officer would believe that the circumstances established a reasonable suspicion of criminal activity even when it turns out that no criminal activity was afoot.

After data was aggregated, subsets of the data were reviewed a second time to ensure data accuracy, and the completed Narrative database was then merged with the Template database to provide contextual information for the reviewer's analysis.

Finally, it must be noted that the Monitoring Team's review of officer-supplied information and narratives has some limitations. Most fundamentally, these reports by definition provide the officer's version or view of events. The Team did not conduct independent investigations of the interactions, interview subjects or witnesses, review video of the incident (if it existed), or the like. It is possible that, in given instances, exploration of other evidence, if available, might have pointed toward different determinations in some cases. However, the Monitoring Team's approach focused on documentation by officers, which is consistent both with qualitative and legal compliance reviews of stops conducted in other jurisdictions and with Court guidance that the face of a stop documentation form must contain sufficient justification for the stop to pass legal muster.

II.   Findings

A. SPD Officers are Documenting, as *Terry* Stops, Encounters That Are, In Fact, <u>Not</u> Terry Stops.

As Part I of this report described in some detail, the type of investigatory stops that the DOJ investigation flagged, that the Consent Decree addressed, and that SPD policy covers are *Terry* stops for which an officer requires reasonable articulable suspicion that a suspect has been, is, or will be engaging in criminal activity. This differs from a probable cause detention, in which the officer has developed a greater sense of assurance that a subject has engaged or is engaging in criminal activity. At the same time, *Terry* stops differ from voluntary of social contacts because, in those voluntary encounters, a reasonable subject would have been free to leave under the circumstances whereas, in the *Terry* stop context, the subject would not have felt free to go.

Approximately three-quarters (74 percent) of stops that SPD officers documents were, in fact, a *Terry* stop. About one-quarter (26 percent) of stops in SPD's numbers actually are not *Terry* stops but some other kind of encounter or interaction. Specifically, nine percent of encounters documented as a *Terry* stop appeared, in fact, not to be a *Terry* stop but, instead, voluntary or social contacts. A separate nine percent of encounters were not a *Terry* stop but were a probable cause detention. The remaining eight percent of stops were not *Terry* stops for some other, incident- or circumstance-specific reason.

The over-inclusive nature of the stops in SPD's database is not, in itself, a problem that can be seen as frustrating compliance. If anything, SPD's officers are documenting many more incidents than policy strictly demands, providing the Department with more robust data on officer performance.[259] The Monitoring Team recommends, and SPD concurs, that officers can benefit from ongoing and regular instruction on the technical and sometimes confusing law surrounding resident encounters, stops, detentions, and arrests.

For purposes of all of the remaining statistics and analysis in Part II of this report, the focus is on only those stops that can be properly considered or classified as a *Terry* stop. That is, the numbers and conclusions outlined below are with respect to the 74 percent of encounters reflected in the *Terry* stop database that were, in fact, *Terry* stops – and not those that were voluntary contacts, probable cause detentions, or otherwise not an investigatory stop requiring reasonable articulable suspicion.

The Monitoring Team wondered if the race of a subject was connected at all with the phenomenon of officers including both less-serious and more-serious stops – voluntary/social contacts and probable cause detentions, respectively – on *Terry* stop template forms. Encounters with Black subjects are more likely to be *Terry* Stops than encounters with White or with Other Race/Ethnicities. As Table 19 describes, of those subjects whose encounters resulted in an entry into the Template database, 79 percent of Black subjects were found by Monitoring Team members to have been the subject of a stop fairly classified as a *Terry* stop, as opposed to a voluntary/social or probable cause stop. This percentage is different, in a statistically significant way, from the rates at which White subjects (71 percent) and Other Race/Ethnicities (72 percent) were engaged in *Terry* Stops. Officers documented voluntary or social contacts involving White subjects as *Terry* stops more often (12 percent of stops) than with Black subjects (5 percent) or Other Race/Ethnicities (8 percent).

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[259] This also must be situated, however, in the context of overall stop activity going down over time, as Part II describes.

Table 19. Race/Ethnicity of Subject by Type of Stop

	Subject Race			
Was this a Terry Stop?	**Black**	**White**	**Other**	**Total**
Yes	79%	71%	72%	74%
No, Probable Cause	10%	8%	13%	9%
No, Voluntary or Social	5%	12%	8%	9%
No, Other	7%	9%	8%	8%
The relationship between subject race and whether an encounter is a Terry Stop is statistically significant (Chi-square = 3.52, N= 1447, df=6, p<.01)				

B. SPD Officers Have Reasonable, Articulable Suspicion That the Involved Subject Had Been, Was, or Would Soon Be Engaged in Criminal Activity in a Vast Majority of Stops.

Terry stops must be supported by reasonable, articulable suspicion. As Part I also described, this means that, for a stop to be justified and legally permissible, it must be reasonable for an officer, under the circumstances, to conclude that a subject has been, is, or will soon be engaged in criminal activity.

A vast majority – some 99 percent – of stops that SPD officers make are supported by the necessary reasonable articulable suspicion. Reviewers concluded that officers lacked the necessary reasonable articulable suspicion for the stop in just one percent of instances.

1. Factors Tending to Establish Reasonable Articulable Suspicion

The most common factor that tended to help establish reasonable articulable suspicion was specific information from dispatch, communications, an eyewitness, or a concerned citizen. Indeed, in 62 percent of stops, particular pieces of information from others, rather than solely the initiating officer's observations or perceptions, helped to justify a stop encounter. For instance:[260]

- Officers received a call for service regarding an assault-the CAD read: MALE IN FRONT OF WEST ELM STORE, IS SCREAMING & HITTING ANYONE PASSING W/ HIS HANDS. NO WEAPNS. The suspect was described as a black male in his 30s, wearing a black jacket and red pants. Officers searched the surrounding area. They saw a black male in his mid-30s wearing a black zip-up jacket and red pants. This suspect was located approximately four blocks away from the location of the reported assault, leading the officers to believe that he

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[260] Throughout this section, the Monitoring Team describes various stop documentation and encounters. It provides summaries in the Team's own words, such that the summaries are not verbatim reproductions of officer's words or reports.

was the suspect. Officers detained the suspect, who was positively identified by the complainant, who wished to prosecute, as the person who assaulted him. The suspect was arrested.

- Dispatch described car prowl suspect as Hispanic, stocky, black baseball cap and blue jacket. Officer took the time to specify that the person he stopped had the same build, same colored cap and similar jacket. He took time to specify how he explained the stop to the suspect, that he took time to bring a witness over to identify the suspect, and then let him go once the witness confirmed he was not the suspect.

- Two officers responded to a report of an assault on a security guard. A description of the perpetrator was provided. The officers located a person matching the description provided. The person was lying in a road and, when contacted by the officers, stated that his hand was broken. The officers helped the person to his feet and moved him out of the roadway. The person told the officers that he had a knife in his possession, so a pat-down search was conducted. Two knives were recovered from one of his pockets. The victim of the reported assault, who had sustained bleeding injuries to his face, identified the person detained as the individual who had assaulted him. The detained person was then placed under arrest.

- Officers responded to a report of a domestic violence assault. En route to the call, an officer observed a vehicle that the perpetrator was reported to be using, driving away from the scene. The officer stopped, detained, and questioned the driver of the vehicle while another officer spoke to the complainant. Following a detention that was reported to last for less than five minutes, it was determined that probable cause existed to arrest the driver of the vehicle for domestic violence.

- Officers responded to a report of a robbery at a jewelry store. Upon speaking to the complainant, the officers were advised that a male holding an item in his hand, which the complainant believed was possibly a knife, had shaken the door in an apparent attempt to gain entry.   The complainant stated that the male was in a parked car in the parking lot. Officer contacted and detained the male in the parked car. The male told the officers that he had parked in order to eat his lunch. The officers observed that the male had crumbs in his lap, and that he was holding a drink. Following a detention reported to have lasted five to ten minutes, the male was released.

In more than half (52 percent) of stops, the circumstances of the encounter – such as the time of day, the nature of the neighborhood, the particular location of the subject on a given street, or the proximity to a crime scene – was a factor that helped to provide the basis for reasonable articulable suspicion:

- An officer observed three subjects next to a business after business hours. The officer also observed multiple SPD-issued "No Trespassing" signs posted on the building stating no one

was allowed on the property after business hours. This established reasonable articulable suspicion that the persons were trespassing, or possibly about to commit other offenses (e.g., possible burglary). When asked for identification, one subject gave what proved to be a false ID and subsequently admitted she lied about her identity. A search led to the discovery of an SMC Theft Warrant and to her arrest.

- Two men were observed trying to open garage doors in an area with a recent history of burglaries. A stop was initiated and a frisk conducted of two noncompliant, argumentative subjects, with the report indicating that one subject appeared to have been reaching for a weapon during the encounter.

Subject-specific actions were also a relatively common factor that tended to help establish reasonable articulable suspicion. In more than one-quarter of cases (29 percent), the subject's physical behavior – such as his or her manner of movement or body language – was a factor that provided a basis for reasonable articulable suspicion. For instance:

- An SPD officer on-viewed a man standing next to an SUV with an open door. The man drew the officer's attention with his suspicious behavior, which included moving his upper body into the vehicle and appearing to rummage through items in the vehicle. The man also removed certain items from the vehicle and placed them into his pockets. Throughout this observed behavior, the officer stated that the man would emerge from the vehicle and looked around as though he was concerned about being seen. Additionally, the officer observed a broken window on the SUV consistent with a break in or a stolen vehicle. The officer articulated RAS for a Terry Stop and approached the subject. The subject was cooperative and told the officer he was in possession of a knife. The officer conducted a pat down and removed a knife from the subject's pocket. The vehicle did not belong to the stopped subject, it was verified to belong to a friend of his. Due to crack cocaine and stolen property found in the vehicle, it was seized for further investigation. The subject was released pending further investigation.

- Officers on bicycle patrol observed two individuals in an alleyway, looking through a bag of property. The alleyway had a posted "No Trespassing" sign, and was in an area which the officers knew to have a high incidence of narcotics activity. As the officers approached the individuals, the individuals appeared nervous and began to shove multiple denim jackets of the same type into the bag. As the officers contacted the individuals, they observed that the jackets had tags attached from a nearby clothing store. The individuals were advised of their Miranda rights, and both acknowledged theft of the jackets when questioned by the officers. The officers escorted the individuals to the store from which the jackets had been stolen. The stolen property was returned to the store.

In ten percent of cases, the subject's words – including statements, answers to questions, representations, and the like – was a factor that contributed to reasonable articulable suspicion.

In about four percent of stops, the officer's prior knowledge about the subject – including that officer's prior interactions with the subject, or knowledge of the subject's specific criminal history or criminal *modus operandi*, was a factor that contributed to establishing reasonable articulable suspicion.

- An officer observed a male getting off a bus and, based on the male's distinctive facial features, believed he recognized the male as a person wanted on a warrant.   The officer radioed that he had observed a possible wanted person and was joined by a second officer. The officers stopped the male and, based on their knowledge that the wanted person was known to carry guns, handcuffed and frisked him. The male identified himself to the officers and the officers checked his picture ID to verify his identity. The male was not the wanted person the officer had believed him to be. Upon realizing that the person stopped was not the wanted person, the officers immediately released the male. The duration of the stop was reported to last less than five minutes.

Additional or other factors were identified in seven percent of stops.

The Monitoring Team explored whether certain factors tended to more commonly establish reasonable articulable suspicion for subjects based on race. The only statistically significant relationship that we identified was between race and a subject's words being a factor establishing reasonable articulable suspicion, with the factor more likely to establish the requisite suspicion among White subjects (13 percent of stops) and subjects of Other races/ethnicities (12 percent of stops) than Black subjects (6 percent of stops).

Table 20.   Race/Ethnicity of Subject by Factors Establishing Reasonable Articulable Suspicion

Factors	Subject Race			
	Black	**White**	**Other**	**Total**
Subject's Physical Behavior	30	30	23	29
Circumstances of Encounter	47	55	55	52
Specific Information	65	59	63	62
Subject's Words*	6	13	12	10
Officer's Prior Knowledge	5	4	4	4
Additional/Other	6	8	8	7
* The relationship between race and subject's words is statistically significant (Chi-square = 3.08, N = 1062, df=2, p<.05)				

2.   *Reasons Why Reasonable Articulable Suspicion Was Not Established.*

In the few stops that Monitoring Team reviewers concluded that officers lacked the necessary reasonable articulable suspicion for the stop, the reason in about half (47 percent) of instances was that the facts, as outlined, did not establish that criminal activity had been, was, or would soon be occurring. In these cases, the problem was not necessarily that an officer's documentation lacked sufficient details but that the details, even if exhaustive, were not, in the view of the Monitoring Team, sufficient to lead to a reasonable inference that criminal activity was afoot. For example:

- An officer was dispatched to a "shots fired" call, the second call such call in that area during his shift. The officer noted that he "located" the subject walking in the area while he was doing a check for possible victims or suspects. The summary did not provide any information as to what facts he observed that would lead him to believe that this particular person was the suspect, or that there was reasonable suspicion of his involvement in criminal activity. When asked about the shots fired, the subject indicated he had seen fireworks in the sky, which he stated were the source of the noise. The officer then informed the subject that he would be conducting a frisk, purportedly due to the high number of shots fired calls in the area along with a recent homicide. Because the officer did not provide information to support a reasonable suspicion that this person was the suspect, and absent any other specific articulable facts that the subject was armed, the detention and subsequent frisk appeared to be unreasonable.

- The stop narrative indicated that officers saw a man leaning over a four-foot fence handling an unknown object outside of a tent where former squatters were living. They "stopped to investigate in the belief the subject was about to commit a theft." At the least, the stop template documentation needed to include more details about why there was reasonable suspicion, as someone holding an unknown object near tents inhabited by homeless people does not, by itself, create a sufficient reasonable suspicion of a theft or other criminal activity.

- Officers responded to a report of an assault involving a group of six males. Officers located and detained the group. The victim of the assault then provided information indicating that one of the males was responsible for the assault, and identified that individual. Based on the information provided by the victim, the identified male was arrested. The detention of the remaining five members of the group was nevertheless continued. The officers reported that the continued detention of the five was conducted to "sort out the details." What these details were, and whether there remained a basis to suspect the males of involvement in a crime, was not specified in the officers' report. The five were subsequently released, and the total duration of their detention was reported as ten to twenty minutes.

Another significant reason, however, related to incomplete documentation and/or an incomplete narrative. In more than one-third (37 percent) of stops, the reason that reasonable articulable

suspicion was not established was because the documentation or the narrative was incomplete – with insufficient facts articulated or incomplete data provided such that the stop justification could not be readily determined one way or another:

- Officers were on foot patrol in an area with a high incidence of narcotics activity when they observed five people begin to run as they approached. According to the officers' report, they then contacted a male who was sitting on a wall. The report provides no information to indicate whether the male was part of the group which they had observed running, nor whether the male was doing anything else to warrant his detention. The male was asked for ID, and provided a State identification. The officers ran a check on the male, and arrested him when the check revealed an outstanding warrant.

- Officers on patrol saw two people in a vehicle parked in a parking lot. The occupants of the vehicle appeared to be putting on or taking off clothing, and ducked down when the officers drove by. The officers reported that had not seen the vehicle before, and that they had made prior arrests in the area. The report did not indicate what the circumstances of the prior arrests were, nor what type of crime they suspected the individuals in the vehicle to be involved in. The officers detained the occupants of the vehicle, who told the officers they were going clubbing. One of the occupants told the officers she was a drug user and had outstanding warrants. Both occupants of the vehicle were checked for warrants, revealing non-extraditable misdemeanor warrants for one. Following a detention reported to last 0-5 minutes, both individuals were released.

- A male was detained for a reported duration of 10-20 minutes. The officer reported that the detention was "in relation to a possible burglary investigation," but did not report what the basis was for suspecting that a burglary had occurred, or what the basis was for suspecting that the male was involved in a burglary.

- Officers observed a vehicle being driven on a road without license plates. The vehicle was displaying a "trip permit" that the officers suspected to be fraudulent. The officers reported that they suspected the permit to be fraudulent based on their "training and experience," but did not report what it was about their training and experience that led them to form this suspicion. The officers also reported that they could not determine whether the trip permit was real or fraudulent while the vehicle was in motion, as the window in which it was displayed was tinted.[261] The officers stopped and detained the driver of the vehicle. Once the

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[261] RCW 46.16A.320 requires that the permit be "displayed," which, based on the information provided in the officers' report, it was.

vehicle was stopped, an officer was able to read the permit and determined that it was not fraudulent. The stop revealed that the driver did not have a driver's license.

In four percent of *Terry* stops lacking reasonable articulable suspicion, the geographic location alone was the exclusive or disproportionate justification for the stop. Likewise, in four percent of cases, conclusory statements, rather than facts, were the exclusive or disproportionate justification. The Team identified other reasons that reasonable articulable suspicion was not sufficiently establish for the initial stop in 7 percent of instances where, overall, the Team concluded that reasonable articulable suspicion was not sufficiently established.

The Team found no statistically significant relationship between race and the reasons why reasonable articulable suspicion was not established. It should be cautioned, however, that this appeared to be driven, somewhat, by the comparatively low rate of stops that were inconsistent with law and policy.

C. No Racial Trends or Disparities Were Identified In Terms of an Individual's Likelihood of Being Involved in a "Bad" Stop.

Reviewers found that all – 100 percent – of encounters that were properly classified as *Terry* stops were supported by reasonable articulable suspicion. This means that, for all of the interactions that were *Terry* stops rather than voluntary contacts or probable cause stops, there was the necessary and corresponding legal justification.

As Table 21 summarizes, two percent of stops of subjects of Other Races/Ethnicities were not supported by the necessary reasonable articulable suspicion, and one percent of stops of Whites were not supported by reasonable articulable suspicion.

Table 21. Race/Ethnicity of Subject by Presence of Reasonable Articulable Suspicion

	Subject Race			
Was RAS Present?	**Black**	**White**	**Other**	**Total**
Yes	100%	99%	98%	99%
No	0%	1%	2%	1%
The percentages are based upon the cases in which reviewers concluded that a Terry Stop had taken place. The relationship between subject race and RAS is not statistically significant (Chi-square = 2.01, N=1067, df=2, p=.14)				

In the context of national concerns, and historic local concerns, about racial profiling – especially in the area of stops – this finding is somewhat surprising and runs the risk of appearing, on its face, too good to be true. Indeed, given the national and local history and context with respect to "stop and frisk" issues, the Monitoring Team understands that some in the Seattle community may well be skeptical of a finding.

It is important to understand, statistically, what this result means.   The finding is that the Monitoring Team is 95 percent confident that its findings with respect to the percentage of stops in its large sample that were supported by reasonable articulable suspicion are within a few percentage points of where it would be if the Team took another, different sample – or audited every single stop in the database.   The findings therefore do not foreclose the distinct possibility that some stops involving Black, White, or other subjects were indeed not adequately supported by reasonable articulable suspicion.

However, the significant number of stops overall and statistically-significant sub-sample of stops involving Black subjects that the Monitoring Team reviewed, the Monitor is sufficient assured that the stops that SPD officers do make of all subjects, regardless of race, are usually supported by the required reasonable articulable suspicion.

This does not do anything to detract from the findings in Part II about the disproportionate impact of stop activity and disparate post-stop outcomes with respect to Black subjects.   The fact that, after controlling for factors like crime and neighborhood, Black subjects appear far more likely to be frisked during and arrested pursuant to a stop encounter, means that the burdens of law enforcement may not be equally shared in Seattle – even if the legal requirements for initiating a stop are usually met, regardless of the race of the subject.   The imposition of law enforcement activity on some individuals more or more frequently than others is a distinct legal, policy, and social concern even if the underlying activity being enforced is perfectly legal or the enforcement is conducted in a legally-defensible way.

For example, a city enacting and enforcing an ordinance curfew may be lawful – but enforcing that curfew law against subjects of only some races rather than others would not necessarily be lawful under the Fourteenth Amendment.   Enforcement of an ordinance regulating the health and safety of laundry facilities may be perfectly lawful – but the enforcement may conducted in a manner that impermissibly targets some individuals more than others.[262]   In the context of the Fourth Amendment, the Supreme Court has affirmed the constitutionality of conducting police sobriety checkpoints on the roadways in light of "the State's interest in preventing drunken driving" and the fact that "the degree of intrusion upon individuals who are briefly stopped" is relatively minimal.[263] However, non-random stops that affected only Black or only Hispanic drivers would be the implementation of a valid law enforcement activity in an impermissible manner.

In short, the fact that officers may be conducting entirely legal stops, based on the appropriate justification, of individuals regardless of their race is a separate inquiry from whether some

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[262] *Yick Wo v. Hopkins*, 118 U.S. 356 (1886).
[263] *Michigan Dept. of State Police v. Sitz*, 496 U.S. 444, 455 (1990).

individuals are more targeted to be the subjects of law enforcement activity in that area. The law does not contemplate that law enforcement activity that would be justified as applied to anyone is justified when it is applied only to individuals based on or because of race. The Monitoring Team's analysis here finds that officers are generally complying with the requirements of the law with respect to search and seizure, as embodied in the Fourth Amendment – but that finding alone does not certify, one way or another, whether officers or SPD are or are not complying with the law with respect to equal protection, as embodied in the Fourteenth Amendment.

D. SPD Officers Appropriately Do Not Automatically Conduct a Frisk of Stopped Subjects.

An officer conducted a frisk during 22 percent of all stops. In the remaining, majority of stops (78 percent), the officer did not conduct a frisk. This tends to support the idea that officers are formulating independent and separate grounds for conducting a frisk for weapons rather than automatically, and inappropriately proceeding, from the initial stop and the grounds for justifying the stop to conducting a minimally-invasive search.

E. SPD Officers Are More Likely to Frisk a Black Subject Than White or Other Racial or Ethnic Minority Populations.

Of the cases that Monitoring Team reviewers evaluated qualitatively, when a *Terry* stop has occurred, officers are more likely to frisk a Black subject than one who is White or from other racial or ethnic categories. Specifically, Black subjects are frisked in 29 percent of stops, while White subjects are frisked in 17 percent of stops. As Table 22 notes, this difference is statistically significant (p<.01). These findings are consistent with the statistical findings presented in Part II of this assessment.

Table 22. Race/Ethnicity of Subject by Whether Officer Conducted a Terry Frisk During Stop*

	Subject Race			
Terry Frisk?	**Black**	**White**	**Other**	**Total**
Yes	29%	17%	22%	22%
No	71%	83%	78%	78%
*Determination of Terry Frisk based on reviewer's judgment of narrative, and in some instances conflicts with officer's entry into template. Race is significantly related to whether a frisk occurred (Chi-square = 8.09, N=1064, df=2, p<.01)				

F. Where a Frisk Was Conducted, Officers Have Sufficient Justification In a Vast Majority of Cases.

In those stops where an officer conducted a frisk, Monitoring Team reviewers concluded that there was sufficient justification for the frisk 97 percent of the time. Thus, in the vast majority of instances

where a frisk is conducted during a *Terry* stop, the Monitoring Team concluded that a reasonable officer under the circumstances would have suspected that a subject may indeed have been armed *and* presently dangerous.

Where reviewers found that the frisk was sufficiently justified, the basis for the stop itself were sufficient to justify the frisk in 43 percent of frisks. That is, in those frisks, the factors that justified the officer making the initial stop also or by extension justified the frisk. For instance, in a case where specific information about a crime has involved an armed subject consistent with the stopped subject, and the officers observes that the subject has a bulge in a pocket prior to initiating the stop, all of those factors would likely be sufficient to justify the search without additional facts or factors.

- A bicyclist flagged-down an officer and reported that the occupant of a vehicle had pointed a handgun at him and verbally threatened to shoot him. A description of the vehicle and its occupants, along with the location of the vehicle, was provided to the officer. Officers responded and located the described vehicle, parked and unoccupied. Two males matching the descriptions of the vehicle's occupants were observed walking into the parking lot where the vehicle was parked. The males were detained. The males were frisked due to the report of a gun being brandished. The bicyclist was brought to the scene, where he positively identified the detained males as the people involved in the incident. The males were questioned and denied having threatened the bicyclist. They consented to a search of their vehicle, and no gun was located. The males were then released.

About one-fifth (19 percent) of frisks were reasonable in light of observable subject behavior that was consistent with the subject carrying a weapon – including, but not limited to, the subject failing to comply with instructions, the subject failing to keep his or her hands in sight of officer(s) when ordered to do so, and the like. For example:

- Officers responded to a call of a man trying to open random car door handles on the street. The caller remained at the scene and identified the subject, who was apparently also seen by the officer doing this same activity. Based on the subject trying the door handles of several cars, it was reasonable to suspect that he was possibly involved in criminal activity. The subject was detained and, according to the summary provided, continued to put his hand in his pocket after being asked to keep it in sight. Based on this action and the officer's report of his baggy clothing, it was reasonable to suspect that the subject might be armed and to conduct a frisk for weapons. The officers ultimately determined that the subject was drunk and unable to find his way; they contacted a car service for him to get home.

- An officer responded to a report that a male client at the premises of social service provider was causing a disturbance and throwing item of the provider's property. The call was updated to indicate that the male was leaving the center. As the officer arrived,

he observed a male leaving who matched the physical description of the person involved in the incident. The officer contacted the male, who told the officer he had had an "angry outburst" in the center. The male was detained for investigation of property damage while another officer contacted the person reporting the incident. The male was looking in his backpack, and then placed his hands into his pockets, prompting the officer detaining him to conduct a frisk for weapons. No weapons were found. It was quickly determined that the males actions of throwing property had not resulted in any damage and the male was released. The duration of the male's detention was reported to last less than five minutes.

Relatedly, in ten percent of frisks, observations consistent with carrying a concealed weapon, such as irregular bulges in clothing, tended to provide reasonable grounds for conducting the search. In three percent of frisks, prior knowledge about the subject, including a subject's criminal history of weapons-related offenses or the subject otherwise being known to carry a weapon, provided reasonable grounds for the officer conducting the search. A circumstance-dependent array of other factors contributed to the reasonable grounds for conducting the search in about one-quarter (24 percent) of frisks.

In those three percent of frisks that were *not* adequately justified, most (61 percent) were not adequate because the narrative did not contain a narrative that contained a description of the frisk. In less than half (49 percent) of unjustified frisks, the factors that were articulated failed to establish sufficient grounds. For example:

- Officers were impounding a vehicle involved in a hit-and-run traffic collision when they observed a person who matched the description witnesses had provided of the hit-and-run driver. The officers detained and spoke to the person, who denied that he had been the driver of the vehicle. The officers observed that the person was intoxicated, and that he did not have any injuries consistent with having been struck by an inflating airbag. The officers frisked the person, reporting the reason for the frisk as "Subject believed to have run from hit-and-run collision." The officers' report did not include any other information to support a reasonable belief that the person was armed, and a person's suspected involvement in a hit-and-run collision, in and of itself, is an insufficient basis upon which to justify a frisk. After questioning the person, the officers released him.

Various other, usually more case-specific, factors were identified as reasons why the risk was not justified in 48 percent of those frisks that were not adequate.

After all reviews were complete, the Monitoring Team again broke down the determination of whether the frisk was justified or not in terms of the subject's race. An adequate basis for the frisk was present in all – 100 percent – of the stops involving a Black subject, compared to 94 percent of stops involving White subjects and 93 percent of subjects involving individuals of other races or ethnicities (p<.05), as Table 23 summarizes.

Table 23. Race/Ethnicity of Subject by Whether There Was Sufficient Justification for Terry Frisk During Stop

Sufficient Justification?	Subject Race			
	Black	**White**	**Other**	**Total**
Yes	100%	94%	93%	97%
No	0%	6%	7%	3%
The percentages are based on the subset of cases in which a Terry Frisk was conducted. The differences are statistically significant (Chi-Square 3.40, N=283, df=2, p<.05)				

No observable, statistically significant patterns emerged with respect to race and either the justified grounds for the frisk or the reasons why a frisk was not justified.

G. Most Stops Are Appropriately Limited to a Reasonable Scope and Reasonable Duration.

The Monitoring Team's reviewers found that in most (94 percent) of stops, officers appropriately confined the stop to a reasonable scope. Likewise, reviewers found that the involved officer(s) limited the stop encounter to a reasonable duration in 90 percent of stops, with another 8 percent stop narratives not lending themselves to a determination as to the appropriateness of the scope. For instance:

- An officer observed the subject pushing a safe up the sidewalk, then quickly walking away when the officer stopped his vehicle. The officer's resulting suspicion that the subject was possibly doing something illegal was reasonable given the unusual nature of moving a safe in the street, along with the subject's actions in abandoning the item when he saw the police. When the subject returned, claiming that he had found the safe in a dumpster, the officer properly detained him in a friendly manner while another officer checked on his story. Once verified, the officers released the subject and did not unreasonably prolong the detention by running his name or conducting other unwarranted investigative tasks.

- An officer on patrol observed a parked, unoccupied vehicle. The officer noted that the vehicle and its license plate matched the description of a vehicle reportedly used earlier that day in a robbery at a business. The officer then observed a female approaching the parked vehicle. The officer asked the female if the vehicle was hers, and when she replied that it was he told her to step away from the vehicle as he needed to talk to her about a robbery investigation. The female denied any knowledge of the robbery, but did state that she had been to the location where the robbery occurred, and that her sons had been with her.   The vehicle was impounded in connection with the robbery investigation and

the female was released. The duration of the female's detention was reported to be 5-10 minutes.

On the other hand, the Team did identify some stops that appeared unnecessarily and unreasonably prolonged, which is a subject on which SPD should consider conducting some roll call, "refresher" training:

- Officers were dispatched to investigate a person sleeping in a parked car. The summary indicated that the car or person was "known" to be squatting in a vacant home on the block, but does not indicate whether this was known by the officers or the caller, or what facts formed the basis for that knowledge. The officers located the two subjects inside the vehicle, which was legally parked. The officers then asked the occupants what they were doing and they said they had run out of gas and fallen asleep. The occupants further indicated, when asked about the vacant house, that they had a friend in the area that they did work for. From the limited summary provided, it was not clear what this information signified or whether they were even referring to the vacant house. The officers then ran their names for wants and warrants. Given that the subjects were simply sleeping in a legally parked vehicle – and without additional documented facts potentially connecting them to illegal activity – initiating and prolonging the detention to conduct a warrants check appeared unreasonable. No frisk was conducted, however, and the subjects were ultimately released.

There were no statistically significant patterns in terms of race.

H. The Monitoring Team Identified Few Additional Issues with Stop Encounters

The Monitoring Team identified no stops whatsoever in which the involved officer arrested a subject for failing to provide identification during a stop, which is consistent with SPD policy. Likewise, there were no stops in which an officer arrested a subject for not answering questions or for remaining silent. These findings are extremely positive and suggest that SPD officers are not unduly arresting individuals for "contempt of cop"-like interactions in which an officer's law enforcement action may not be more responsive to an individual's perceived attitude of noncooperation rather than the underlying legality of substantive behavior.[264]

In a small proportion (4 percent) of *Terry* stops, officers appeared to initiate the stop or frisk based on a completed misdemeanor where there was no associated public safety risk, contrary to SPD

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[264] Samuel E. Walker & Carol A. Archbold, *The New World of Police Accountability* 81 (2013) (quoting former Philadelphia Police Commissioner Charles Ramsey as noting that "a large number of 'contempt of cop' arrests is a hint that officers may not be going in the right direction").

policy. Given the complexity of the law and the situation-driven discretion that officers are compelled to apply in circumstances involving a completed misdemeanor, the Monitoring Team urges that the Department provide additional instruction to officers in this area – but does not believe that the stops or frisks that it concluded were inappropriately based on a completed misdemeanor originated from anything but a good-faith error on the part of the initiating officers.

I. SPD Stop Patterns Do Not Appear to Qualitatively Differ According to Precinct – With the Exception of the Rate at Which Officers Conduct Frisks During a Stop

The Monitoring Team also analyzed its aggregate analysis data – its qualitative determinations across some 1,449 stops – by SPD precinct, which Table 24 outlines. All precincts had roughly the same rate of stops in the database that were actually *Terry* stops (as opposed to voluntary encounters, social contacts, or probable cause detentions). Likewise, with respect to the rate of those stops adequately supported by reasonable articulable suspicion, no statistically significant differences were observed between precincts. On the frisk front, as well, there were no significant differences observed between precincts with respect to frisks that had sufficient justification.

Table 24. Four Indictors by the Quality of the Terry Stop by Police Precinct

Pct. Of Cases in which the reviewer answered "Yes"	East	North	South	South-west	West	Total
Was this a Terry Stop?	78%	72%	74%	73%	75%	74%
Was there a reasonable articulable suspicion?	100%	99%	100%	100%	99%	99%
Did the officer conduct a Terry Frisk during the stop?*	29%	16%	35%	31%	16%	22%
Was there sufficient justification for the Terry Frisk?	97%	100%	97%	95%	93%	97%
* The differences between precincts for whether a frisk was conducted are statistically significant (Chi-Square = 8.47, df=4, p < .01). None of the other differences across precincts are statistically significant.						

However, the Monitoring Team did identify relevant and statistically significant differences among the precincts, which, of course, have varying racial demographics: the rate at which officers conduct frisks during *Terry* stops. Whereas around one-third of all *Terry* stops result in a frisk in South precinct (35 percent) and Southwest precinct (31 percent), only 16 percent of stops in both North precinct and West precinct result in a frisk. East precinct has a relatively higher frisk rate, as well, at 29 percent.

The reasons for differential frisk rates among SPD's precincts are unclear. On the one hand, the South precinct has historically experienced elevated crime rates and concerns about community safety, which might explain an elevated frisk rate. On the other, however, West precinct has a high population and activity concentration, which might lead one to expect a higher frisk rate – and, in

any event, would seem to point against the nearly 20 percent difference between West precinct and South precinct.

The differences in frisk rates among precincts would concern the Monitoring Team more if there were significant deviations as far as whether the frisks that occurred were legally justified or not. Instead, it appears that, although some precincts are more routinely frisking subjects, no precinct is engaging in significantly more "bad" stops than another. In other words, the fact that subjects in South precinct are more likely to be frisked than subjects in West precinct is not related or contributing to subjects in South precinct being more likely to be subjected to a "bad" frisk than in West precinct.

Part IV.
Implications of This Study & Agenda for Future Work

This assessment ultimately presents both encouraging news and areas that SPD must study and address going forward. On the positive side, the Monitoring Team concludes that **SPD and its officers are complying with the legal and policy requirements related to stops, searches, and seizures**. The number of stops and detentions of individuals that are not supported by sufficient legal justification is exceedingly small. Importantly, an individual's odds of being a subject of a "bad" stop do not depend on that individual's race. Similarly, officers by and large are conducting frisks of a stopped subject when they the appropriate legal justification – not as a matter of course. A subject's race does not materially change the odds of being subjected to a "bad" frisk. Thus, at least with respect to the application of the Fourth Amendment by officers across numerous, individual incidents, SPD is complying with the requirements of law, policy, and the Consent Decree in a relatively race-neutral manner. Put differently, the legal justification for a stop or a frisk do not vary by or depend on race.

Nevertheless, the likelihood that an individual will be stopped in the first instance and, when stopped, will be frisked *do* appear to vary substantially by and depend on race – *even after diligent efforts to control for things like crime and neighborhood.* Certainly, when comparing the incidence of stops by race, the share of Black subjects far outweighs their representation in the Seattle population. However, this type of analysis leaves open a number of different explanations. As Part II of this assessment described, one explanation for why individuals of some races may be stopped, in aggregate, at a disproportionate rate would be related to crime. If more individuals of a given race engage in more crime, or if crime tends to happen more frequently in neighborhoods with a higher composition of that given race, the racial disparity might originate with good-faith, race-neutral efforts by the police to curtail crime. Relatedly, the police may be more or less active in particular neighborhoods with discrete demographic breakdowns, due to crime, calls for service, or community concerns. Various socioeconomic factors may also be driving disparity.

The Monitoring Team's statistical approaches allow, however, for an investigation into whether some of these significant explanations, which have little or nothing to do with the Seattle Police Department, adequately account for the racial disparities. This cannot be understated. To date, Courts have tended to deal with what this assessment has generally termed "overall, aggregate" data on disparity – comparing the racial composition of those impacted by an enforcement activity to a general population. One might call this "simple disparity." Courts have less experience, however, dealing with statistical analyses that *expressly test* the race-neutral reasons typically provided for why law enforcement activity might affect persons of some races more than others.

In short, the statistical modeling analyses outlined here suggest that **the racial disparity with respect to who is stopped and who is frisked in Seattle cannot be easily explained in terms of underlying societal or social disparities in crime or neighborhood differences**. Even after accounting for those factors, an individual's race alone appears to factor into the likelihood of being stopped and the likelihood of being frisked by an SPD officer.

Some might say that, even though some races are stopped more than they should be, all races are, according to the Monitoring Team's qualitative assessment in Part III, being subjected to enforcement activity that is lawful under the Fourth Amendment and justified under SPD's Court-approved policy on stops.

But disparate impact with respect to stops matters – even when police are justified in making the stop or conducting a frisk – because:

> Any police decision to detain an individual who is not visibly engaged in a crime may stir feelings of indignity or resentment. But it is even more corrosive and potentially explosive when the person believes he has been stopped solely because of his race or ethnicity, or because race of ethnicity is part of an over-generalized dragnet. Hence, the term [used by some] "driving while black or brown."[265]

The sense among some individuals that law enforcement is not treating everyone the same and that one's color impacts the likelihood of being temporarily detained by police officers leads to distrust and impacts police legitimacy.[266] The loss of trust and legitimacy, as the Monitoring Team has previously pointed out, impacts the fundamental ability of the police and community to work together to address crime and solve community problems.

Put differently, the subjective sense of some communities, backed up by the statistical evidence outlined in Part II of this study, is that the disparate impact reflects an unacceptably high and unfair rate of "false positives,"[267] or instances where an individual's liberty is temporarily restricted by a police officer for what ultimately turns out to be no valid reason:

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[265] Merrick J. Bobb, et al, "Racial Profiling," *in* Steven J. Muffler, *Racial Profiling: Issues, Data, and Analyses* 32 (2006).

[266] Tom Tyler & Cheryl J. Wakslak, "Profiling and Police Legitimacy: Procedural Justice, Attributions of Motive, and Acceptance of Police Authority," 42 *Criminology* 253 (2004).

[267] *See* Mark Kelman, "The Necessary Myth of Objective Causation Judgments in Liberal Political Theory," 63 *Chicago-Kent L. Rev.* 579, 592 (1987).

> [I]t is hard to deny that there must be some circumstances, even if of an exceptional nature, in which the State has the right to restrict liberty in order to protect the public. But if this is so, we are immediately faced with the moral problem of 'false alarms' or 'false positives.' The problem is a function of the fact that all preventive measures are based on judgments about the likelihood or probability, not the certainty, of the individuals in question causing harm to others.[268]

Indeed, the Supreme Court at least currently situates "reasonable suspicion" as the threshold that officers must meet in order to initiate a stop, which it has expressly indicated is more than a "hunch" but something less than a likely or sure thing. Some implicit tolerance is built into this standard for instances where factors seem to suggest a suspicion, reasonable under the circumstances, that turns out to be unfounded – where specific factors tended to establish the suspicion of criminal activity but no criminal activity ultimately was afoot. In fact, some legal scholars have argued that there may be, at least with respect to some constitutional provisions and especially when basic rights are pitted against other basic rights, some tolerable rate of constitutional violations[269] – so-called "efficient breaches of constitutional rights."[270] Put differently, it may be acceptable for society as a whole to countenance instances where rights are minimally abridged in service of ensuring that other rights are upheld. Thus, in the context of stops, some number of stops where the stopped individual was not engaged in criminal activity may be a necessary price to pay for ensuring the broader, basic safety of the community.

The theories of legal scholars or courts that some unjustified but temporary deprivation of rights may be necessary or permissible is cold comfort, however, to members of the community who are not engaged in any criminal activity but who are stopped, perhaps sometimes routinely, for what functionally amounts to no reason. Even when officers have legitimate reasons for initiating the encounter, and meet the requisite legal standard, the stopped subject reasonably believes that she is unduly carrying the weight or incurring the costs of social forces that have nothing to do with her. Even more simply, she believes it is unfair.

Seattle is neither unique or alone in these challenges. Studies in cities from New York and Chicago to San Diego have concluded that individuals of some races are disproportionately the subjects of stop activity and/or post-stop outcomes.[271]

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[268] Denise Meyerson, "Risks, Rights, Statistics and Compulsory Measures," 31 *Sydney Law Review* 507, 510 (2009).

[269] *See* Daryl Levinson, *Rights Essentialism and Remedial Equilibration*, 99 *Colum. L. Rev.* 857 (1999).

[270] Matthew C. Stephenson, "The Price of Public Action: Constitutional Doctrine and the Judicial Manipulation of Legislative Enactment Costs," 118 *Yale L. J.* 1, 6 (2008).

[271] G. Ridgeway, RAND Corporation, *Analysis of Racial Disparities in the New York Police Department's Stop, Question, and Frisk Practices* 4, http://www.rand.org/pubs/technical_reports/TR534.html; Hon.

Likewise, the Seattle Police Department is not unique or alone when it comes to the broader criminal justice system.[272] For instance:

- In 2014, the incarceration rate for African-American males in state and federal prisons was six times the rate for white males and, among Hispanic American males, 2.3 times higher.
- Among prisoners exonerated by DNA evidence as of January 2016, 61 percent were African Americans, 31 percent non-Hispanic white, 7 percent Hispanic, and 0.5 percent Asian American.
- African Americans arrested for felonies are less likely to be prosecuted and less likely to be convicted at trial than whites.[273]

Thus, although it does not excuse or mitigate the profound, long-term effects of disproportionate enforcement, Seattle and its police department share with the rest of the country and its wider judicial system a set of historical, cultural, social, socioeconomic, educational, and other experiences and realities when it comes to race. In some ways, it would be quite surprising if SPD did not reflect larger realities that are centuries in the making.

The specific challenge for Seattle will be for its communities, elected leaders, and political system to address – in a meaningful, nuanced, and systemic way – both (1) whether the disparities that can be identified are warranted or unwarranted, and (2) if those disparities are unwarranted, whether there are mechanisms for more evenly distributing the burdens and weight of certain law enforcement practices in a manner that might ensure, in the meantime, that the burdens and weight of crime are not increased or more unevenly distributed as a result. This is complicated work, ill-suited to sound bites and slogans and requiring thoughtful, responsive dialogue.

The focus of many city stakeholders has recently been on precisely what formal structures and mechanisms may be in place going forward to engage in this work and dialogue. Specifically, the City Council has recently approved legislation relating to the long-term oversight of the Seattle

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Arlander Keys, *The Consultant's First Semiannual Report on the Investigatory Stop and Protective Pat Down Agreement for the Period January 1, 2016 – June 30, 2016* (2017), https://www.cityofchicago.org/content/dam/city/depts/dol/supp_info/TheConsultantsFirstSemiannualReport032317.pdf; J. Chanin, et al, *Traffic enforcement in San Diego, California* (2016), https://www.sandiego.gov/sites/default/files/sdpdvehiclestopsfinal.pdf.

[272] *See, e.g.*, Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (2012); David Cole, *No Equal Justice: Race and Class in the American Criminal Justice System* (1999); Jerome G. Miller, *Search and Destroy: African-American Males in the Criminal Justice System* (1996).

[273] Samuel Walker, et al, *The Color of Justice: Race, Ethnicity, and Crime in* America 1–6 (6th Ed. 2016).

Police Department, which the Court will review.[274]   Although the potential advantages or disadvantages of anything outlined in that legislation is definitively beyond the scope of this assessment, it is safe to say, at this juncture, that potentially several different stakeholders will have the charge to explore, over time and greater detail, the issues related to disparate impact identified in this report. Under its Court-approved bias-free policing policy, SPD itself must identify disparities and work with community organizations to determine if practices or policies might be changed in a manner that would ensure effective but less disparate enforcement. An Inspector General might conduct larger, systemic reviews of SPD policies and consider specific activities of the Department in light of potential racial disparity.

The Monitoring Team has previously observed that "[e]ven if a human organization could somehow attain perfection, the Consent Decree does not require a perfect police department."[275] Instead, in the area of stops, it required precise policies on stops, searches, and detentions and bias-free policing; high-quality training on such policies and related issues; the documentation of stops; the analysis of stop data; and collaboration with the community upon identification of any disparate impacts to explore whether the Department could take steps or make changes to reduce or eliminate the disparity.

SPD is adhering to the requirements of the Fourth Amendment when it stops residents, even as sustained, difficult work remains to ensure that the subjects of that stop activity might affect some subjects less disproportionately. With respect to this long-term work, the Monitor and the Consent Decree, per the Court-approved bias-free policing policy developed with the community, looks forward to working closely with the Department and the presumed Inspector General on approaches to evaluating whether race-neutral adjustments to policies and procedures might have the effect of reducing disparities.

The road to policing that is effective, safe, and constitutional for all of Seattle's residents will not end with the Consent Decree. As Associate Justice Anthony Kennedy observed:

> The work of freedom is never done. Embedded in democracy is the idea of progress. Democracy addresses injustice and corrects it. The progress is not automatic. It requires a sustained exercise of political will, and political will is shaped by rational public discourse.[276]

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[274] Chris Daniels & Natalie Swaby, "Seattle Council Approves Sweeping Police Accountability Legislation," KING5.com (May 23, 2017), http://www.king5.com/news/local/seattle-council-expected-to-approve-sweeping-police-accountability-legislation/441900100.

[275] Dkt. 383 at 13.

[276] Speech by Supreme Court Associate Justice Anthony M. Kennedy to American Bar Association, Aug. 9, 2003.

As Seattle continues to strive to become an ever more forward-looking model of contemporary policing, the Monitor hopes that this assessment, even as it commends the Department for its initial compliance with the specific issues and provisions of the Consent Decree, sets an agenda for a discourse that might ensure that the benefits and burdens of safe, effective law enforcement are broadly shared.

Appendices

Appendix 1: Seattle Police Department *Terry* stop template

Data Field	Sub-Fields or Check-Box Pick Lists
Incident Details	
Event/GO Number	
Precinct Serial No.	*[Note: Each stop/form should have a unique, numbered identifier in the manner of citation books.]*
Date of Occurrence	
Time and Duration of Contact	Start time (##:##)
	End time (##:##)
Address/Intersection of Occurrence	
Location of Occurrence (Precinct)	North
	South
	Southwest
	East
Video of Stop?	ICV
	Third-Party
	None
	If none, why? [free response]
Type of Contact	Pedestrian
	Vehicle/traffic
	Other (specify) *[free response]*
If vehicle contact:	
Make/model of car	
License plate number	
Month/year of registration	
License missing, suspended, expired, or lapsed?	Yes
	No
Insurance missing or lapsed?	Yes
	No
Approximate speed of vehicle when stop initiated	
Speed limit where stop initiated	
Reporting Officer	
Serial Number	
Title/Rank	
First Name	
Middle Name	
Last Name	
Date of Birth	
Sex	Male
	Female
Race	White
	Black
	Asian/Pacific Islander
	American Indian/Alaska Native
	Hispanic/Latino
	Other (Specify)
Height	
Weight	
Phone Number	
E-Mail Address	
Unit of Assignment	
Assigned Sgt.	
Assigned Lt.	
Assigned Capt.	

Assigned Bureau	
CIT-Certified?	Yes
	No
Other officers (from any agency) present at any time during the stop?	Yes
	If yes, list names and serial numbers, if known
	No
Subject Information	
Name of Person Stopped	
Address	
Telephone Number	
E-mail address (if known)	
Date of Birth	
Gender	Female
	Male
	Unknown
Perceived Race	White
	Black
	Hispanic/Latino
	Asian/Pacific Islander
	American Indian/Alaska Native
	Other (specify)
Height	
Weight	
Type of party	Pedestrian
	Driver of vehicle
	Passenger in vehicle
Subject previously known to the officer?	Yes
	No
Other persons stopped/questioned/frisked?	Yes
	If yes, list precinct/Terry form serial numbers [free response]
	No
Contact Details	
Stop	
What was the reason for the stop? Describe the specific, articulable facts and observable subject behaviors that led you to suspect that the subject had been, was, or was about to be engaged in the commission of a crime.	*[Free narrative space]*
How was the stop initiated?	Self-initiated (by reporting officer)
	Response to Request (e.g., call for service from dispatch or from a third party)
How long did you observe or follow the subject before initiating the stop? *(Report or estimate in minutes.)*	_____ *minutes [free response]*
Officer explain reason for stop to subject?	Yes
	No
	If no, explain: [*free response*]
Officer in uniform?	Yes
	No
	If no, how identified to the subject?
	Shield
	I.D. Card
	Verbal
Officer's car marked?	Yes
	No

Approach subject with any of the following?	Hand on less lethal instrument/firearm?
	Less lethal instrument/firearm unclipped
	Less lethal/firearm drawn
Officer's assessment of subject's condition	CIT-eligible / Behavioral Crisis Event
	Impaired—Cognitive
	Impaired—Emotional/psychological
	Impaired—Physical
	Under Influence—Alcohol
	Under Influence—Drugs
	Unimpaired
	None of the above
Search	
Subject searched?	Yes
	No
Subject's vehicle searched?	Yes
	No
What was the reason for the search? Describe the specific, articulable facts and/or observable subject behaviors that provided legal authority for the search, as well as what was searched.	*[Free narrative space]*
Weapon found?	Yes
	No
	If yes, Describe:
	Pistol/Revolver
	Rifle/Shotgun
	Assault Weapon
	Knife/Cutting Instrument
	Machine Gun
	Other
Contraband found?	Yes
	Narcotics
	Other (specify)
	No
	If yes, describe: (1) contraband found, (2) location of contraband, and (3) the amount or quantity of contraband found. *[Free response]*
Outcome/Resolution	
What was the outcome of the stop?	No action taken/subject released
	Verbal warning
	Trespass admonishment
	Referral to services
	Written warning
	Ticket/citation/summons issued
	Offense [free response]
	Summons/Citation No. [free response]
	Vehicle impounded
	Involuntary commitment
	Subject arrested
	Offense [free response]
	Offense category
	Felony
	Misdemeanor
	Arrest no. [free response]
What was the reason for any arrest, citation, or receipt of a ticket or summons? Describe the specific, articulable facts or	*[Free narrative space]*

circumstances that constitute the legal basis for the subject's arrest, citation, or receipt of a ticket or summons.	
Additional Information	
Force applied to subject at any point during the interaction?	No Force Used
	Type I
	Type II
	Type III
	OIS
	If Force Used, Event/GO Number
Subject moved or transported from initial location at any point of the interaction?	Yes
	Instructed to get out of vehicle
	Instructed to sit on curb
	Backseat detention
	Other, specify: [free response]
	If yes, why? [free response]
	No
Subject specifically directed to assume any posture or position?	Yes
	If yes, what posture/position? [free response]
	If yes, why? [free response]
	No
Receipt	
All officers must issue a "receipt" to the stopped subject. "Receipts give individuals who have been stopped a record of the encounter, which can be referenced if the individual wanted to register a complaint . . . or a compliment/commendation." (Office of the Independent Monitor, City of New Orleans, "Review of NOPD's Field Interview Policies, Practices, and Data" at 34.)	

Appendix 2: Crime reports (Jun. 2015 – Dec. 2016), by report type and subject race

Code	Asian	Black	Hispanic	White	Other	Unknown	Total
Suspect	14,814	45,685	3,400	113,908	2,362	39,962	220,131
	6.73%	20.75%	1.54%	51.75%	1.07%	18.15%	29.36%
Subject	22,538	74,689	5,075	148,717	4,041	66,505	321,565
	7.01%	23.23%	1.58%	46.25%	1.26%	20.68%	42.89%
Arrested	12,519	47,189	4,307	101,863	3,364	37,533	206,775
	6.05%	22.82%	2.08%	49.26%	1.63%	18.15%	27.58%
Misc. other	1,127	6,826	552	8,732	239	3,764	21,240
	5.31%	32.14%	2.60%	41.11%	1.13%	17.72%	2.83%
Total	*49,929*	*167,812*	*12,798*	*364,783*	*9,771*	*144,670*	*749,763*
	6.66%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

Source: Seattle Police Department.

Appendix 3: *Terry* **stop and post-stop outcome distribution, by SPD precinct and beat**

Location	Stops	Frisks	Weapons found	Hit (by stop)	Hit (by frisk)	Arrest	Street check
North	4,039	673	175	4.3%	26.0%	705	1,429
B1	394	62	17	4.3%	27.4%	57	134
B2	242	50	13	5.4%	26.0%	43	76
B3	211	39	12	5.7%	30.8%	52	59
J1	242	38	9	3.7%	23.7%	32	111
J2	162	32	6	3.7%	18.8%	36	65
J3	138	22	5	3.6%	22.7%	30	48
L1	289	62	9	3.1%	14.5%	73	70
L2	249	48	11	4.4%	22.9%	56	65
L3	263	39	6	2.3%	15.4%	42	73
N1	126	24	6	4.8%	25.0%	30	43
N2	325	54	18	5.5%	33.3%	65	136
N3	649	103	29	4.5%	28.2%	91	262
U1	228	27	9	3.9%	33.3%	32	85
U2	404	57	18	4.5%	31.6%	49	167
U3	117	16	7	6.0%	43.8%	17	35
South	1,970	718	135	6.9%	18.8%	541	687
O1	220	82	27	12.3%	32.9%	59	70
O2	135	50	12	8.9%	24.0%	40	40
O3	144	46	8	5.6%	17.4%	37	58
R1	257	91	19	7.4%	20.9%	60	109
R2	345	131	18	5.2%	13.7%	111	89
R3	202	75	14	6.9%	18.7%	46	66
S1	137	50	7	5.1%	14.0%	34	45
S2	288	109	14	4.9%	12.8%	88	114
S3	242	84	16	6.6%	19.0%	66	96
Southwest	1,026	278	80	7.8%	28.8%	161	419
F1	145	67	9	6.2%	13.4%	37	48
F2	303	71	21	6.9%	29.6%	38	125
F3	145	39	15	10.3%	38.5%	23	53
W1	166	37	13	7.8%	35.1%	28	81
W2	159	30	13	8.2%	43.3%	18	69
W3	108	34	9	8.3%	26.5%	17	43
East	1,698	434	105	6.2%	24.2%	446	490
C1	95	18	7	7.4%	38.9%	19	30
C2	64	14	1	1.6%	7.1%	13	23
C3	115	33	10	8.7%	30.3%	33	24
E1	263	48	21	8.0%	43.8%	75	65
E2	437	130	29	6.6%	22.3%	116	130
E3	223	47	18	8.1%	38.3%	56	60
G1	170	48	7	4.1%	14.6%	43	50
G2	177	46	6	3.4%	13.0%	47	46
G3	154	50	6	3.9%	12.0%	44	62
West	3,958	639	206	5.2%	32.2%	937	1,816
D1	331	61	28	8.5%	45.9%	74	157
D2	344	52	17	4.9%	32.7%	91	149

D3	258	48	13	5.0%	27.1%	62	110
K1	217	49	18	8.3%	36.7%	58	84
K2	283	45	11	3.9%	24.4%	58	115
K3	378	97	21	5.6%	21.6%	110	153
M1	508	73	22	4.3%	30.1%	131	264
M2	657	74	27	4.1%	36.5%	168	322
M3	493	60	23	4.7%	38.3%	107	235
Q1	105	18	9	8.6%	50.0%	11	61
Q2	172	32	5	2.9%	15.6%	29	75
Q3	212	30	12	5.7%	40.0%	38	91
Total	12,691	2,742	701	5.5%	25.6%	2,790	4,841

Source: Seattle Police Department.

Appendix 4. Terry Stops per 1,000 by Suspected Crime Controlling for Crime Conditions in Prior Month (per 1,000) and Beat Characteristics. (OLS estimates)

	All Stops	Violent	Property	Drug	Weapon	Trespassing	Disturbance	Suspicious
Lag crime	0.020	0.006	0.015	-0.003	0.001	0.001	0.018	0.036
	[0.003]***	[0.004]	[0.004]***	[0.006]	[0.006]	[0.000]***	[0.014]	[0.023]
% black	-31.971	-5.199	-1.203	-2.195	-1.252	-1.664	-5.954	-6.919
	[5.826]***	[1.345]***	[0.772]	[0.853]*	[0.976]	[0.405]***	[1.435]***	[1.409]***
% hispanic	-82.112	-17.854	-3.925	-6.175	-7.253	-3.624	-14.708	-17.595
	[20.359]***	[4.525]***	[2.356]+	[3.033]*	[3.103]*	[1.417]*	[4.880]**	[4.271]***
% asian	-79.253	-13.571	-2.834	-5.602	-4.834	-3.551	-14.402	-18.413
	[13.441]***	[2.964]***	[1.872]	[1.875]**	[2.092]*	[0.937]***	[4.288]***	[3.106]***
% other	425.315	60.634	9.968	32.072	9.955	19.289	84.395	104.468
	[82.381]***	[18.737]**	[11.790]	[11.748]**	[15.683]	[5.922]**	[22.561]***	[21.864]***
Per capita	-4.178	-1.153	-0.241	-0.320	-0.503	-0.214	-0.745	-0.833
	[1.025]***	[0.260]***	[0.136]+	[0.162]*	[0.172]**	[0.074]**	[0.272]**	[0.230]***
% foreign	71.638	11.124	2.013	5.130	2.951	3.204	13.894	17.006
	[12.454]***	[2.869]***	[1.816]	[1.721]**	[2.559]	[0.850]***	[3.864]***	[3.134]***
business	10.826	0.942	0.321	0.540	0.500	0.345	0.938	2.722
	[3.720]**	[0.886]	[0.885]	[0.391]	[0.915]	[0.266]	[1.120]	[1.189]*
patrol	1.031	0.288	0.137	0.067	0.235	0.047	0.076	0.148
	[0.509]*	[0.083]***	[0.072]+	[0.067]	[0.143]+	[0.028]+	[0.105]	[0.090]
_cons	25.479	9.701	1.638	2.023	4.245	1.476	4.821	4.548
	[8.831]**	[2.584]***	[1.422]	[1.322]	[1.440]**	[0.658]*	[2.368]*	[2.355]+
R^2	0.69	0.37	0.50	0.17	0.13	0.32	0.38	0.42
N	969	877	908	632	519	790	874	876

+ $p<0.1$; * $p<0.05$; ** $p<0.01$; *** $p<0.001$

Appendix 5. Terry Stops by Suspected Crime Controlling for Crime Conditions in Prior Month and Sector Characteristics

	All Stops	Violent	Property	Drug	Weapon	Trespassing	Disturbance	Suspicious
Lag crime	0.061	0.044	0.025	0.370	0.090	0.117	0.157	0.040
	[0.020]**	[0.025]+	[0.030]	[0.105]***	[0.051]+	[0.044]**	[0.036]***	[0.044]
% black	−6.587	−4.173	−4.155	−12.032	−2.608	−13.511	−7.573	−5.967
	[0.637]***	[1.127]***	[0.959]***	[2.752]***	[1.757]	[1.981]***	[1.135]***	[1.281]***
% hispanic	2.310	2.140	3.980	−0.230	−3.145	5.950	−0.657	1.079
	[1.232]+	[1.934]	[1.538]**	[4.431]	[3.649]	[2.873]*	[2.252]	[1.770]
% asian	0.056	−0.202	3.164	−11.572	−3.056	3.341	−1.694	−3.591
	[0.758]	[1.438]	[1.400]*	[3.569]**	[2.247]	[2.016]+	[1.464]	[1.642]*
% other	−21.741	−20.810	−13.457	−32.390	−15.965	−5.227	−31.242	−21.308
	[2.839]***	[4.193]***	[4.394]**	[10.952]**	[7.221]*	[7.142]	[4.690]***	[4.900]***
Per capita	−1.031	−1.100	−0.449	−2.471	−1.110	−0.676	−1.586	−0.935
	[0.148]***	[0.286]***	[0.227]*	[0.664]***	[0.430]**	[0.458]	[0.255]***	[0.292]**
% foreign	2.512	1.825	−2.356	13.197	3.666	3.815	3.536	5.656
	[1.003]*	[2.248]	[2.087]	[4.704]**	[3.282]	[2.997]	[2.076]+	[2.253]*
business	−0.605	−0.639	0.039	−2.418	−1.272	−0.342	−1.299	−0.865
	[0.173]***	[0.306]*	[0.261]	[0.723]***	[0.476]**	[0.522]	[0.299]***	[0.346]*
patrol	−0.051	−0.071	0.004	−0.361	0.157	−0.246	−0.088	0.027
	[0.031]	[0.063]	[0.052]	[0.146]*	[0.099]	[0.097]*	[0.064]	[0.059]
_cons	16.622	15.525	7.560	31.594	12.800	9.497	21.888	13.157
	[1.964]***	[3.777]***	[3.051]*	[8.819]***	[5.750]*	[6.129]	[3.353]***	[3.861]***
N	323	323	323	323	323	323	323	323

+ $p<0.1$; * $p<0.05$; ** $p<0.01$; *** $p<0.001$

Appendix 6. Comparison of Random Effects and Random Intercept (Empty) Models from Table 6

	All Stops Random Effects	All Stops Random Intercept	Violent Random Effects	Violent Random Intercept	Property Random Effects	Property Random Intercept
Race Indicators						
Black	0.618	0.618	1.217	1.219	0.660	0.660
	[0.026]***	[0.025]***	[0.094]*	[0.094]*	[0.047]***	[0.047]***
Hispanic	0.090	0.090	0.157	0.157	0.085	0.085
	[0.005]***	[0.005]***	[0.020]***	[0.020]***	[0.011]***	[0.011]***
Asian	0.063	0.063	0.091	0.091	0.067	0.067
	[0.004]***	[0.004]***	[0.014]***	[0.014]***	[0.010]***	[0.010]***
Other	0.137	0.137	0.206	0.205	0.137	0.136
	[0.007]***	[0.007]***	[0.024]***	[0.024]***	[0.015]***	[0.015]***
Time-variant characteristics						
Lag crime	1.055	1.054	1.064	1.063	1.001	1.001
	[0.012]***	[0.012]***	[0.028]*	[0.028]*	[0.000]*	[0.000]*
Patrol	1.056	1.004	1.031	1.024	0.988	1.006
	[0.032]+	[0.035]	[0.053]	[0.063]	[0.044]	[0.053]
Beat-level characteristics						
Beat (_const)	0.180	0.223	0.100	0.240	0.124	0.136
	[0.027]***	[0.046]***	[0.029]***	[0.064]***	[0.042]**	[0.039]***
% white	0.394		0.568		1.156	
	[0.080]***	--	[0.221]*	--	[1.667]	--
Per capita	0.416		1.438		1.976	
	[0.088]***	--	[0.545]**	--	[2.961]	--
Population	0.583		2.320		3.732	
	[0.121]***	--	[0.867]**	--	[5.377]	--
Business dist.	0.106		0.237		0.087	
	[0.036]**	--	[0.177]	--	[0.106]	--
N	4,829	4,829	4,829	4,829	4,829	4,829

+ $p<0.1$; * $p<0.05$; ** $p<0.01$; *** $p<0.001$

Appendix 7. On view *Terry* stops by race and suspected crime controlling for crime conditions in prior month and beat characteristics (Incidence Rate Ratios)

	All Stops	Violent	Property	Drug	Weapons	Trespass	Disturbance	Suspicious
Race Indicators								
Black	0.584	2.119	0.618	0.786	1.948	0.314	0.685	0.479
	[0.036]***	[0.500]**	[0.091]**	[0.242]	[0.884]	[0.101]***	[0.132]*	[0.050]***
Hispanic	0.091	0.214	0.051	0.162	0.506	0.034	0.190	0.065
	[0.008]***	[0.085]***	[0.017]***	[0.073]***	[0.293]	[0.026]***	[0.049]***	[0.012]***
Asian	0.069	0.096	0.101	0.063	0.084	0.036	0.077	0.061
	[0.007]***	[0.052]***	[0.026]***	[0.041]***	[0.091]*	[0.027]***	[0.027]***	[0.011]***
Other	0.145	0.000	0.139	0.104	0.625	0.249	0.214	0.111
	[0.011]***	[0.000]	[0.031]***	[0.055]***	[0.347]	[0.086]***	[0.053]***	[0.017]***
Time-variant characteristics								
Lag crime	1.023	1.231	1.002	1.516	1.153	1.234	1.169	0.984
	[0.018]	[0.114]*	[0.047]	[0.171]***	[0.166]	[0.134]+	[0.081]*	[0.039]
Patrol	1.129	1.459	1.183	0.926	1.237	0.973	1.180	1.317
	[0.062]*	[0.207]**	[0.112]+	[0.242]	[0.300]	[0.182]	[0.174]	[0.113]**
Beat-level characteristics								
Beat (_const)	0.648	0.302	0.298	2.164	0.776	0.738	1.214	0.594
	[0.129]***	[0.197]	[0.111]**	[0.945]*	[0.517]	[0.323]*	[0.376]**	[0.146]***
N	4,829	4,829	4,829	4,829	4,829	4,829	4,829	4,829

+ *p*<0.1; * *p*<0.05; ** *p*<0.01; *** *p*<0.001

Appendix 8. On View Terry Stops by Suspected Crime Controlling for Crime Conditions in Prior Month and Sector Characteristics.

	All Stops	Violent	Property	Drug	Weapon	Trespassing	Disturbance	Suspicious
Lag crime	0.060	0.216	0.032	0.485	0.143	0.199	0.140	0.020
	[0.022]**	[0.096]*	[0.056]	[0.109]***	[0.156]	[0.122]	[0.074]+	[0.054]
% black	−3.781	−2.226	−0.712	−7.520	5.612	−8.507	−5.081	−3.684
	[0.542]***	[1.717]	[1.065]	[3.055]*	[2.341]*	[2.438]***	[1.515]***	[0.837]***
% hispanic	−0.914	4.299	−0.790	−3.006	5.026	−3.149	4.533	−2.896
	[1.328]	[2.755]	[2.311]	[5.730]	[3.738]	[4.464]	[3.813]	[1.915]
% asian	−1.105	0.368	1.308	−7.485	3.275	−4.523	−1.966	−2.873
	[0.728]	[1.800]	[1.320]	[3.700]*	[3.196]	[2.560]+	[1.541]	[1.222]*
% other	7.438	2.064	3.688	1.923	21.734	33.261	−9.722	14.911
	[3.864]+	[12.005]	[6.906]	[14.547]	[18.404]	[15.027]*	[8.957]	[5.728]**
Per capita	−0.619	−0.687	−0.263	−0.950	−1.246	−0.374	−0.938	−0.428
	[0.069]***	[0.182]***	[0.131]*	[0.280]***	[0.358]***	[0.253]	[0.167]***	[0.109]***
% foreign	1.990	−1.983	−1.653	15.045	−16.560	6.998	1.714	3.631
	[1.105]+	[3.031]	[2.049]	[6.592]*	[6.142]**	[4.197]+	[2.502]	[1.878]+
business	−0.178	0.118	0.061	−0.192	−0.551	−0.509	0.034	−0.154
	[0.143]	[0.341]	[0.256]	[0.447]	[0.745]	[0.503]	[0.327]	[0.203]
patrol	−0.027	0.174	0.034	−0.668	−0.084	−0.246	−0.132	0.044
	[0.041]	[0.133]	[0.092]	[0.218]**	[0.230]	[0.196]	[0.146]	[0.066]
_cons	8.256	3.918	1.905	10.984	12.454	2.005	10.542	4.149
	[0.988]***	[2.992]	[2.078]	[4.421]*	[5.588]*	[4.192]	[2.484]***	[1.628]*
N	781	781	781	781	781	781	781	781

+ $p<0.1$; * $p<0.05$; ** $p<0.01$; *** $p<0.001$

Appendix 9. Estimating the propensity of minority status (Non-white/Black subjects)

	Non-white	Odds Ratio	Black	Odds Ratio
Age	−0.137 [0.017]***	0.87	−0.135 [0.019]***	0.87
Male	0.319 [0.049]***	1.38	0.387 [0.057]***	1.47
Subject known	0.167 [0.063]**	1.18	0.208 [0.072]**	1.23
Subject described	0.321 [0.051]***	1.38	0.470 [0.059]***	1.60
On view	0.025 [0.054]	1.02	0.006 [0.062]	1.01
White officer	−0.132 [0.052]*	0.88	−0.093 [0.060]	0.91
Time of day	−0.020 [0.042]	0.98	0.006 [0.048]	1.01
N	11,577		9,797	

Results from logistic regression with standard errors in parentheses. Beat and month fixed effects omitted for space purposes.
+ $p<0.1$; * $p<0.05$; ** $p<0.01$; *** $p<0.001$

Appendix 10: Effect of minority status (White vs. Non−white) on post−stop outcomes. Full results.

	Duration of Seizure	Seizure 20+ Minutes	Subject Frisked	Force Used	Receipt Issued	Arrest
Minority	0.014	0.008	0.039	0.003	0.003	0.027
	[0.019]	[0.006]	[0.008]***	[0.003]	[0.010]	[0.008]***
Age	−0.050	−0.012	−0.011	−0.001	−0.007	−0.009
	[0.007]***	[0.003]***	[0.003]***	[0.001]	[0.004]+	[0.003]**
Male	−0.070	−0.012	0.116	0.007	−0.026	0.013
	[0.021]***	[0.007]+	[0.008]***	[0.003]*	[0.011]*	[0.009]
Known	−0.052	−0.006	0.015	−0.003	−0.041	0.056
	[0.027]+	[0.009]	[0.011]	[0.004]	[0.014]**	[0.013]***
Described	−0.039	−0.003	0.073	0.004	0.029	0.062
	[0.023]+	[0.008]	[0.009]***	[0.004]	[0.011]*	[0.009]***
On view	−0.291	−0.048	−0.078	−0.002	−0.052	−0.028
	[0.024]***	[0.008]***	[0.010]***	[0.004]	[0.012]***	[0.010]**
White officer	0.093	0.009	0.032	0.004	0.075	0.051
	[0.023]***	[0.007]	[0.009]***	[0.004]	[0.011]***	[0.010]***
Time of day	0.087	0.020	0.047	0.010	−0.027	0.026
	[0.018]***	[0.006]***	[0.008]***	[0.003]**	[0.009]**	[0.008]**
_cons	2.519	0.164	0.118	1.022	0.433	0.085
	[0.059]***	[0.020]***	[0.024]***	[0.010]***	[0.030]***	[0.026]**
R^2	0.05	0.02	0.09	0.01	0.04	0.04
N	11,524	11,524	11,577	11,455	11,577	11,487

+ $p<0.1$; * $p<0.05$; ** $p<0.01$; *** $p<0.001$

Notes: Coefficients are from linear fixed−effect estimation; Beat and month fixed effects omitted for space purposes;

Appendix 11: Effect of minority status (White vs. Black) on post−stop outcomes. Full results.

	Duration of Seizure	Seizure 20+ Minutes	Subject Frisked	Force Used	Receipt Issued	Arrest
Minority	0.010	0.013	0.037	0.007	0.005	0.027
	[0.021]	[0.007]+	[0.009]***	[0.004]+	[0.011]	[0.010]**
Age	−0.050	−0.012	−0.011	−0.000	−0.011	−0.007
	[0.008]***	[0.003]***	[0.003]***	[0.001]	[0.004]*	[0.003]*
Male	−0.075	−0.012	0.114	0.006	−0.022	0.006
	[0.023]**	[0.008]	[0.008]***	[0.004]+	[0.012]+	[0.010]
Known	−0.056	−0.000	0.016	−0.003	−0.038	0.060
	[0.030]+	[0.010]	[0.013]	[0.005]	[0.015]*	[0.014]***
Described	−0.019	0.000	0.072	0.002	0.024	0.057
	[0.025]	[0.009]	[0.010]***	[0.004]	[0.012]*	[0.010]***
On view	−0.289	−0.048	−0.080	−0.004	−0.055	−0.029
	[0.026]***	[0.009]***	[0.010]***	[0.004]	[0.013]***	[0.010]**
White officer	0.084	0.011	0.033	0.004	0.085	0.047
	[0.025]***	[0.008]	[0.010]***	[0.004]	[0.013]***	[0.011]***
Time of day	0.103	0.021	0.048	0.010	−0.032	0.026
	[0.020]***	[0.007]**	[0.008]***	[0.004]**	[0.010]**	[0.009]**
_cons	2.509	0.146	0.111	1.021	0.431	0.089
	[0.064]***	[0.021]***	[0.026]***	[0.011]***	[0.032]***	[0.028]**
R^2	0.05	0.02	0.10	0.01	0.04	0.04
N	9,756	9,756	9,797	9,690	9,797	9,719

+ $p<0.1$; * $p<0.05$; ** $p<0.01$; *** $p<0.001$

Notes: Coefficients are from linear fixed−effect estimation; Beat and month fixed effects omitted for space purposes.

Appendix 12: Coding scheme for *Stop Reason* variable

The following table describes the coding scheme used to categorize the various 'case type' codes used by SPD officers to describe and justify a *Terry* stop. The eight *Stop Reason* categories are listed in italics, beneath which are the 'case types' included in each category. The original case type code is listed in the right column, while the label used to describe each case type is listed in the left column. Source: Seattle Police Department.

Stop Reason category	Original SPD code (per cc_casetype)
Violent crime	
Assaults, other	40
DV/Assault (arrest mandatory)	83
Homicide	10
Rape - Unknown suspect (stranger)	20
Rape - Known suspect (acquaintance)	21
Armed robbery	30
Robbery strong arm, purse snatch, etc.	31
Kidnap	110
Property crime	
Reckless burning	92
Arson	91
Auto theft	71
Auto theft & recovery	72
Auto recovery (theft)	73
License plate theft or loss	74
Residential burglary, unoccupied	50
Residential burglary, occupied	51
Nonresidential/commercial (includes schools, churches, public bldgs.)	52
Unoccupied structure on residential property (garage, storage area, etc.)	53
Property destruction	130
Parking violation graffiti (including gang)	139
Theft auto accessories	61
Theft bicycle	62
Theft car prowl	63
Theft shoplift	64
Theft all other	65
Drug-related	
Drug related casualty (overdose, other)	185
Narcotics report	181
Narcotics warrant service	182

Found, recovered narcotics	183
Narcotics other	184
Drug traffic loitering	186
Marijuana public use (not dispensary)	188

Weapon

Firearm involved	43
Drive by shooting (no injuries)	179
Person with gun	291
Person with other Weapon	292

Trespass

Trespass	161
Trespass - parks exclusion	162

Disturbance/Nuisance

Disturbance (misc, other)	36
Disturbance (DV, no assault)	37
Disturbance (IP/JO, DV disturbance, no assault)	38
Fight (verbal/oral, no weapons)	46
Fight (JO, no weapons)	47
Fight (IP, no weapons)	48
Nuisance	82
Fight	242
Juvenile disturbance	243
Noise disturbance	244
Other disturbance	245
Residential noise disturbance	246
Mischief or nuisance	250

Suspicious Person/Activity

Suspicious person	280
Suspicious vehicle	281
Suspicious building (open door, etc.)	282

Other

Gang related	49
Gang related disturbance	249
Liquor violation by minor	174
Liquor violation by adult	176

Intoxicated person	177
Reckless endangerment, littering, park code violation	170
Parks exclusion	171
Gambling	121
Liquor (Biz Establishment)	122
Pornography	124
Prostitution	125
Other	126
Violation of Soap Order	127
Animal injured, dead, dangerous	260
Animal noise, stray, bite	261
Harassment, threats	41
By telephone, writing	42
Alarm commercial (banks, ATM, schools, business)	200
Alarm residential burglary	201
Alarm commercial robbery (bank, panic, duress)	202
Alarm residential panic or duress	203
Vehicle alarms	204
Alarm-other (varda, pdt, fire, local, metro etc.)	205
Traffic – abandoned	410
Blocking traffic	415
Motor vehicle collision	430
Assist motorist	440
DUI	450
Moving violation	460
Pedestrian violation	465
Traffic (except abandoned car)	470
Traffic control (special events)	481
Refuse to stop (pursuit)	482
Lewd conduct	141
Molesting	142
Failure to register (sex offender)	143
Commercial sex exploitation of minors (CSEC)	610
Foreign labor trafficking	615
Foreign sex trafficking	619

Domestic sex trafficking	617
Domestic labor trafficking	613
Harbor debris, navigational hazards	341
Water emergencies	342
Assist boater (non-emergency)	343
Harbor code violation	344
Boat accident	345
Marine fire	346
Vessel, theft	320
Vessel, abandoned	321
Vessel, recovery (theft)	322
Vessel, theft & recovery	323
Boating under the influence	347
DV threats by phone or writing	80
DV arguments, dist. (no arrest)	81
DV (arrest discretionary)	82
DV standby to assure peace	84
Child (Abandoned, Abused or Neglected)	150
Child endangerment	151
Harboring a minor	152
Found person	361
Lost person	362
Missing person	363
Runaway	364
Person A.W.O.L.	365
Person TRUANCY	366
Missing property	371
Found property	372
Found property (non SPD GO#)	373
Bombs, explosion, large fireworks	90
Non-drug related casualty	330
Crowd management (stand by only)	380
Demonstration management (control tactics used)	381
Service of court order	85
Assist victim by court order	86
Enforce court order (arrest mand.)	87

Fraud (including identity theft)	100
Forgery, bad checks	101
Hazards	350
Help the officer (emergency)	510
Assist the officer (non-emergency)	520
Custodial interference	111
Crisis complaint	220
Pick-up or transport	221

Appendix 13: Coding scheme for the crime report variables

The following table describes the coding scheme used to categorize the various codes used by SPD officers to describe various criminal offenses. The eight crime categories are listed in italics, beneath which are descriptions of the crimes included within each category, along with their associated 'GO offense' code, number, and extension. Source: Seattle Police Department.

Category (crime description)	GO offense code	GO offense number	Go offense extension
Violent			
HOMICIDE-PREMEDITATED-GUN	911	1	0
HOMICIDE-PREMEDITATED-WEAPON	912	1	0
HOMICIDE-JUST-GUN	999	1	1
HOMICIDE-PREMEDITATED-BODYFORC	999	1	6
HOMICIDE-JUST-WEAPON	999	1	3
KIDNAP-MINOR-FOR-SEX-ASSAULT	1003	2	0
KIDNAP-MINOR-FOR-SEX-ASSAULT	1003	1	0
KIDNAP-ADULT-FOR-SEX-ASSAULT	1004	1	0
KIDNAP-ADULT-FOR-SEX-ASSAULT	1004	2	0
KIDNAP-ADULT-FOR-SEX-ASSAULT	1004	3	0
KIDNAP-MINOR	1005	2	0
KIDNAP-MINOR	1005	1	0
KIDNAP-MINOR	1005	3	0
KIDNAP-MINOR	1005	4	0
KIDNAP-ADULT	1006	2	0
KIDNAP-ADULT	1006	1	0
KIDNAP-ADULT	1006	3	0
KIDNAP-ADULT	1006	4	0
RAPE-GUN	1101	1	0
RAPE-WEAPON	1102	1	0
RAPE-STRONGARM	1103	1	0
ROBBERY-BUSINESS-GUN	1201	1	2
ROBBERY-BUSINESS-WEAPON	1202	1	2
ROBBERY-BUSINESS-BODYFORCE	1203	1	3
ROBBERY-BUSINESS-BODYFORCE	1203	2	3
ROBBERY-STREET-GUN	1204	1	0
ROBBERY-STREET-WEAPON	1205	1	0
ROBBERY-STREET-WEAPON	1205	2	0
ROBBERY-STREET-BODYFORCE	1206	1	0
ROBBERY-STREET-BODYFORCE	1206	2	0
ROBBERY-RESIDENCE-GUN	1207	1	0

ROBBERY-RESIDENCE-WEAPON	1208	1	0
ROBBERY-RESIDENCE-BODYFORCE	1209	1	0
ROBBERY-RESIDENCE-BODYFORCE	1209	2	0
ROBBERY-BANK-GUN	1211	1	0
ROBBERY-BANK-BODYFORCE	1211	1	2
ROBBERY-BANK-WEAPON	1211	1	1
ASSLT-AGG-DV-GUN	1301	1	0
ASSLT-AGG-DV-GUN	1301	2	0
ASSLT-AGG-DV-WEAPON	1302	1	0
ASSLT-AGG-DV-WEAPON	1302	2	0
ASSLT-AGG-DV-BODYFORCE	1303	1	1
ASSLT-AGG-CHILD-BODYFORCE	1303	1	2
ASSLT-AGG-DV-BODYFORCE	1303	2	1
ASSLT-AGG-CHILD-BODYFORCE	1303	2	2
ASSLT-AGG-GUN	1304	1	0
ASSLT-AGG-GUN	1304	2	0
ASSLT-AGG-WEAPON	1305	1	0
ASSLT-AGG-WEAPON	1305	2	0
ASSLT-AGG-BODYFORCE	1306	1	0
ASSLT-AGG-BODYFORCE	1306	2	0
ASSLT-AGG-POLICE-GUN	1310	1	0
ASSLT-AGG-POLICE-GUN	1310	2	0
ASSLT-AGG-POLICE-WEAPON	1311	1	0
ASSLT-AGG-POLICE-WEAPON	1311	2	0
ASSLT-AGG-POLICE-BODYFORCE	1312	1	0
ASSLT-AGG-POLICE-BODYFORCE	1312	2	0
ASSLT-NONAGG-DV	1313	1	1
ASSLT-NONAGG	1313	1	0
ASSLT-NONAGG	1313	2	0
ASSLT-NONAGG-POLICE	1313	1	2
ASSLT-NONAGG	1313	3	0
ASSLT-NONAGG-POLICE	1313	2	2
ASSLT-NONAGG-DV	1313	2	1
ASSLT-NONAGG-POLICE	1313	3	2
ASSLT-NONAGG	1313	4	0
ASSLT-NONAGG-DV	1313	3	1
COLLISION - VEHICULAR HOMICIDE	X	1	77
COLLISION - VEHICULAR HOMICIDE	X	2	77

COLLISION - VEHICULAR ASSAULT	X	2	78
COLLISION - VEHICULAR ASSAULT	X	3	78
COLLISION - VEHICULAR ASSAULT	X	1	78

Property

ARSON-BUSINESS	2005	1	0
ARSON-BUSINESS	2005	2	0
ARSON-RESIDENCE	2006	2	0
ARSON-RESIDENCE	2006	1	0
ARSON-RESIDENCE	2006	3	0
ARSON-OTHER	2099	1	1
ARSON-VEHICLE	2099	1	2
ARSON-OTHER	2099	2	1
ARSON-VEHICLE	2099	2	2
BURGLARY-FORCE-RES	2202	1	0
BURGLARY-FORCE-RES	2202	2	0
BURGLARY-FORCE-NONRES	2203	1	0
BURGLARY-FORCE-NONRES	2203	2	0
BURGLARY-NOFORCE-RES	2204	1	0
BURGLARY-NOFORCE-RES	2204	2	0
BURGLARY-NOFORCE-NONRES	2205	1	0
BURGLARY-NOFORCE-NONRES	2205	2	0
BURGLARY-SECURE PARKING-NONRES	2299	1	1
BURGLARY-SECURE PARKING-RES	2299	1	2
BURGLARY-SECURE PARKING-RES	2299	2	2
THEFT-PKPOCKET	2301	1	0
THEFT-PRSNATCH	2302	1	0
THEFT-PRSNATCH	2302	2	0
THEFT-SHOPLIFT	2303	1	0
THEFT-SHOPLIFT	2303	2	0
THEFT-SHOPLIFT	2303	3	0
THEFT-AUTOACC	2304	1	1
THEFT-LICENSE PLATE	2304	1	2
THEFT-AUTO PARTS	2304	1	3
THEFT-LICENSE PLATE	2304	2	2
THEFT-AUTO PARTS	2304	2	3
THEFT-AUTOACC	2304	2	1
THEFT-CARPROWL	2305	1	0

THEFT-CARPROWL	2305	2	0
THEFT-COINOP	2307	1	0
THEFT-BUILDING	2308	1	0
THEFT-BUILDING	2308	2	0
THEFT-BUILDING	2308	3	0
THEFT-MAIL	2316	1	0
THEFT-MAIL	2316	2	0
THEFT-OTH	2399	1	3
THEFT-BICYCLE	2399	1	1
THEFT-OTH	2399	3	3
THEFT-OTH	2399	2	3
THEFT-BOAT	2399	1	2
THEFT-BICYCLE	2399	2	1
THEFT-BOAT	2399	2	2
VEH-THEFT-AUTO	2404	1	1
VEH-THEFT-MTRCYCLE	2404	1	4
VEH-THEFT-AUTO	2404	3	1
VEH-THEFT-TRUCK	2404	1	8
VEH-THEFT-TRUCK	2404	2	8
VEH-THEFT-AUTO	2404	2	1
VEH-THEFT-MTRCYCLE	2404	2	4
VEH-THEFT-TRUCK	2404	3	8
VEH-THEFT-TRAILER	2404	1	7
VEH-THEFT-TRAILER	2404	2	7
VEH-THEFT-OTHVEH	2404	1	5
VEH-THEFT-HVYEQUIP	2404	1	3
VEH-THEFT-RECREATION VEH	2404	1	6
VEH-THEFT-MTRCYCLE	2404	3	4
VEH-THEFT-HVYEQUIP	2404	2	3
VEH-THEFT-RECREATION VEH	2404	2	6
PROPERTY STOLEN-SELL	2801	1	0
PROPERTY STOLEN-SELL	2801	2	0
PROPERTY STOLEN-TRAFFICKING	2802	2	0
PROPERTY STOLEN-TRAFFICKING	2802	1	0
PROPERTY STOLEN-TRAFFICKING	2802	3	0
PROPERTY STOLEN-RECEIVE	2803	1	0
PROPERTY STOLEN-POSSESS	2804	3	0
PROPERTY STOLEN-POSSESS	2804	1	0

PROPERTY STOLEN-POSSESS	2804	2	0
PROPERTY STOLEN-POSSESS	2804	4	0
PROPERTY DAMAGE-RESIDENTIAL	2902	1	0
PROPERTY DAMAGE-RESIDENTIAL	2902	2	0
PROPERTY DAMAGE-RESIDENTIAL	2902	4	0
PROPERTY DAMAGE-RESIDENTIAL	2902	3	0
PROPERTY DAMAGE-NON RESIDENTIA	2903	2	0
PROPERTY DAMAGE-NON RESIDENTIA	2903	3	0
PROPERTY DAMAGE-NON RESIDENTIA	2903	1	0
PROPERTY DAMAGE-NON RESIDENTIA	2903	5	0
PROPERTY DAMAGE-NON RESIDENTIA	2903	4	0
PROPERTY DAMAGE - GRAFFITI	2999	1	0
PROPERTY DAMAGE - GRAFFITI	2999	2	0
PROPERTY DAMAGE - GRAFFITI	2999	3	0
PROPERTY DAMAGE - GRAFFITI	2999	4	0
PROP RECOVERED-OTHER AGENCY	X	1	46
PROP RECOVERED-OTHER AGENCY	X	2	46
PROP RECOVERED-OTHER AGENCY	X	3	46
PROP RECOVERED-OTHER AGENCY	X	4	46
PROP RECOVERED-OTHER AGENCY	X	7	46
PROP RECOVERED-OTHER AGENCY	X	5	46
PROP RECOVERED-OTHER AGENCY	X	6	46
PROPERTY FOUND	X	1	47
PROPERTY FOUND	X	2	47
PROPERTY FOUND	X	4	47
PROPERTY FOUND	X	3	47
PROPERTY FOUND	X	5	47
PROPERTY FOUND	X	9	47
PROPERTY FOUND	X	6	47
PROPERTY LOST	X	2	48
PROPERTY LOST	X	1	48
PROPERTY LOST - POLICE EQUIPME	X	1	49
RECKLESS BURNING	X	1	51
RECKLESS BURNING	X	2	51
RECKLESS BURNING	X	3	51
RECKLESS BURNING	X	4	51
RETAIL THEFT PROGRAM - ROUTE	X	2	52
RETAIL THEFT PROGRAM - ROUTE	X	3	52

RETAIL THEFT PROGRAM - ROUTE	X	4	52
RETAIL THEFT PROGRAM - ROUTE	X	5	52
RETAIL THEFT PROGRAM - ROUTE	X	8	52
RETAIL THEFT PROGRAM - ROUTE	X	1	52
RETAIL THEFT PROGRAM - ROUTE	X	6	52
VEH-RCVD-FOR OTHER AGENCY	X	1	69
VEH-RCVD-FOR OTHER AGENCY	X	4	69
VEH-RCVD-FOR OTHER AGENCY	X	2	69
VEH-RCVD-FOR OTHER AGENCY	X	3	69
VEH-RCVD-FOR OTHER AGENCY	X	5	69
VEH-RCVD-FOR OTHER AGENCY	X	8	69
VEH-RCVD-FOR OTHER AGENCY	X	6	69
ARSON-BOMB-ROUTE	X	1	88
ARSON-BOMB-ROUTE	X	3	88
ARSON-BOMB-ROUTE	X	2	88

Drug

NARC-MANUFACTURE-HALLUCINOGEN	3501	1	0
NARC-DISTRIBUTE-HALLUCINOGEN	3502	3	0
NARC-DISTRIBUTE-HALLUCINOGEN	3502	1	0
NARC-DISTRIBUTE-HALLUCINOGEN	3502	2	0
NARC-SELL-HALLUCINOGEN	3503	2	0
NARC-SELL-HALLUCINOGEN	3503	4	0
NARC-SELL-HALLUCINOGEN	3503	1	0
NARC-POSSESS-HALLUCINOGEN	3504	1	0
NARC-POSSESS-HALLUCINOGEN	3504	2	0
NARC-POSSESS-HALLUCINOGEN	3504	3	0
NARC-POSSESS-HALLUCINOGEN	3504	4	0
NARC-SELL-HEROIN	3510	1	0
NARC-SELL-HEROIN	3510	3	0
NARC-SELL-HEROIN	3510	2	0
NARC-SELL-HEROIN	3510	5	0
NARC-SELL-HEROIN	3510	4	0
NARC-SMUGGLE-HEROIN	3511	2	0
NARC-POSSESS-HEROIN	3512	2	0
NARC-POSSESS-HEROIN	3512	1	0
NARC-POSSESS-HEROIN	3512	3	0
NARC-POSSESS-HEROIN	3512	4	0

NARC-POSSESS-HEROIN	3512	5	0
NARC-POSSESS-OPIUM	3522	1	0
NARC-POSSESS-OPIUM	3522	2	0
NARC-SELL-COCAINE	3530	1	0
NARC-SELL-COCAINE	3530	2	0
NARC-SELL-COCAINE	3530	3	0
NARC-SELL-COCAINE	3530	5	0
NARC-POSSESS-COCAINE	3532	5	0
NARC-POSSESS-COCAINE	3532	1	0
NARC-POSSESS-COCAINE	3532	2	0
NARC-POSSESS-COCAINE	3532	3	0
NARC-POSSESS-COCAINE	3532	4	0
NARC-SELL-METH	3540	3	1
NARC-SELL-METH	3540	1	1
NARC-SELL-METH	3540	2	1
NARC-SELL-SYNTHETIC	3540	1	2
NARC-SMUGGLE-METH	3541	1	1
NARC-SMUGGLE-METH	3541	2	1
NARC-POSSESS-METH	3542	2	1
NARC-POSSESS-METH	3542	3	1
NARC-POSSESS-METH	3542	1	1
NARC-POSSESS-METH	3542	4	1
NARC-POSSESS-SYNTHETIC	3542	3	2
NARC-POSSESS-SYNTHETIC	3542	1	2
NARC-POSSESS-SYNTHETIC	3542	4	2
NARC-POSSESS-METH	3542	5	1
NARC-EQUIPMENT/PARAPHENALIA	3550	3	0
NARC-EQUIPMENT/PARAPHENALIA	3550	4	0
NARC-EQUIPMENT/PARAPHENALIA	3550	5	0
NARC-EQUIPMENT/PARAPHENALIA	3550	1	0
NARC-EQUIPMENT/PARAPHENALIA	3550	2	0
NARC-EQUIPMENT/PARAPHENALIA	3550	6	0
NARC-SELL-MARIJU	3560	2	0
NARC-SELL-MARIJU	3560	1	0
NARC-SELL-MARIJU	3560	3	0
NARC-SMUGGLE-MARIJU	3561	1	0
NARC-POSSESS-MARIJU	3562	3	0
NARC-POSSESS-MARIJU	3562	2	0

NARC-POSSESS-MARIJU	3562	1	0
NARC-POSSESS-MARIJU	3562	4	0
NARC-PRODUCE-MARIJU	3563	1	0
NARC-PRODUCE-MARIJU	3563	3	0
NARC-PRODUCE-MARIJU	3563	2	0
NARC-SELL-AMPHETAMINE	3571	1	0
NARC-SELL-AMPHETAMINE	3571	3	0
NARC-SELL-AMPHETAMINE	3571	4	0
NARC-SELL-AMPHETAMINE	3571	2	0
NARC-POSSESS-AMPHETAMINE	3572	2	0
NARC-POSSESS-AMPHETAMINE	3572	4	0
NARC-POSSESS-AMPHETAMINE	3572	1	0
NARC-POSSESS-AMPHETAMINE	3572	3	0
NARC-SELL-BARBITUATE	3581	6	0
NARC-SELL-BARBITUATE	3581	1	0
NARC-POSSESS-BARBITUATE	3582	1	0
NARC-POSSESS-PILL/TABLET	3599	2	5
NARC-POSSESS-PILL/TABLET	3599	3	5
NARC-POSSESS-PRESCRIPTION	3599	3	7
NARC-POSSESS-PRESCRIPTION	3599	2	7
NARC-POSSESS-PILL/TABLET	3599	1	5
NARC-POSSESS-OTHER	3599	5	2
NARC-POSSESS-PILL/TABLET	3599	4	5
NARC-POSSESS-PILL/TABLET	3599	5	5
NARC-SELL-PRESCRIPTION	3599	2	8
NARC-SELL-OTHER	3599	2	3
NARC-SELL-PILL/TABLET	3599	3	6
NARC-MANUFACTURE-OTHER	3599	1	1
NARC-POSSESS-OTHER	3599	3	2
NARC-SELL-OTHER	3599	1	3
NARC-POSSESS-OTHER	3599	1	2
NARC-POSSESS-OTHER	3599	2	2
NARC-SELL-PILL/TABLET	3599	4	6
NARC-SELL-PILL/TABLET	3599	2	6
NARC-SELL-PILL/TABLET	3599	5	6
NARC-SELL-PILL/TABLET	3599	1	6
NARC-MANUFACTURE-OTHER	3599	2	1
NARC-POSSESS-PRESCRIPTION	3599	4	7

NARC-SELL-OTHER	3599	6	3
NARC-POSSESS-OTHER	3599	4	2
NARC-POSSESS-PRESCRIPTION	3599	1	7
NARC-POSSESS-OTHER	3599	6	2
NARC-SELL-PRESCRIPTION	3599	1	8
NARC-FOUND-AMPHETAMINE	X	2	61
NARC-FOUND-AMPHETAMINE	X	3	61
NARC-FOUND-AMPHETAMINE	X	1	61
NARC-FOUND-AMPHETAMINE	X	4	61
NARC-FOUND-COCAINE	X	3	65
NARC-FOUND-COCAINE	X	5	65
NARC-FOUND-COCAINE	X	1	65
NARC-FOUND-COCAINE	X	4	65
NARC-FOUND-COCAINE	X	2	65
NARC-FOUND-HALLUCINOGEN	X	1	67
NARC-FOUND-HALLUCINOGEN	X	2	67
NARC-FOUND-HEROIN	X	4	68
NARC-FOUND-HEROIN	X	2	68
NARC-FOUND-HEROIN	X	1	68
NARC-FOUND-HEROIN	X	7	68
NARC-FOUND-HEROIN	X	3	68
NARC-FOUND-HEROIN	X	6	68
NARC-FOUND-MARIJU	X	2	70
NARC-FOUND-MARIJU	X	1	70
NARC-FOUND-MARIJU	X	3	70
NARC-FOUND-MARIJU	X	4	70
NARC-FOUND-METH	X	2	72
NARC-FOUND-METH	X	1	72
NARC-FOUND-METH	X	3	72
NARC-FOUND-METH	X	4	72
NARC-FOUND-OTHER	X	2	74
NARC-FOUND-OTHER	X	5	74
NARC-FOUND-OTHER	X	1	74
NARC-FOUND-OTHER	X	3	74
NARC-FOUND-OTHER	X	7	74
NARC-FOUND-PILL/TABLET	X	2	76
NARC-FOUND-PILL/TABLET	X	1	76
NARC-FOUND-PILL/TABLET	X	3	76

NARC-FOUND-PILL/TABLET	X	4	76
NARC-FOUND-PILL/TABLET	X	6	76
NARC-DRUG TRAFFIC LOITERING	X	1	89
NARC-DRUG TRAFFIC LOITERING	X	2	89
NARC-DRUG TRAFFIC LOITERING	X	4	89
NARC-DRUG TRAFFIC LOITERING	X	5	89
NARC-DRUG TRAFFIC LOITERING	X	3	89
OVERDOSE - NARC - OTHER	X	2	90
OVERDOSE - NARC - OTHER	X	1	90
OVERDOSE - NARC - OTHER	X	3	90
OVERDOSE - NARC - OTHER	X	4	90

Weapon

WEAPON-CONCEALED	5202	2	0
WEAPON-CONCEALED	5202	3	0
WEAPON-CONCEALED	5202	1	0
WEAPON-CONCEALED	5202	4	0
WEAPON-POSSESSION	5212	3	0
WEAPON-POSSESSION	5212	2	0
WEAPON-POSSESSION	5212	1	0
WEAPON-POSSESSION	5212	6	0
WEAPON-POSSESSION	5212	4	0
WEAPON-POSSESSION	5212	5	0
WEAPON-DISCHARGE	5213	1	0
WEAPON-DISCHARGE	5213	2	0
WEAPON-DISCHARGE	5213	3	0
THREATS-BOMB	5215	1	0
THREATS-BOMB	5215	2	0
WEAPON-UNLAWFUL USE	5299	1	0
WEAPON-UNLAWFUL USE	5299	2	0
WEAPON-UNLAWFUL USE	5299	3	0
WEAPON-UNLAWFUL USE	5299	4	0
WEAPON-UNLAWFUL USE	5299	5	0
WEAPON-UNLAWFUL USE	5299	6	0
GUN-FORFEIT/SURRENDER	X	1	25
GUN-FORFEIT-COURT ORDER	X	1	26
GUN-SURRENDER-DV	X	1	27
GUN-SURRENDER-DV	X	4	27

GUN-SURRENDER-DV	X	2	27
GUN-SURRENDER-DV	X	3	27
GUN-TURN IN-CIVIL	X	1	28
GUN-TURN IN-CIVIL	X	2	28
WEAPON-SURRENDER-EXCLUDING FIR	X	1	71
WEAPON-SURRENDER-EXCLUDING FIR	X	2	71

Trespass

TRESPASS	5707	1	0
TRESPASS	5707	3	0
TRESPASS	5707	2	0
TRESPASS	5707	4	0
TRESPASS	5707	5	0

Disturbance

DISPUTE-CIVIL PROPERTY (AUTO)	X	1	15
DISPUTE-CIVIL PROPERTY (AUTO)	X	2	15
DISPUTE-CIVIL PROPERTY (AUTO)	X	4	15
DISPUTE-CIVIL PROPERTY (AUTO)	X	3	15
DISPUTE-CIVIL PROPERTY (NON AU	X	1	16
DISPUTE-CIVIL PROPERTY (NON AU	X	2	16
DISPUTE-CIVIL PROPERTY (NON AU	X	3	16
DISPUTE-CIVIL PROPERTY (NON AU	X	6	16
DISPUTE-LANDLORD/TENANT	X	1	17
DISPUTE-LANDLORD/TENANT	X	2	17
DISPUTE-LANDLORD/TENANT	X	5	17
DISPUTE-LANDLORD/TENANT	X	3	17
DISPUTE-OTH	X	2	18
DISPUTE-OTH	X	1	18
DISPUTE-OTH	X	3	18
DISPUTE-OTH	X	4	18
DISTURBANCE-FAMILY	X	1	19
DISTURBANCE-FAMILY	X	2	19
DISTURBANCE-FAMILY	X	5	19
DISTURBANCE-FAMILY	X	3	19
DISTURBANCE-FAMILY	X	4	19
DISTURBANCE-FAMILY	X	6	19
DISTURBANCE-NOISE	X	1	20
DISTURBANCE-NOISE	X	2	20

DISTURBANCE-NOISE	X	3	20
DISTURBANCE-NOISE	X	4	20
DISTURBANCE-OTH	X	2	21
DISTURBANCE-OTH	X	1	21
DISTURBANCE-OTH	X	3	21
DISTURBANCE-OTH	X	4	21
DISTURBANCE-OTH	X	6	21
DISTURBANCE-OTH	X	5	21

Suspicion

SUSPICIOUS CIRCUMSTANCE	7399	1	0
SUSPICIOUS CIRCUMSTANCE	7399	2	0
SUSPICIOUS CIRCUMSTANCE	7399	9	0
SUSPICIOUS CIRCUMSTANCE	7399	3	0
SUSPICIOUS CIRCUMSTANCE	7399	6	0
SUSPICIOUS CIRCUMSTANCE	7399	4	0
SUSPICIOUS CIRCUMSTANCE	7399	5	0
SUSPICIOUS CIRCUMSTANCE	7399	8	0

Other

FIREWORK-POSSESS	5207	1	0
FIREWORK-POSSESS	5207	2	0
FIREWORK-USE	5208	1	0
FIREWORK-USE	5208	2	0
ANIMAL-BITE	X	1	4
ANIMAL-BITE	X	2	4
ANIMAL-CRUELTY	X	1	5
ANIMAL-CRUELTY	X	2	5
ANIMAL-CRUELTY	X	3	5
ANIMAL-OTH	X	1	6
ANIMAL-OTH	X	5	6
ANIMAL-OTH	X	2	6
ANIMAL-OTH	X	3	6
ASSIST OTHER AGENCY	X	1	7
ASSIST OTHER AGENCY	X	2	7
ASSIST OTHER AGENCY	X	4	7
ASSIST OTHER AGENCY	X	3	7
ASSIST OTHER AGENCY	X	5	7

COLLISION - BOAT	X	1	8
COLLISION - BOAT	X	2	8
COLLISION - DEPARTMENT VEHICLE	X	7	10
COLLISION - DEPARTMENT VEHICLE	X	1	10
COLLISION - DEPARTMENT VEHICLE	X	4	10
COLLISION - DEPARTMENT VEHICLE	X	2	10
COLLISION - DEPARTMENT VEHICLE	X	3	10
COLLISION - TRAFFIC	X	1	11
COLLISION - TRAFFIC	X	2	11
COLLISION - TRAFFIC	X	3	11
COLLISION - TRAFFIC	X	4	11
COLLISION - TRAFFIC	X	5	11
COLLISION - TRAFFIC	X	6	11
DEATH-ACCIDENTAL	X	1	12
DEATH-NATURAL	X	1	13
DEATH-OTHER	X	1	14
DEATH-OTHER	X	2	14
DOMESTIC VIOLENCE-ROUTING	X	2	22
DOMESTIC VIOLENCE-ROUTING	X	3	22
DOMESTIC VIOLENCE-ROUTING	X	1	22
DOMESTIC VIOLENCE-ROUTING	X	4	22
DOMESTIC VIOLENCE-ROUTING	X	6	22
DOMESTIC VIOLENCE-ROUTING	X	5	22
DOMESTIC VIOLENCE-ROUTING	X	7	22
DRIVE-BY	X	1	23
DRIVE-BY	X	4	23
DRIVE-BY	X	2	23
DRIVE-BY	X	3	23
DRIVE-BY	X	7	23
DRIVE-BY	X	5	23
GANG INVOLVED-ROUTING	X	2	24
GANG INVOLVED-ROUTING	X	1	24
GANG INVOLVED-ROUTING	X	4	24
GANG INVOLVED-ROUTING	X	3	24
GANG INVOLVED-ROUTING	X	5	24
GANG INVOLVED-ROUTING	X	6	24
HARBOR - BOATING UNDER INFLUEN	X	1	29
HARBOR ROUTE - ALL MARINE/WATE	X	1	31

HARBOR ROUTE - ALL MARINE/WATE	X	2	31
HARBOR ROUTE - ALL MARINE/WATE	X	3	31
ILLEGAL DUMPING	X	2	32
ILLEGAL DUMPING	X	1	32
ILLEGAL DUMPING	X	4	32
IMPOUND - NO HOLD	X	2	33
IMPOUND - NO HOLD	X	3	33
IMPOUND - NO HOLD	X	6	33
IMPOUND - NO HOLD	X	1	33
IMPOUND - NO HOLD	X	4	33
IMPOUND - NO HOLD	X	5	33
IMPOUND - NO HOLD	X	7	33
IMPOUND - NO HOLD	X	8	33
IMPOUND - NO HOLD	X	9	33
IMPOUND-BOAT	X	3	34
IMPOUND-BOAT	X	2	34
IMPOUND-BOAT	X	1	34
IMPOUND-BOAT	X	4	34
IMPOUND--HOLD	X	2	35
IMPOUND--HOLD	X	4	35
IMPOUND--HOLD	X	5	35
IMPOUND--HOLD	X	3	35
IMPOUND--HOLD	X	1	35
IMPOUND--HOLD	X	8	35
IMPOUND--HOLD	X	6	35
IMPOUND--HOLD	X	7	35
IMPOUND--HOLD	X	10	35
INJURY - ACCIDENTAL	X	1	36
INJURY - ACCIDENTAL	X	4	36
INJURY - ACCIDENTAL	X	2	36
INJURY - OTHER	X	1	37
INJURY - OTHER	X	2	37
INJURY - OTHER	X	3	37
INJURY - OTHER	X	4	37
JUVENILE PRIMARY SUSPECT- ROUT	X	3	38
JUVENILE PRIMARY SUSPECT- ROUT	X	2	38
JUVENILE PRIMARY SUSPECT- ROUT	X	4	38
JUVENILE PRIMARY SUSPECT- ROUT	X	6	38

JUVENILE PRIMARY SUSPECT- ROUT	X	5	38
JUVENILE PRIMARY SUSPECT- ROUT	X	7	38
JUVENILE PRIMARY SUSPECT- ROUT	X	1	38
LOITERING	X	2	39
LOITERING	X	1	39
METRO TRANSIT - ON BUS, TUNNEL	X	4	41
METRO TRANSIT - ON BUS, TUNNEL	X	2	41
METRO TRANSIT - ON BUS, TUNNEL	X	1	41
METRO TRANSIT - ON BUS, TUNNEL	X	3	41
METRO TRANSIT - ON BUS, TUNNEL	X	6	41
MISSING PERSON-ADULT	X	1	42
MISSING PERSON-ADULT	X	2	42
MISSING PERSON-ADULT	X	3	42
MISSING PERSON-CHILD 0-11	X	1	43
MISSING PERSON-CHILD 0-11	X	4	43
MISSING PERSON-CHILD 0-11	X	2	43
MISSING PERSON-CHILD 0-11	X	5	43
MISSING PERSON-JUVENILE 12-17	X	1	44
MISSING PERSON-JUVENILE 12-17	X	3	44
MISSING PERSON-JUVENILE 12-17	X	2	44
MISSING PERSON-OTHR AGENCY	X	1	45
MISSING PERSON-OTHR AGENCY	X	4	45
MISSING PERSON-OTHR AGENCY	X	6	45
MISSING PERSON-OTHR AGENCY	X	2	45
MISSING PERSON-OTHR AGENCY	X	5	45
MISSING PERSON-OTHR AGENCY	X	3	45
HAZARDOUS MATERIAL/SPILL	X	1	53
HAZARDOUS MATERIAL/SPILL	X	2	53
RUNAWAY	X	1	54
RUNAWAY	X	3	54
RUNAWAY	X	2	54
RUNAWAY	X	5	54
SUICIDE-ATTEMPT	X	1	64
SUICIDE-ATTEMPT	X	2	64
SUICIDE-ATTEMPT	X	3	64
SUICIDE-ATTEMPT	X	4	64
SUICIDE-ATTEMPT	X	5	64
SUICIDE-ATTEMPT	X	6	64

SUICIDE-THREATS	X	1	66
SUICIDE-THREATS	X	4	66
SUICIDE-THREATS	X	2	66
SUICIDE-THREATS	X	6	66
SUICIDE-THREATS	X	3	66
SUICIDE-THREATS	X	5	66
COLLISION - PEDESTRIAN	X	1	79
COLLISION - PEDESTRIAN	X	2	79
COLLISION - PEDESTRIAN	X	3	79
COLLISION - PEDESTRIAN	X	4	79
COLLISION - BICYCLE	X	1	80
COLLISION - BICYCLE	X	2	80
COLLISION - BICYCLE	X	5	80
COLLISION - BICYCLE	X	4	80
COLLISION - BICYCLE	X	3	80
COLLISION - MOTORCYCLE	X	3	81
COLLISION - MOTORCYCLE	X	2	81
COLLISION - MOTORCYCLE	X	1	81
COLLISION - MOTORCYCLE	X	4	81
COLLISION - HIT AND RUN -FATAL	X	1	82
COLLISION - HIT AND RUN -FATAL	X	2	82
COLLISION - HIT AND RUN - INJU	X	2	83
COLLISION - HIT AND RUN - INJU	X	5	83
COLLISION - HIT AND RUN - INJU	X	1	83
COLLISION - HIT AND RUN - ATT	X	1	84
COLLISION - HIT AND RUN - ATT	X	2	84
COLLISION - HIT AND RUN - ATT	X	8	84
COLLISION - HIT AND RUN - ATT	X	3	84
COLLISION - HIT AND RUN - ATT	X	5	84
COLLISION - HIT AND RUN - ATT	X	4	84
COLLISION - HIT AND RUN - ATT	X	6	84
COLLISION - HIT AND RUN - UNAT	X	1	85
COLLISION - HIT AND RUN - UNAT	X	4	85
COLLISION - HIT AND RUN - UNAT	X	2	85
COLLISION - HIT AND RUN - UNAT	X	5	85
COLLISION - HIT AND RUN - UNAT	X	3	85
COLLISION - HIT AND RUN - PED	X	1	86
COLLISION - HIT AND RUN - PED	X	3	86

COLLISION - HIT AND RUN - PED	X	2	86
COLLISION - BOAT - HIT AND RUN	X	1	87
MALICIOUS HARASSMENT	X	2	91
MALICIOUS HARASSMENT	X	3	91
MALICIOUS HARASSMENT	X	4	91
MALICIOUS HARASSMENT	X	1	91
MALICIOUS HARASSMENT	X	5	91
BIAS INCIDENT	X	2	92
BIAS INCIDENT	X	3	92
BIAS INCIDENT	X	1	92
BIAS INCIDENT	X	4	92
BIAS INCIDENT	X	5	92
BIAS INCIDENT	X	7	92
BIAS INCIDENT	X	6	92
ISSUED IN ERROR	X	1	93
ICAC-ROUTING	X	2	95
ICAC-ROUTING	X	1	95
DEATH-SUICIDE	X	1	96
DEATH-SUICIDE	X	2	96
[INC - CASE DC USE ONLY]	X	2	98
[INC - CASE DC USE ONLY]	X	1	98
CRISIS	X	2	100
CRISIS	X	3	100
CRISIS	X	1	100
CRISIS	X	5	100
CRISIS	X	4	100
CRISIS	X	6	100
FAILURE TO RESPOND	X	2	101
FAILURE TO RESPOND	X	1	101
SEXOFF-STAT RAPE	1116	1	0
SEXOFF-STAT RAPE	1116	2	0
SEXOFF-INDECENT LIBERTIES	1199	2	3
SEXOFF-INDECENT LIBERTIES	1199	1	3
SEXOFF-SODOMY	1199	1	7
SEXOFF-LEWD CONDUCT	1199	2	4
SEXOFF-LEWD CONDUCT	1199	1	4
SEXOFF-SODOMY	1199	3	7
SEXOFF-OTHER OBJECT	1199	1	5

SEXOFF-SODOMY	1199	2	7
SEXOFF-OTHER OBJECT	1199	2	5
SEXOFF-LEWD CONDUCT	1199	4	4
SEXOFF-INDECENT LIBERTIES	1199	3	3
SEXOFF-LEWD CONDUCT	1199	3	4
THREATS-KILL	1316	1	3
THREATS-OTHER	1316	1	4
THREATS-WEAPON	1316	1	5
THREATS-OTHER	1316	2	4
THREATS-WEAPON	1316	3	5
THREATS-KILL	1316	2	3
THREATS-WEAPON	1316	2	5
STALKING	1316	1	2
THREATS-OTHER	1316	3	4
THREATS-OTHER	1316	4	4
THREATS-KILL	1316	3	3
INTIMIDATING-WITNESS	1316	1	1
STALKING	1316	2	2
INTIMIDATING-WITNESS	1316	2	1
STALKING	1316	3	2
THREATS-KILL	1316	4	3
THREATS-DIGNITARY	1601	1	0
THREATS-DIGNITARY	1601	4	0
EXTORTION	2199	1	0
EXTORTION	2199	2	0
EXTORTION	2199	3	0
FORGERY-CHECK	2501	1	0
FORGERY-CHECK	2501	2	0
FORGERY-CREDIT CARD	2502	1	0
FORGERY-CREDIT CARD	2502	2	0
FORGERY-OTH	2589	1	1
NARC-FORGERY-PRESCRIPTION	2589	1	2
FORGERY-OTH	2589	2	1
NARC-FORGERY-PRESCRIPTION	2589	2	2
COUNTERFEIT	2599	1	0
COUNTERFEIT	2599	2	0
COUNTERFEIT	2599	3	0
FRAUD-IDENTITY THEFT	2604	1	0

FRAUD-CREDIT CARD	2605	1	0
FRAUD-CREDIT CARD	2605	2	0
FRAUD-CREDIT CARD	2605	3	0
FRAUD-CHECK	2606	1	1
FRAUD-CHECK	2606	2	1
FRAUD-CHECK	2606	3	1
THEFT-UNLAWFUL ISSUANCE OF BAN	2606	1	2
FRAUD-WIRE-ELECTRONIC	2608	1	0
FRAUD-WIRE-ELECTRONIC	2608	3	0
FRAUD-WIRE-ELECTRONIC	2608	2	0
FRAUD-COMPUTER	2609	1	0
FRAUD-COMPUTER	2609	2	0
FRAUD-IDENTITY THEFT	2610	1	0
FRAUD-IDENTITY THEFT	2610	2	0
FRAUD-IDENTITY THEFT	2610	3	0
THEFT OF SERVICES	2699	2	4
FRAUD-OTHER	2699	1	1
THEFT OF SERVICES	2699	1	4
FRAUD-OTHER	2699	2	1
FRAUD-WELFARE	2699	1	2
NARC-FRAUD-PRESCRIPTION	2699	1	3
FRAUD-OTHER	2699	3	1
THEFT OF SERVICES	2699	3	4
EMBEZZLE	2799	1	0
EMBEZZLE	2799	2	0
EMBEZZLE	2799	3	0
SEXOFF-INCEST-WITH-MINOR	3604	1	0
SEXOFF-INDECENT EXPOSURE	3605	1	0
SEXOFF-INDECENT EXPOSURE	3605	5	0
SEXOFF-INDECENT EXPOSURE	3605	2	0
SEXOFF-INDECENT EXPOSURE	3605	3	0
SEXOFF-INDECENT EXPOSURE	3605	4	0
SEXOFF-PEEPER	3611	1	0
SEXOFF-FAIL TO REGISTER	3612	2	0
SEXOFF-FAIL TO REGISTER	3612	1	0
SEXOFF-FAIL TO REGISTER	3612	3	0
SEXOFF-OTHER	3699	1	0
SEXOFF-OTHER	3699	2	0

SEXOFF-OTHER	3699	3	0
PORNOGRAPHY-OBSCENE MATERIAL	3700	1	0
PORNOGRAPHY-OBSCENE MATERIAL	3700	2	0
CHILD-ABUSED-NOFORCE	3802	1	0
CHILD-ABUSED-NOFORCE	3802	2	0
CHILD-NEGLECT	3806	1	2
CHILD-ABANDON	3806	1	1
CHILD-ABANDON	3806	3	1
CHILD-ABANDON	3806	2	1
CHILD-NEGLECT	3806	2	2
ENDANGERMENT	3899	3	8
CHILD-ENDANGERMENT	3899	2	3
CHILD-OTHER	3899	1	1
CHILD-ENDANGERMENT	3899	1	3
CHILD-OTHER	3899	2	1
ENDANGERMENT	3899	2	8
ADULT-VULNERABLE-FINANCIAL	3899	1	5
INTERFERE WITH REPORT-DV	3899	2	2
INTERFERE WITH REPORT-DV	3899	1	2
ENDANGERMENT	3899	1	8
ADULT-VULNERABLE-NEGLECT	3899	1	6
ADULT-VULNERABLE-PHYSICAL ABUS	3899	1	7
INTERFERE WITH REPORT-DV	3899	3	2
CHILD-ENDANGERMENT	3899	3	3
ADULT-VULNERABLE-FINANCIAL	3899	2	5
ADULT-VULNERABLE-FINANCIAL	3899	3	5
INTERFERE WITH REPORT-DV	3899	4	2
ENDANGERMENT	3899	5	8
CHILD-OTHER	3899	3	1
ADULT-VULNERABLE-PHYSICAL ABUS	3899	2	7
CHILD-OTHER	3899	4	1
INTERFERE WITH REPORT-DV	3899	5	2
ADULT-VULNERABLE-NEGLECT	3899	2	6
ADULT-VULNERABLE-NEGLECT	3899	3	6
CHILD-ENDANGERMENT	3899	4	3
CHILD-HARBOR MINOR	3899	1	4
ENDANGERMENT	3899	4	8
ADULT-VULNERABLE-FINANCIAL	3899	4	5

GAMBLE-BETTING	3999	1	1
SEX ABUSE MINOR-PROMO COMMERC	4002	2	2
SEX ABUSE MINOR-PROMO COMMERC	4002	1	2
SEX ABUSE MINOR-COMMERCIAL	4002	1	1
PROSTITUTION-ASSIST-PROMOTE	4002	1	0
SEX ABUSE MINOR-COMMERCIAL	4002	2	1
PROSTITUTION-ASSIST-PROMOTE	4002	2	0
PROSTITUTION	4004	1	0
PROSTITUTION	4004	2	0
PROSTITUTION	4004	3	0
PROSTITUTION PATRONIZING	4099	1	2
PROSTITUTION PATRONIZING	4099	2	2
HUMAN-TRAFFICKING-SEX	4099	1	3
PROSTITUTION LOITERING	4099	2	1
PROSTITUTION LOITERING	4099	1	1
PROSTITUTION PATRONIZING	4099	3	2
HUMAN-TRAFFICKING-SEX	4099	2	3
LIQUOR LAW VIOLATION	4199	2	0
LIQUOR LAW VIOLATION	4199	1	0
LIQUOR LAW VIOLATION	4199	3	0
LIQUOR LAW VIOLATION	4199	4	0
FALSE REPORT	4812	1	0
FALSE REPORT	4812	2	0
FALSE REPORT	4812	3	0
FALSE REPORT	4812	5	0
FALSE REPORT	4812	6	0
FALSE REPORT	4812	4	0
OBSTRUCT	4899	3	0
OBSTRUCT	4899	4	0
OBSTRUCT	4899	2	0
OBSTRUCT	4899	1	0
OBSTRUCT	4899	5	0
OBSTRUCT	4899	6	0
OBSTRUCT	4899	7	0
ESCAPE	4901	2	0
ESCAPE	4901	3	0
ESCAPE	4901	1	0
ELUDING-FELONY FLIGHT	4999	3	0

ELUDING-FELONY FLIGHT	4999	2	0
ELUDING-FELONY FLIGHT	4999	5	0
ELUDING-FELONY FLIGHT	4999	1	0
ELUDING-FELONY FLIGHT	4999	7	0
ELUDING-FELONY FLIGHT	4999	4	0
ELUDING-FELONY FLIGHT	4999	6	0
WARRARR-MISDEMEANOR	5015	2	2
WARRARR-FELONY	5015	2	1
WARRARR-FELONY	5015	5	1
WARRARR-FELONY	5015	1	1
WARRARR-FELONY	5015	3	1
WARRARR-MISDEMEANOR	5015	3	2
WARRARR-MISDEMEANOR	5015	1	2
WARRARR-MISDEMEANOR	5015	4	2
WARRARR-FELONY	5015	4	1
WARRARR-MISDEMEANOR	5015	5	2
WARRARR-FELONY	5015	6	1
WARRANT-FUGITIVE	5015	1	3
WARRARR-MISDEMEANOR	5015	6	2
WARRANT-FUGITIVE	5015	2	3
WARRARR-FELONY	5015	7	1
WARRANT-FUGITIVE	5015	3	3
WARRANT-FUGITIVE	5015	4	3
WARRARR-FELONY	5015	8	1
VIOL-DV ORDER	5016	2	2
VIOL-DV ORDER	5016	3	2
VIOL-DV ORDER	5016	1	2
VIOL-DV ORDER	5016	5	2
VIOL-COURT ORDER	5016	1	1
VIOL-COURT ORDER	5016	3	1
VIOL-COURT ORDER	5016	2	1
VIOL-DV ORDER	5016	4	2
SODA-VIOL-WEST	5016	3	14
VIOL-DV ORDER	5016	6	2
VIOL-COURT ORDER	5016	5	1
SODA-VIOL-WEST	5016	2	14
SODA-VIOL-WEST	5016	4	14
SODA-VIOL-WEST	5016	1	14

SOAP-VIOL - ZONE 1	5016	4	3
SOAP-VIOL - ZONE 3	5016	2	5
VIOL-COURT ORDER	5016	4	1
SODA-VIOL-EAST	5016	1	10
SOAP-VIOL - ZONE 4	5016	3	6
BRIBERY	5199	1	0
BRIBERY	5199	2	0
HARASSMENT	5309	1	0
HARASSMENT	5309	2	0
HARASSMENT	5309	3	0
HARASSMENT	5309	5	0
HARASSMENT	5309	4	0
HARASSMENT	5309	6	0
DISORDERLY CONDUCT	5311	1	1
URINATING/DEFECATING-IN PUBLIC	5311	2	2
URINATING/DEFECATING-IN PUBLIC	5311	3	2
URINATING/DEFECATING-IN PUBLIC	5311	1	2
DISORDERLY CONDUCT	5311	3	1
DISORDERLY CONDUCT	5311	2	1
URINATING/DEFECATING-IN PUBLIC	5311	4	2
COLLISION - HIT AND RUN	5401	4	0
COLLISION - HIT AND RUN	5401	3	0
COLLISION - HIT AND RUN	5401	2	0
COLLISION - HIT AND RUN	5401	1	0
COLLISION - HIT AND RUN	5401	6	0
DUI-DRUGS	5403	1	0
DUI-DRUGS	5403	2	0
DUI-DRUGS	5403	5	0
DUI-DRUGS	5403	6	0
DUI-DRUGS	5403	3	0
DUI-DRUGS	5403	4	0
DUI-LIQUOR	5404	1	0
DUI-LIQUOR	5404	3	0
DUI-LIQUOR	5404	2	0
DUI-LIQUOR	5404	5	0
DUI-LIQUOR	5404	6	0
TRAFFIC	5499	1	0
TRAFFIC	5499	4	0

TRAFFIC	5499	3	0
TRAFFIC	5499	2	0
TRAFFIC	5499	5	0
TRAFFIC	5499	6	0
TRAFFIC	5499	7	0
TRAFFIC	5499	8	0

Location	Black stops	Black population	Stops per 1,000 residents	Ratio of stops to population share	Crime reports per 1,000 residents*
North	18.9%	3.3%	15.9	5.7	858.1
B1	10.4	1.3	31.3	8.0	1,184.5
B2	12.8	2.3	13.1	5.6	676.6
B3	13.6	1.7	10.9	8.0	657.5
J1	14.9	3.6	18.2	4.1	957.6
J2	11.7	1.1	7.2	10.6	428.5
J3	22.0	1.2	9.9	18.3	611.0
L1	28.3	9.2	17.8	3.1	891.3
L2	19.5	4.5	16.0	4.3	1,283.9
L3	21.2	5.2	17.8	4.1	1,027.7
N1	13.4	4.2	7.1	3.2	687.5
N2	18.0	8.9	39.6	2.0	2,257.9
N3	24.3	6.5	56.4	3.7	2,014.3
U1	19.2	2.0	10.1	9.6	618.1
U2	20.9	2.5	28.5	8.4	955.9
U3	24.8	1.8	3.4	13.8	466.3
South	49.6	21.1	23.5	2.4	1,622.6
O1	22.2	18.1	1,597.2	1.2	55,666.7
O2	25.9	11.8	586.5	2.2	23,409.3
O3	32.5	7.8	64.1	4.2	3,213.6
R1	40.7	9.0	15.2	4.5	847.5
R2	61.1	23.8	31.2	2.6	2,012.8
R3	51.5	19.4	13.5	2.7	1,517.0
S1	46.4	24.6	8.7	1.9	1,049.7
S2	69.0	25.2	26.3	2.7	1,987.0
S3	68.2	31.3	19.9	2.2	1,523.8
SW	25.2	6.7	12.3	3.8	948.4
F1	36.8	19.5	13.8	1.9	1,413.0
F2	32.4	10.2	32.3	3.2	1,884.4
F3	15.0	7.6	14.8	2.0	1,587.4
W1	14.2	2.3	10.6	6.2	739.8
W2	19.0	3.2	8.6	5.9	565.7
W3	29.2	4.2	5.5	7.0	471.9
East	38.8	11.6	20.3	3.3	1,479.8
C1	30.6	2.5	8.2	12.2	590.7
C2	18.8	5.9	4.4	3.2	492.9
C3	57.1	14.7	8.8	3.9	833.0
E1	24.5	4.2	22.4	5.8	1,204.9

E2	37.0	8.9	116.9	4.2	7,480.4
E3	32.8	5.7	27.6	5.8	1,603.6
G1	27.3	23.0	31.8	1.2	2,537.7
G2	63.6	24.8	18.3	2.6	1,666.6
G3	58.4	27.1	24.6	2.2	2,244.6
West	32.5	4.9	42.3	6.6	1,854.2
D1	40.1	5.7	38.1	7.0	1,360.2
D2	27.6	5.8	43.0	4.8	2,492.0
D3	22.0	6.0	32.4	3.7	1,300.2
K1	31.7	30.0	81.9	1.1	4,873.7
K2	46.4	17.4	223.8	2.7	10,140.6
K3	53.0	13.0	93.3	4.1	3,820.7
M1	31.0	8.1	128.9	3.8	4,022.5
M2	30.3	6.7	327.8	4.5	11,764.1
M3	32.7	11.7	1,239.8	2.8	43,859.7
Q1	12.3	1.8	5.2	6.8	416.2
Q2	9.7	1.9	7.0	5.1	446.3
Q3	21.8	3.2	21.9	6.8	1,503.4

*These data include all SPD crime report codes (with the exception of those coded, 'witness'), including subject, arrest, and suspect (n = 749,868).

Monitoring Team Staff

Merrick Bobb
Monitor

Matthew Barge
Deputy Monitor

Peter Ehrlichman
Deputy Monitor

Ronald Ward
Assistant Monitor

Chief Hassan Aden (ret.)
Senior Police Expert

Brian Center
Senior Consultant

Joshua Chanin
Joseph Doherty
Stuart Henry
Reynaldo Rojo-Mendoza
Statistical Experts

Julio Thompson
Marnie Carlin MacDiarmid
Karlene Goller
Andrea Yang
Esq.

Ellen Scrivner
Ph.D.

Jeffrey Yamson
Tim Shugrue
Executive Assistants

1

CERTIFICATE OF SERVICE

2

      I hereby certify that on this date I caused to be served the foregoing on the following

3

counsel of record by the method indicated:

4

J. Michael Diaz	michael.diaz@usdoj.gov	☐ Via Messenger
Kerry Jane Keefe	kerry.keefe@usdoj.gov	☐ Via Facsimile
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      Dated this 18th day of June, 2017.

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                            /s/ Matthew Barge

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