



# IMPLICIT BIAS IN CRIMINAL PROSECUTION

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## THE CHALLENGE

The Division of Prosecution within the Bellevue City Attorney's Office is a functional division that prosecutes misdemeanors and traffic infractions that happen within the City. To better understand and improve its diversity and equity goals, the Division of Prosecution sought an in-depth exploration of how implicit bias is present in the city's criminal justice system, as well as recommendations to address both currently identified evidence of implicit bias and to avoid future manifestations of implicit bias

We developed the following two overarching questions to guide our research and recommendations for the Division of Prosecution:

1. What questions about implicit bias can we answer with the data we have?
2. How does implicit bias manifest itself within the City of Bellevue's criminal prosecution system structurally, culturally, and in decision-making trends?
  - *Structural:* In policies, guidelines, and procedures
  - *Cultural:* In perceptions, attitudes, and understanding
  - *Decision-making trends:* In police interactions, citation records, and prosecutorial determinations

## OUR METHODS

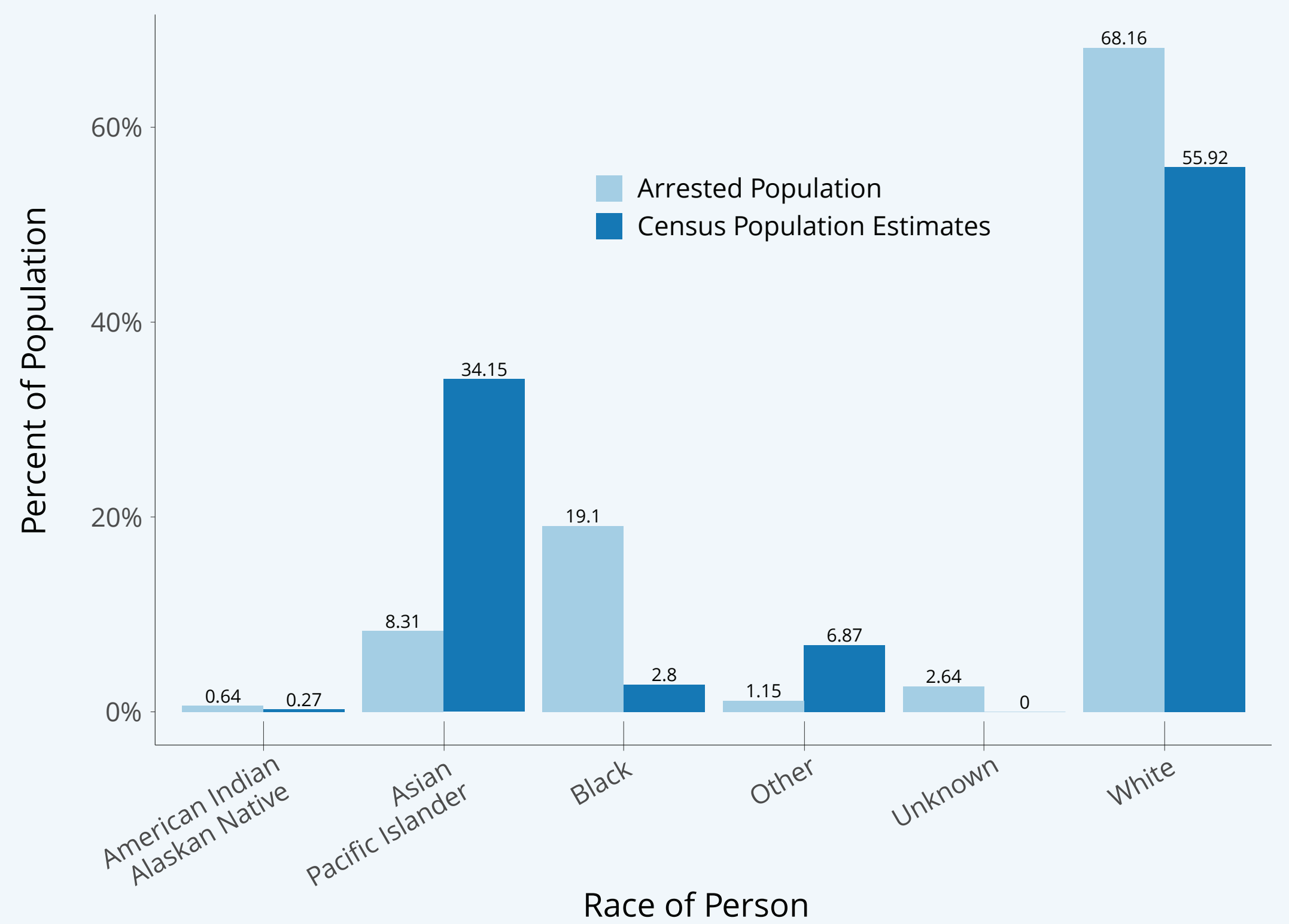
We collected quantitative and qualitative data to explore the facets of these research questions. We conducted interviews with 12 employees from the City of Bellevue. The goals of these interviews were threefold:

- Explore how staff think about implicit bias
- Understand how the cultural competency trainings have influenced workplace culture
- Investigate the culture of implicit bias, both within the office and within the City of Bellevue

Interviews were transcribed, coded, and assigned themes using Braun and Clarke's 6-step process for thematic analysis.

Additionally, Bellevue Police Department citation records and the Division of Prosecution ProLaw records provided a quantitative assessment of trends and disparate racial outcomes for people who interact with the criminal justice system. We developed three regression models to see if race affects the following variables: charge type, outcome, and likelihood of pleading or sentenced to a lesser charge. The models were used to investigate not only the effect of race on these variables, but the severity and validity of such affects.

## DEMOGRAPHIC BREAKDOWN OF BELLEVUE VS. ARRESTED POPULATION



AMERICAN COMMUNITY SURVEY 2013-2017; BELLEVUE POLICE DEPARTMENT 2014-2018

## OUR FINDINGS AND RECOMMENDATIONS

### DEMOGRAPHICS OF ARRESTED POPULATION

People entering the criminal justice system in Bellevue are not racially reflective of the Bellevue population.

### TRAINING

There is no common understanding of implicit bias within the Division of Prosecution. The current training structure does not adequately prepare the Division of Prosecution to confront implicit bias and its impacts. **Recommendation:** Have required, recurring trainings for all Division of Prosecution staff centered around bias — both implicit and explicit — and contextualize staff trainings to Division of Prosecution staff work.

### POLICIES AND OFFICE CULTURE

The work of prosecutors is changing. Office leadership is encouraging prosecutors to consider avenues/ideas of justice not centered on securing convictions, which is a significant shift for prosecutors and office staff to navigate. **Recommendation:** Codify decision-making policies and document the office culture so they are sustained. Formally prioritize diversity, equity, and inclusion priorities in the office. Continue to support and invest in the people already doing this work, namely the CAO's Diversity Planning Task Force.

### DATA TRACKING

The Division of Prosecution's current data management system does not adequately equip them to track or analyze data around racial disparities. **Recommendation:** Track race and ethnicity data and provide time and resources for routine analysis.

