LIVABLE CITY YEAR

CITY OF BELLEVUE

In Partnership with the
University of Washington

**IMPLICIT BIAS IN
CRIMINAL PROSECUTION**

City of Bellevue Project Lead
Stephen Penner

University Instructor: Grant Blume

Student Author: Erin E. Harper

UNIVERSITY of WASHINGTON

LIVABLE CITY YEAR

CITY OF BELLEVUE WASHINGTON

Livable City Year 2018–2019
in partnership with
City of Bellevue

Winter – Spring
2019

LIVABLE
CITY YEAR

POSITIONALITY STATEMENT

Our team consists of four Master of Public Administration candidates from the University of Washington Evans School of Public Policy and Governance. We would like to state our positionality within the context of this project which we completed to fulfill degree requirements. While we approached this project with utmost integrity and objectivity, we acknowledge that our backgrounds and identities shape the way we understand and approach implicit bias. We are four women — two White and two women of color — who are not residents of Bellevue and who have not had explicit interactions with Bellevue's criminal justice system. That said, we believe further research into implicit bias and its impacts would benefit from including the perspectives and viewpoints of 1) more people of color, specifically Black and Hispanic people who are disproportionately impacted by the criminal justice system; 2) Bellevue residents who have had intimate interactions with the City of Bellevue's criminal justice system; and 3) others with relevant lived experience.

STUDENT RESEARCHERS PUB POL 608, CAPSTONE PROJECT SEMINAR

AKANKSHA JAYANTHI **FATIMA CHOWDHURY**

ERIN E. HARPER **LEIGH MICHAEL**

ACKNOWLEDGMENTS

Implicit bias trainers explain the difficulty in recognizing one's inherent bias and privilege, using the metaphor of swimming in one's bias and privilege. PETE NOWICKI

CREDITS

For this Report

City of Bellevue Project Lead: Stephen Penner
City Department: City Attorney's Office
Instructor: Grant Blume
University Department: Evans School of Public Policy and Governance
Course: PUB POL 608, Capstone Project Seminar
Student Author: Erin E. Harper
Student Researchers
    Akanksha Jayanthi
    Erin E. Harper
    Fatima Chowdhury
    Leigh Michael

For the City of Bellevue

Mayor: John Chelminiak
Deputy Mayor: Lynne Robinson
Council Members
    Conrad Lee
    Jared Nieuwenhuis
    Jennifer Robertson
    John Stokes
    Janice Zahn
City Manager: Brad Miyake
Deputy City Managers
    Mary Kate Berens
    Nathan McCommon
LCY Program Managers
    Nancy LaCombe
    Danielle Verwahren

For the University of Washington LCY Program

LCY Faculty Co-Directors
    Branden Born
    Jennifer Otten
Program Manager: Teri Thomson Randall
Program Assistant: Michelle Abunaja
Editor: Liza Higbee-Robinson
Graphic Designer: Magdalena Nilges
Communications: Daimon Eklund

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ABOUT LIVABLE CITY YEAR

The University of Washington's Livable City Year (LCY) initiative is a partnership between the university and one local government for one academic year. The program engages UW faculty and students across a broad range of disciplines to work on city-defined projects that promote local sustainability and livability goals. Each year hundreds of students work on high-priority projects, creating momentum on real-world challenges while serving and learning from communities. Partner cities benefit directly from bold and applied ideas that propel fresh thinking, improve livability for residents, and invigorate city staff. Focus areas include environmental sustainability; economic viability; population health; and social equity, inclusion and access. The program's 2018–2019 partner is the City of Bellevue; this follows partnerships with the City of Tacoma (2017–2018) and the City of Auburn (2016–2017).

LCY is modeled after the University of Oregon's Sustainable City Year Program, and is a member of the Educational Partnerships for Innovation in Communities Network (EPIC-N), an international network of institutions that have successfully adopted this new model for community innovation and change. For more information, contact the program at uwlcy@uw.edu.

ABOUT CITY OF BELLEVUE

Bellevue is the fifth largest city in Washington, with a population of more than 140,000. It's the high-tech and retail center of King County's Eastside, with more than 150,000 jobs and a skyline of gleaming high-rises. While business booms downtown, much of Bellevue retains a small-town feel, with thriving, woodsy neighborhoods and a vast network of green spaces, miles and miles of nature trails, public parks, and swim beaches. The community is known for its beautiful parks, top schools, and a vibrant economy. Bellevue is routinely ranked among the best mid-sized cities in the country.

The city spans more than 33 square miles between Lake Washington and Lake Sammamish and is a short drive from the Cascade Mountains. Bellevue prides itself on its diversity. Thirty-seven percent of its residents were born outside of the US and more than 50 percent of residents are people of color, making the city one of the most diverse in Washington state.

Bellevue is an emerging global city, home to some of the world's most innovative technology companies. It attracts top talent makers such as the University of Washington-Tsinghua University Global Innovation Exchange. Retail options abound in Bellevue and artists from around the country enter striking new works in the Bellwether arts festival. Bellevue's agrarian traditions are celebrated at popular seasonal fairs at the Kelsey Creek Farm Park.

Bellevue 2035, the City Council's 20-year vision for the city, outlines the city's commitment to its vision: "Bellevue welcomes the world. Our diversity is our strength. We embrace the future while respecting our past." Each project completed under the Livable City Year partnership ties to one of the plan's strategic areas and many directly support the three-year priorities identified by the council in 2018.

BELLEVUE 2035:
THE CITY WHERE YOU WANT TO BE

Implicit Bias in Criminal Prosecution supports the Achieving Human Potential target area of the Bellevue City Council Vision Priorities and was sponsored by the City Attorney's Office.

ACHIEVING HUMAN POTENTIAL

Bellevue is a caring community where all residents enjoy a high quality of life.
People from around the world are welcomed by people from around the corner. People in Bellevue know that they are an important part of their community.

Our residents feel connected to each other and invested in their community. People connect to each other through a variety of organizations. Bellevue is an intellectual community that values education. We have an array of excellent educational opportunities for lifelong learning, from one of the nation's best K-12 school districts, to a variety of secondary and higher educational opportunities including technical and trades education, college, and graduate programs at a top international research university.

We enjoy access to high-level medical services that attract top providers from around the region. We serve our entire community regardless of address, ethnicity, age, or capability.

BELLEVUE 2035:
THE CITY WHERE YOU WANT TO BE

Bellevue welcomes the world. Our diversity is our strength. We embrace the future while respecting our past.

The seven strategic target areas identified in the Bellevue City Council Vision Priorities are:

ECONOMIC DEVELOPMENT
Bellevue business is global and local.

TRANSPORTATION AND MOBILITY
Transportation is both reliable and predictable. Mode choices are abundant and safe.

HIGH QUALITY BUILT AND NATURAL ENVIRONMENT
From a livable high-rise urban environment to large wooded lots in an equestrian setting, people can find exactly where they want to live and work.

BELLEVUE: GREAT PLACES WHERE YOU WANT TO BE
Bellevue is a place to be inspired by culture, entertainment, and nature.

REGIONAL LEADERSHIP AND INFLUENCE
Bellevue will lead, catalyze, and partner with our neighbors throughout the region.

ACHIEVING HUMAN POTENTIAL
Bellevue is a caring community where all residents enjoy a high quality life.

HIGH PERFORMANCE GOVERNMENT
People are attracted to living here because they see that city government is well managed.

For more information please visit: https://bellevuewa.gov/city-government/city-council/council-vision

EXECUTIVE SUMMARY

Within the Bellevue City Attorney's Office is its Division of Criminal Prosecution, one of three functional divisions. The Criminal Prosecution Division directs prosecutorial processes related to misdemeanor charges and traffic infractions. As of Spring 2019, five prosecutors and three legal assistants make up the Criminal Prosecution Division team. To better understand and improve upon diversity and equity goals, the team invited students from the Evan's School of Public Policy and Governance to deliver 1) an in-depth assessment of how implicit racial bias is present in the City's criminal justice system and 2) a set of recommendations to address evidence of implicit bias and to avoid future manifestations of implicit bias.

RESEARCH QUESTIONS

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

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

We collected both qualitative and quantitative data as we explored various facets related to our research questions. Interviews with City staff provided insight into office culture regarding implicit bias, including how staff understand and talk about implicit biases. Citation records provided a quantitative measure of trends and disparate racial outcomes for people who interact with Bellevue's criminal justice system.

KEY FINDINGS AND RECOMMENDATIONS

DATA COLLECTION AND ANALYSIS

Finding 1
The Division of Criminal Prosecution's current data management system does not adequately equip it to track or analyze data related to race.

Finding 2
Relative to the City's demographic composition, a disproportionate number of Black individuals enter the criminal justice system. Similarly situated individuals are receiving differential treatment based on race.

Recommendation

Track race and ethnicity data consistently and provide time and resources for routine analysis

Implicit bias leads to disparate outcomes and must be addressed and mitigated in order to create a more just criminal justice system. BILL OXFORD

CITY OF BELLEVUE

EQUITY IN PROSECUTORIAL POLICIES

Finding 3
The greatest proportion of cases the Division of Criminal Prosecution charges is driving with a suspended license, despite discussions to stop prosecuting these cases.

Finding 4
Office leadership encourages prosecutors to consider a pursuit of justice not centered on securing convictions, but to include restoration and rehabilitation. This change represents a significant cultural shift among prosecutors and is essential for the Division of Criminal Prosecution to address the unjust effects of racial bias.

Recommendations

- Document policy changes shaped by the Division of Criminal Prosecution's emerging concept of justice so such policies are sustained even as leadership changes

- Formally prioritize diversity, equity, and inclusion priorities in the City Attorney's Office (CAO) by increasing investment in its Diversity Planning Task Force

ADDRESSING IMPLICIT BIASES IN PROSECUTION

Finding 5
There is no common understanding of implicit bias within the City's Division of Criminal Prosecution.

Finding 6
Everyone in the Division of Criminal Prosecution identifies seeking fairness and justice as the main role of a prosecutor.

Finding 7
The current training structure does not adequately prepare the Division of Criminal Prosecution to confront implicit bias and its impacts.

Recommendations

- Institute required, recurring trainings for all Division of Criminal Prosecution staff centered on bias — both implicit and explicit

- Within the trainings, make it a priority to contextualize the effects and manifestations of implicit bias as they correspond to criminal prosecution

INTRODUCTION

THE CRIMINAL JUSTICE SYSTEM

The criminal justice system comprises an expansive network of actors. The roles of these actors are discrete yet interrelated. As the criminal justice system flowchart demonstrates, the system is complex and spans from an individual's initial contact with law enforcement, to the judges and juries determining the outcomes of trials, to the probation officers monitoring defendants once they have been released from custody. At every point of interaction, decision makers within the criminal justice system influence the life course of the individuals being charged. These interactions result in differential outcomes for those individuals. The scope of research related to how individuals are impacted by the criminal justice system focuses on the first three steps:

1. Entry into the system
2. Prosecution and pretrial services
3. Adjudication

These are the steps criminal prosecutors most directly engage and influence.

DISPARITIES WITHIN THE CRIMINAL JUSTICE SYSTEM

Research demonstrates disparities in the outcomes of decisions made at various points within the criminal justice system, to include police stops, arrests, charging, charge reduction, plea bargains, sentencing, and parole (Hetey and Eberhardt 2018). These disparities are shown to occur by race, age, gender, socioeconomic status, and neighborhood. Disparities are particularly prevalent for Black individuals who face higher rates of police stops and arrests, and higher levels of charges compared to their similarly situated White counterparts. Black individuals are also less likely to receive charge reduction and diversion within plea deals (Berdejó 2018).

Implicit bias presents itself within the criminal justice system as disparities at those decision points, and may take on the appearance of a civilian deciding to report a crime, a prosecutor and defendant agreeing on a plea deal, or a judge deciding whether to grant parole. To assess the manifestation of implicit bias, we can analyze documentation that corresponds to the same decision points via citation documents, police and prosecutorial databases, and courtroom outcomes.

Disparities are particularly prevalent for Black individuals who face higher rates of police stops and arrests, and higher levels of charges compared to their similarly situated White counterparts.

KEY DEFINITIONS

We present this list of key definitions to underscore our use of terms in this document. We acknowledge there may not otherwise be mutual understanding of these terms.

Implicit Bias: Unconscious attitudes and beliefs that are challenging to identify by introspection. Everybody is subject to holding implicit biases.

Explicit Bias: Conscious attitudes and beliefs.

Prejudice: A preconceived judgment of a person or situation, often based on stereotypes and other unfounded assessments.

Discrimination: Actions stemming from biases and prejudices that harm one group.

Structural/Institutional Racism: Formalized policies and practices that benefit the dominant demographic groups and diminish non-dominant groups.

Disparity: Inequalities or differences in outcomes among demographic groups.

Disproportionality: Discrepancies in a group's representation in the general population compared to their representation in a particular system.

Equity: Treating everyone according to their needs.

Equality: Treating everyone the same.

WHAT IS THE SEQUENCE OF EVENTS IN A CRIMINAL JUSTICE SYSTEM?
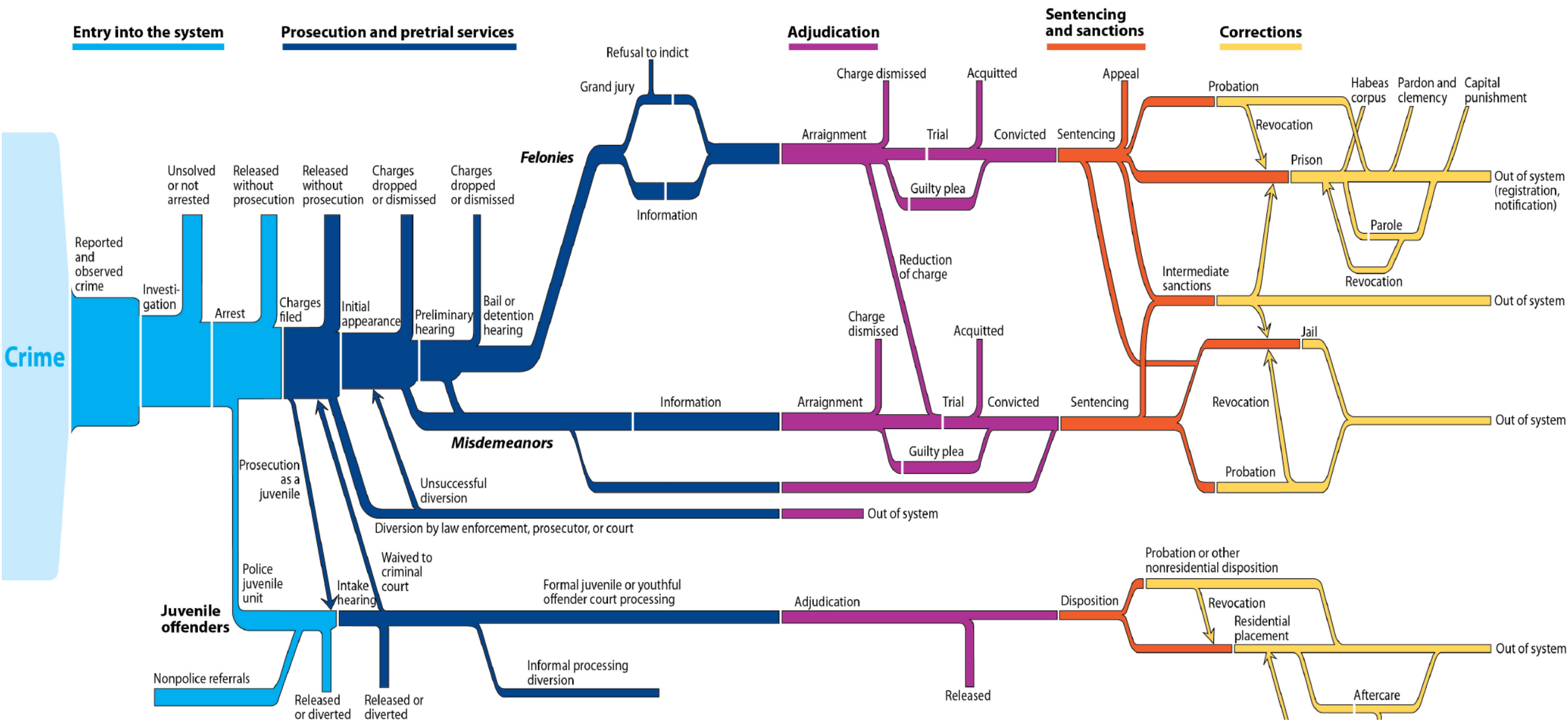
Criminal justice system flowchart BUREAU OF JUSTICE STATISTICS, 2019

Notes:
1) This chart gives a simplified view of caseflow through the criminal justice system. Procedures vary among jurisdictions. The weights of the lines are not intended to show actual size of caseloads.
2) Adapted from The Challenge of Crime in a Free Society. President's Commission of Justice, 1967. *This revision, a result of the Symposium on the 30th Anniversary of the President's Commission, was prepared by the Bureau of Justice Statistics in 1997.*

THE RACIAL HISTORY OF BELLEVUE AND CURRENT DEMOGRAPHICS

Bellevue's past is not reflective of its current diversity. Like many cities around the country, Bellevue has a history of instituting racial covenants and racially restrictive neighborhoods which designated certain areas as belonging to White residents only. Bellevue neighborhoods with racial covenants included the Lake Washington waterfront, the Moorland neighborhood, and Northwest Bellevue (Silva 2018). Bellevue's reputation as a predominantly White, economically prosperous, suburban city continued throughout the 20th century. In 1970, people of color comprised just 2% of the city's residents, increasing to 15% by 1990. Bellevue's economy began to shift in the mid-1990s with the expansion of the city's tech sector, which lead to an influx of non-White residents, most hailing from India and China. For example, between 1990 and 2015, Bellevue's Asian Indian population increased from 605 persons to 15,172

persons; during the same period, the city's Chinese population increased from 2,260 persons to 18,261 persons. (City of Bellevue 2019). Currently, Whites of any ethnicity, including Hispanic, still comprise a slight majority (56%) of Bellevue's population, followed by Asians (34%).

As Bellevue's communities of color increase in number and size, the City must navigate racial tensions similar to those observed in cities nationwide. From a review of available government reports, documents, and Bellevue City Council meeting minutes from the past five years, emerges evidence of citizen concerns about racial bias and targeting in traffic stops and other police encounters. In the 2017 Bellevue Police Department's Community Survey (a survey that collects perceptions of police interactions), community members rated 84% of interactions as either "excellent" or "good" and 16% of interactions as "fair" or "poor" (Bellevue Police Department 2017). This positive rating was up from previous years, when 78-80% of interactions were rated as positive. It is important to note that these reports offer no racial or neighborhood breakdowns. Also pertinent to this report, there are no current, publicized breakdowns of the demographics of the Division of Criminal Prosecution's caseload or case outcomes.

RACIAL BREAKDOWN OF CITY OF BELLEVUE POPULATION

Year	White	Black	Native American or Alaskan Native	Asian	Native Hawaiian and Pacific Islander	Other races	Two or more races	Hispanic origin, any race
1970	97.85%	0.57%	NA[1]	NA[1]	NA[1]	1.58%	NA[1]	NA[1]
1980	92.94%	1.44%	0.34%	3.81%[2]	0.08%	1.39%	NA	1.74%
1990	86.50%	2.23%	0.44%	9.95%	NA[3]	0.87%	NA	2.52%
2000	74.33%	1.99%	0.32%	17.39%	0.23%	2.54%	3.19%	5.32%
2010	62.56%	2.30%	0.37%	27.58%	0.19%	3.06%	3.95%	6.98%
2017	55.92%	2.80%	0.27%	33.85%	0.30%	2.05%	4.82%	7.24%

1 1970 Census only included only three racial categories
2 1980 Census Asian divided into Japanese, Chinese, Filipino, Korean, Asian Indian, Vietnamese
3 1990 Census "Pacific Islander" captured in "Asian and Pacific Islander" variable
LCY STUDENT TEAM

BELLEVUE CITY ATTORNEY'S OFFICE AND THE DIVISION OF CRIMINAL PROSECUTION

The City Attorney's Office (CAO) provides a range of legal services to the leaders of the City of Bellevue. There are three functional divisions within the CAO: Criminal Prosecution, Civil Advice, and Risk Management. The Division of Criminal Prosecution currently consists of five prosecutors and three legal assistants. The Chief Prosecutor manages the entire team. The tenure of the current prosecution team varies, with tenures ranging from less than one year to 30 years. The role of the Division is to process and prosecute misdemeanors and traffic infractions filed within the City's jurisdiction, and to assist victims of crime. Bellevue does not prosecute felonies; those cases are handled by King County Superior Court. In 2018, the Division of Criminal Prosecution processed 1,401 cases.

BELLEVUE CITY HALL'S DIVERSITY, EQUITY, AND INCLUSION EFFORTS

As Bellevue continues to undergo demographic shifts, those changes are not reflected among City employees. The current racial composition of City of Bellevue employees is disproportionately non-Hispanic White. Non-Hispanic Whites comprise more than 80% of the City's staff even though they comprise only 56% of Bellevue's population.

RACIAL BREAKDOWN OF CITY OF BELLEVUE STAFF, 2018

Non-Hispanic White	Asian	Hispanic or Latino	Black	Other Race	Two or More Races
80%	10%	4%	3%	2%	2%

Internal City training documents on implicit bias in hiring from 2018 indicate the racial breakdown of City staff. CITY OF BELLEVUE

A White majority staff persists even as the City has developed initiatives over the past 30 years to bolster diverse community relations and hire employees who reflect the communities they serve. Such efforts include:

- **Cultural Diversity Action Plan**
  In 1993, this plan — the first of its kind for the City of Bellevue, and the only one of its kind until it was updated in 2014 — guided future diversity initiatives centered around public safety, such as the Neighborhood Mediation Program of 1995.

- **Police Diversity Focus Groups**
  In 2008, the Bellevue Police Department established focus groups to connect and build relationships with communities in a growing and more diverse Bellevue. The focus groups also help respond to policy changes and current events and offer insights related to various community issues.

- **Bellevue Diversity Initiative: The Diversity Advantage**
  The City of Bellevue adopted a new diversity plan in 2014. A key component of the initiative was changing the City Council's vision statement to read: "Bellevue welcomes the world. Our diversity is our strength" (Diversity Advantage Team 2014). The revised statement reflects the City's recent growth, and particularly its non-White population growth. The Diversity Advantage Plan serves to make Bellevue a culturally competent government and community by ensuring inclusion and equitable access to resources, services, and opportunities. We will discuss how the Diversity Advantage Plan fits in with broader efforts to combat implicit bias efforts in the next section.

- **Blind Application Process**
  Instituted in 2016 as a part of the City's Diversity Talent Hiring Initiative, the City's new hiring process redacts the name, race, and gender from all employment applications.

THE DIVERSITY ADVANTAGE PLAN AND IMPLICIT BIAS

The Diversity Advantage Plan offers a roadmap for the City to foster a culturally competent workforce and community. An element of the plan that relates to this report is establishing the requirement that all City employees complete a cultural competency training. Although the plan does not specifically mention implicit or explicit biases, it does focus efforts towards cultural competence, with the goal that staff have an "increased self-awareness and understanding of social biases" (Diversity Advantage Team 2014). In addition, it requires all departments to develop their own strategic plans to assess their progress on achieving the City's Diversity Advantage Plan. The Plan requires every department to have its own diversity liaison and create diversity group initiatives. The plan does not introduce recommendations for the Division of Criminal Prosecution beyond those which concern hiring, training, and diversity group initiatives required for all other City departments.

The 2017 status update on the Diversity Advantage Plan reported that as of 2017, 55% of City employees had taken the cultural competency training (Diversity Advantage Team 2017). In addition, Police Advisory Councils were established for the following communities: Latino, LGBTQI,

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African American, Asian, Muslim, and Interfaith. The City also established an online reporting tool for bias-based incidents in the community.

In the City Attorney's Office specifically, staff members established a Diversity Planning Task Force (PTF) in 2017. PTF finalized an internal Strategic Plan in February 2018 (CAO Diversity Planning Task Force 2018). PTF's Strategic Plan introduces goals related to policymaking, programs, and services, which include: engaging all staff in the City's implicit bias trainings by the end of 2018, developing supplemental trainings for CAO staff, developing a system to track demographic data by July 2019, and developing a formalized system to ensure equitable treatment in civil and criminal cases by early 2019. PTF also committed to reviewing matters of policy through an equity lens by developing a policy matrix by the end of 2019.

RESEARCH FRAMEWORK

In this chapter, we outline key concepts and theories related to our focus on implicit bias and prosecution. We begin with an understanding of implicit bias, including the emergence of the theory of implicit bias in the late 1990s, the cognitive processes that result in implicit biases and beliefs, as well as challenges with identifying implicit biases within one's self. Only after we understand what implicit biases are and how we all come to hold them, can we move to address them. We outline the key components necessary to engage in "prejudice habit-breaking," which can mitigate the negative effects of implicit bias. We then provide general frameworks and actionable approaches found to reduce the outward impacts and expression of implicit biases on individuals in group settings.

Next, we examine the implications of implicit bias in prosecution, focusing on racial disparities in prosecutorial outcomes. Holding all legally relevant factors constant, studies reveal that Black defendants receive longer confinement sentences and fewer alternative sentencing options than White defendants. These disparities are especially noteworthy when one considers that a majority of prosecutors are White. We then examine the vast discretionary power prosecutors hold, both those which are inherent in the system's structure and those which represent the "street-level bureaucrat," a term that refers to those people who work on the front lines to implement policy. While discretion tends to carry a negative connotation in the criminal justice arena, we note that prosecutors can use their discretion in beneficial ways. We also briefly discuss theories of criminal behavior which partly explain some of the disproportionality in citation and arrest data, including the bidirectional relationship between police and prosecutors.

We conclude this chapter by discussing how to measure and assess implicit bias. The Implicit Association Test is the standard metric for doing so, though researchers have identified flaws with the test. We also discuss data gaps (or limitations) as a result of few studies having ever been conducted to assess implicit bias in the criminal justice system, and none to assess implicit bias directly in prosecution.

> Only after we understand what implicit biases are and how we all come to hold them, can we move to address them.

FOCUS ON RACIAL BIAS

People of all identities, regardless of their race, ethnicity, gender or gender expression, religion, socioeconomic status, sexual orientation, or age, hold biases. In this report, we focus on racial biases for a couple reasons. First, because racial disparities in the criminal justice system and law enforcement have long been experienced and documented. Recent events highlighting these disparities have ushered in new urgency around identifying and addressing racial biases and prejudices. Second, because law enforcement agencies collect data on race, while other demographic indicators like socioeconomic status, religion, sexual orientation, and gender expression are not codified. These data collection practices allow only for an in-depth examination of racial disparities. We recognize and acknowledge that biases of other forms also exist and manifest within the criminal justice system.

UNPACKING UNCONSCIOUS ATTITUDES: THE STUDY OF IMPLICIT BIAS

An explanation of implicit bias and an iceberg metaphor often go hand-in-hand: As psychologists Mahzarin Banaji and Anthony Greenwald note, prejudiced attitudes and stereotypes skulk within the subconscious, rendering them inaccessible through introspection or self-reporting (Greenwald and Banaji 1995). Social constructs and personal experiences weave together to develop inherent stereotypes and attitudes, which in turn become the internalized building blocks of implicit bias.

While implicit bias is hardly a recent construct — stereotypes and attitudes have shaped human actions since the beginning of time — Banaji and Greenwald introduced the theory in the late 1990s. To understand implicit bias, one must first understand the theory behind

implicit social cognition. This follows Walter Schneider and Richard M Shiffrin's (1977) well-established cognitive theory that humans have two ways of processing information:

- **Controlled processing** is a "temporary sequence of nodes activated under control of, and through attention by, the subject" (Schneider and Shiffrin 1977). Controlled processes are limited by one's capacity, but can easily be set up, altered, and applied to new situations where automatic sequences have not been learned.
- **Automatic processing** is "activated automatically without the necessity for active control or attention by the subject" (Schneider and Shiffrin 1977). The primary feature of an automatic process is that it occurs without the subject's control or attention.

Implicit bias is rooted in automatic processing, which makes it difficult to assess, measure, and address. In their initial paper introducing implicit bias, Banaji and Greenwald define implicit bias as "introspectively unidentified (or inaccurately identified) traces of past experience that mediate favorable or unfavorable feeling, thought, or action toward social objects" (Greenwald and Banaji 1995). Banaji and Greenwald posit that everyone carries implicit cognition or biases, borne from experiences with social groups, and defined by race, gender, ethnicity, religion, age, nationality, social class, sexuality, or disability status. They note, "[t]he signature of implicit cognition is that traces of past experience affect some performance, even though the influential earlier experience is not remembered in the usual sense — that is, it is unavailable to self-report or introspection" (Greenwald and Banaji 1995). In essence, implicit bias is a product of the social norms that define one's worldview and positionality.

Although implicit biases were first considered as the product of "slow learning," where bias levels grow with age and exposure, recent research suggests that "adult-like implicit attitudes" are grounded from a young age. Psychologist and former Banaji student Yarrow Dunham performed an analysis of implicit gender attitudes and found that preferences emerge and stabilize early in the development of children (Dunham et al. 2016). This finding, Dunham explains, adds complexity to how to "correct" negative implicit biases, as it suggests that biases are solidified from youth.

Implicit bias is rooted in automatic processing, which makes it difficult to assess, measure, and address.

ADDRESSING THE CHALLENGES

The concept of the "bias blindspot" describes the reality that people identify bias in others more readily than they do in themselves. Emily Pronin produced seminal research on the bias blindspot in 2002 when she developed three separate tests to identify the constraints of self-reflection. Pronin found that subjects who viewed themselves to be more subjective than others were more apt to embrace violent conflict resolution tactics and were more hostile toward those who disagreed with them. This finding suggests that people who deny they may hold biases are more likely to seek conflict with those who are different from them (Pronin et al. 2002).

This research also revealed a troubling paradox: Individuals who are not outwardly biased (for example, in the language they use) are also often the least likely to identify practices and policies that are biased. Pronin explains that such individuals tend to internally "foster the impression of an 'objective' self in a world of 'biased' others" (Pronin et al. 2002). In essence, people have a tendency to hold their own perception of reality as the objective reality. According to the National Crime Victim Law Institute, this issue is particularly rampant — and problematic — in law enforcement and prosecution:

Judges, lawyers, and law students who operate in, or aspire to operate in, a profession that values objectivity and analytic thinking, and who work hard to eliminate explicit bias in their decision-making, often assume they lack implicit bias. It is important to realize, however, that even those who consciously renounce prejudice have been shown to carry implicit or automatic biases that conflict with their nonprejudiced values. To believe otherwise is to operate in what is known as a "bias blindspot."

Thus, recognizing the existence of implicit bias in our decision-making is not a condemnation of an individual, it is simply acknowledging fact. Evidence indicates that you are not immune from implicit bias whether you are a judge, a prosecutor, an attorney representing a defendant, or an attorney representing any client. The impacts of implicit bias can be particularly acute for justice (National Crime Victim Law Institute n.a.).

Psychologist Jennifer L. Eberhardt describes the human brain as a "categorization machine," one that helps us sort facets of our everyday life into specific buckets (Eberhardt 2019). The catch: These buckets are often created by our unconscious attitudes — and, in turn, by our implicit biases.

PROPOSED STRATEGIES TO MITIGATE THE NEGATIVE IMPACTS OF IMPLICIT BIAS

Many agencies and institutions tout an organizational commitment to "color-blindness," where policies and practices are not shaped by the color of a person's skin. This is a fallacy. Empirical evidence finds color-blindness as a perceptual, cognitive, and behavioral framework is superficial and ignores the realities of a racial society (Kang and Lane 2011). Given that race is one of the most prevalent lenses through which implicit bias manifests, the denial of — yet undeniable presence of — racial prejudice has serious implications (Sekaquaptewa et al. 2003).

Patricia Devine, a social psychologist specializing in prejudice and stereotypes, says implicit racial bias can be reduced through "prejudice habit-breaking." For the habit-breaking to have long-term effects, individuals must engage in four steps (Devine et al. 2012):

1. **Awareness**: Individuals understand the biases they hold within.
2. **Concern:** Individuals feel concern about the consequences of their biases.
3. **Premeditation**: Individuals identify situations where their biases may play out.
4. **Replacement**: Individuals replace biased responses with actions that meet their habit shift.

Devine tested this framework by carrying out a 12-week longitudinal study where the treatment group received a suite of interventions to a) build awareness around implicit bias, b) understand how biases impact decision-making, and c) learn strategies to prevent biases from guiding their decision-making. Post-intervention, this group displayed a dramatic reduction in explicit discriminatory decision-making and implicit racial bias, as measured by the Implicit Association Test (IAT), an implicit bias measurement tool. Members of the control group did not shift their behavior.

Although some interventions, such as Devine's experimental framework, minimize the negative influence of implicit bias, the impact is often temporary; most people revert to previously-held attitudes within 24 hours of taking the IAT (Lai et al. 2014). Nonetheless, there are techniques for reducing the externalization of implicit bias, particularly in a group setting:

1. **Engaging a hiring board in an implicit bias workshop during the hiring process**
   During a faculty search at University of Wisconsin-Madison, a human resources team introduced a set of workshops designed to educate faculty about the influence of implicit bias in hiring processes. This team provided evidence-based strategies to minimize bias from impacting the hiring process. The workshop emphasized an active learning approach wherein participants could engage in candid discussion about their own biases (Fine et al. 2014).

2. **Establishing conversation norms**
   A study administered by Cornell University found groups that established conversation norms that are not exclusionary to anyone based on gender, race, or religion were more likely to be innovative and creative than groups that did not form similar norms (Goncalo et al. 2014).

3. **Introducing a multi-phase, anti-bias training**
   In 2018, two Black men were led out of a Philadelphia Starbucks in handcuffs after asking to use the restroom before making a purchase. Following the widely-publicized event, Starbucks introduced a set of ongoing, anti-bias trainings for all of its 175,000 employees. Although the company initially planned to introduce a single training, advisors from the Equal Justice Initiative, the National Association for the Advancement of Colored People (NAACP), and Demos recommended a multi-phase series to address the need for repetition in anti-bias efforts (Nordel 2018).

Interestingly, the bulk of research around implicit bias — and how to mitigate it — has been centered around two facets: 1) hiring and employee retention, and 2) gender. These research focuses result in a significant gap related to how to mitigate the pervasive power of internally-held racial biases in other decision-making spheres.

Although diverse in methodological approach and findings, research around implicit bias agrees on one point: A single intervention — be it a training, a seminar, or a workshop — will not result in long-lasting impact. For anti-bias efforts to yield long-term results, regular repetition is key. This is summed up by journalist Jessica Nordel, who wrote about Starbucks' anti-bias trainings for The Atlantic: "Transforming one's relationship with deeply rooted stereotypes requires a vigilant attention that develops over time, the way building a muscle's strength requires regular practice and repetition" (Nordel 2018). The most successful anti-bias efforts are routinely administered.

THE IMPLICATIONS OF IMPLICIT BIAS IN PROSECUTION

No one is immune from carrying biases; one's understanding of social norms and one's worldview stems from stereotype-driven ideas about groups of people which one internalizes from an early age. As this continues into adulthood, members of society act on the unconscious assumption that those stereotypes are true.

An abundance of research reinforces the widespread negative bias against people of color, particularly Black and Latinx men. Numerous studies assessing racial implicit biases identify anti-Black bias — specifically among Whites, but also among American Indians, Asians, and Hispanics (Stepanikova et al. 2011). Some studies even demonstrate an anti-Black bias amongst Black people themselves, which reinforces the notion that cultural narratives shape cultural norms, ideas, and stereotypes, which all people internalize, whether consciously or subconsciously (Stepanikova et al. 2011).

The consequences of implicit bias in the criminal justice system have serious and lasting effects. Since people act on their implicit biases without recognizing it, it is impossible for them to operate without their biases influencing their decision-making and behavior. Stated succinctly by L. Song Richardson, legal scholar and Dean of the University of California, Irvine School of Law, "implicit racial biases can influence the behaviors and judgments of even the most consciously egalitarian individuals in ways of which they are unaware and unable to control....The absence of discernable racism does not signal the absence of racial bias" (Richardson 2017).

In fact, research shows consistent racial disparities in prosecutorial outcomes. Even when legally relevant factors remain constant — such as the gravity of an offense or extent of one's criminal history — King County prosecutors recommend longer confinement sentences for Black defendants, and prosecutors are 75% less likely to offer alternative sentences for Black defendants than for White defendants (Crutchfield et al. 1995). Even when legally relevant factors remain constant, King County prosecutors recommend longer confinement sentences for Black defendants than for White defendants. If legally relevant factors are the same, such disparate outcomes must be subjectively determined. If we give the benefit of the doubt that prosecutors are not being explicitly biased, then implicit bias emerges as the plausible underlying driver of these racial disparities.

Racial disparities become even further cemented in criminal justice and prosecution processes when we recognize that 95% of elected prosecutors nationwide are White, and 83% are men (Reflective Democracy Campaign 2015). In a review summarizing implicit bias findings using six years of data collection on more than 2.5 million people who took IAT tests, White, American Indian, Asian, Hispanic, and multiracial participants demonstrated explicit pro-White preferences. Additionally, 68% of participants were quicker to associate Black or dark skin with being "bad" and White or light skin within being "good" (Nosek et al. 2007). A related study found people implicitly associate Black people with being guilty in a trial setting (Smith and Levinson 2011). Research on the racial makeup of court workgroup teams (e.g., prosecutors and judges) suggests Black defendants are sentenced more similarly to White defendants, holding all else equal, in districts with more Black representation in the workgroup compared to districts with less Black representation in the workgroup (Ward et al. 2008).

DISCRETION, BIAS, AND THE POWER OF THE PROSECUTOR

Identifying implicit biases is particularly important in prosecutor's offices because prosecutors function with a significant amount of discretion (Akosa and Asare 2017). There is little oversight related to the decision-making process of prosecutors, and public accountability is minimal, if it exists or has any effect at all (Wright and Miller 2010). When prosecutors are democratically elected (as is the case in Washington State), ideally

The most successful anti-bias efforts are routinely administered.

Identifying implicit biases is particularly important in prosecutor's offices because prosecutors function with a significant amount of discretion.

Even the most equity-minded individuals make decisions rooted in implicit bias, especially given time and resource constraints.

the prosecutor is accountable to their constituents (Davis 2007). However, being elected by the public may actually increase and enhance the prosecutor's power and discretion because "the people" become a nebulous construct, and accountability becomes more diffuse than it might be if the prosecutor were accountable to a city manager who appointed them to their role (Davis 2007). Moreover, the vast majority (85%) of elected prosecutors run unopposed, which suggests there is less public scrutiny related to their policy platforms (Reflective Democracy Campaign 2015).

Prosecutors as street-level bureaucrats Prosecutors can be characterized as "street-level bureaucrats" due to their high level of discretion and regular interaction with citizens (Lipsky 1980). In his seminal work on the role of individuals and their discretionary power in public policy, Michael Lipsky describes street-level bureaucrats as professionals who work in public services (e.g. police departments, lower courts, legal service offices, schools, and welfare departments) who are on the front lines in creating and implementing policies. Lipsky argues that the myriad decisions made by street-level bureaucrats become de facto policy (Lipsky 1980). As such, the implicit biases of these street-level bureaucrats impact the decisions they make, how they carry out their work, and how policies are implemented.

Street-level bureaucrats characteristically contend with limited resources to carry out their work (Lipsky 1980). When resources are scarce, especially time and information, people must rely on other signals and indicators to make decisions. Lipsky suggests street-level bureaucrats create "patterns of practice" to compensate for the time and knowledge they lack; this entails structuring their work and interactions to be standardized and familiar, so as to require less customized attention (Lipsky 1980). Lipsky writes, "[t]he policies that result from routine treatment are often biased in ways unintended by the agencies whose policies are being implemented or are antithetical to some of their objectives" (Lipsky 1980).

When individuals use discretion in decision-making, those decisions are informed and influenced by perceptions and assessments of a situation. Even the most equity-minded individuals make decisions rooted in implicit bias, especially given time and resource constraints (Richardson 2017). In the courtroom, people experience "systemic triage," a mental process of allocating cognitive resources, which contributes to and perpetuates an environment in which implicit biases and racial discrimination can thrive

(Richardson 2017). People have limited cognitive capacity, and during times of high stress, they tend to use mental shortcuts to adapt to the situation at hand. These mental shortcuts include relying on stereotypes and biases to make judgment calls. Systemic triage and the perpetuation of racial disparities are particularly salient in the criminal justice system where prosecutors must make life-determining decisions quickly and with limited time and information. Such biases are continually reaffirmed in the criminal justice system, as people of color are disproportionately booked, arrested, and prosecuted (Richardson 2017).

Attempts to address implicit bias and explicit bias in prosecutorial decision-making include sentencing guidelines or eligibility criteria for programs like pretrial release, where an individual is released on bail or another form of assurance before their trial date. Although such policies are purported to be race-neutral they too contribute to racially disparate outcomes. Policies purported as race-neutral also contribute to racially disparate outcomes. For example, employment status may be deemed a racially neutral characteristic to consider in a pretrial release decision. Upon closer assessment, this eligibility requirement disfavors defendants of color who are less likely to be employed than White defendants, largely due to other systemic oppression and discriminatory forces (Task Force on Race and the Criminal Justice System 2012).

Policies purported as race-neutral also contribute to racially disparate outcomes.

Leveraging discretion and power for positive change Discretion in decision-making can be leveraged for positive change. Some researchers note that discretion actually allows prosecutors and police officers to make more equitable decisions, as they can consider individual circumstances and characteristics on a case by case basis (Davis 2007). For example, without discretion, a police officer would have to ticket every person they see littering. However, the power of discretion allows a police officer who sees a person littering to refrain from ticketing that person.

Drawing from a current example of this, the prosecutors in Snohomish and King Counties wielded their power when they decided to no longer prosecute for drug possession cases involving less than two grams of any drug (KIRO Radio Staff 2018). While this is so, no change has been made to the criminal code; drug possession of small amounts remains a misdemeanor crime. Still, the policy change has allowed decision-making behavior of prosecutors to change to reflect their discretion.

The catch when it comes to discretion is that it is not always used in a beneficial or benevolent way. Seemingly mundane, daily judgments are inherently influenced by implicit biases, if not explicit biases. Thus, frequently discretionary decisions result in racially disparate outcomes. For every example of a police officer not fining a person who litters, there are multiple instances of police officers pulling over Black and Brown men at disproportionate rates.

Implicit bias can affect the decision-making of police officers as well as prosecutors.
CITY OF BELLEVUE

Differential behavior versus differential treatment A recurring conversation in criminal justice theory regarding disproportionate arrests and outcomes examines if the worse outcomes for Black and Brown men are due to higher rates of criminal behavior among these populations, or if key actors in the criminal justice system treat Black and Brown men differently.

Examining rates of criminal offenses might indicate differential behavior by people of different races. The shortcoming with this approach is that there is no way to accurately measure such behavior since not all offenses are reported or documented (Davis 2013). While arrest rates are often used as a proxy for offense rates, they do not capture those offenses that are never documented. There are differences in who reports a crime based on the race of the victim, the severity of the crime, and whether the victim knows the perpetrator, all of which complicate attempts to measure offending rates (Kendi 2018). Further evidence shows that law enforcement officers patrol neighborhoods of color more heavily than White neighborhoods, increasing the likelihood that Black and Brown people will interact with the criminal justice system (Davis 2013).

This phenomenon loops back to discriminatory decisions made by law enforcement and prosecutors, as they decide whether a person should be arrested and charged. There are no records of people who committed an offense but who were not caught or arrested. It is not surprising, then, that as the majority of US police departments engage in hot spot policing, in which police focus their patrol in neighborhoods and other areas where crime is concentrated. Those neighborhoods will produce a disproportionate number of arrests and charges (National Institute of Justice n.d.).

THE PROSECUTOR AND THE POLICE: A BIDIRECTIONAL RELATIONSHIP

The work of the prosecutor cannot be assessed in isolation from the rest of the criminal justice system. In particular, the work of prosecutors should be considered closely with the work of law enforcement. The criminal justice funnel shows that prosecutors receive cases that have been filtered out or deemed charge-worthy by law enforcement. While some might suggest this process means data and cases processed by prosecutors might be inherently skewed and subject to the implicit and

explicit biases of law enforcement, research indicates the relationship between police and prosecutors is bidirectional: Law enforcement and prosecutors essentially work together to address crime. Even though police officers and law enforcement bring individuals into the criminal justice system, prosecutors decide whether to proceed with a case, and, ultimately, act as the final arbiters in whether an individual ends up with a criminal history (Davis 2013).

Research suggests there may be a "downstream orientation," in which police take cues from prosecutors on which cases to charge, based on whether they think the case will be found guilty in trial (Spohn and Tellis 2018). Research assessing the relationship between police and prosecutors in sexual assault cases finds prosecutors and police tend to direct resources to cases with a stronger likelihood of securing a conviction (Spohn and Tellis 2018). Police officers consider prosecutorial outcomes from past cases as indicators for how prosecutors will handle future cases. Cases that end in conviction may encourage police officers to make arrests in similar scenarios.

Additionally, even if the cases coming from law enforcement are racially skewed, prosecutors should be able to course correct, making sure people who are unnecessarily involved in the criminal justice system can leave without facing punishment.

MEASURING AND ASSESSING IMPLICIT BIAS

Psychologists Mahzarin Banaji and Anthony Greenwald define implicit attitudes as "introspectively unidentified (or inaccurately identified) traces of past experience that mediate favorable or unfavorable feeling, thought, or action toward social objects" (Greenwald and Banaji 1995). Because implicit bias is, by nature, inaccessible for introspection, measuring it poses great difficulty. Nonetheless, there are a few strategies engaged by researchers to evaluate the presence of implicit bias in individuals. While no perfect strategy exists, each provides an avenue for people to examine their own biases.

Implicit bias is usually measured or quantified using the Implicit Association Test (IAT) or "shooter bias" studies. The IAT, created by Banaji and Greenwald, "measures the strength of associations between concepts and evaluations or stereotypes" (Project Implicit 2011). Although the IAT

can be administered in multiple ways, the most common approach is to flash a pair of images and a pair of words in front of a research subject or practitioner. The words have negative and positive associations (e.g., generous, selfish), and the images represent two different types of people (e.g., a Black man, a White man). The test-taker sees the words and images flash at random on a screen, and are asked to associate each word with the "correct" image. The IAT measures both the speed of associations and the associations themselves (Project Implicit 2011). To date, more than 200 published studies have used the IAT, and more than 4.5 million individuals have taken the IAT online, where it is publicly available.

Theoretically, IAT results depend on one's cultural knowledge, cultural experience, and personal attitudes towards a group. Cultural knowledge involves general stereotypes held for a group of people, such as "Black men are more dangerous than others," while a personal attitude could be "Black men are no more dangerous than others." Cultural experience is embedded within cultural knowledge, but develops through direct interaction. In tandem, cultural knowledge and cultural experience can greatly influence the way one performs on the IAT. Because cultural knowledge, cultural experience, and personal attitudes differ from person to person, results vary across studies. It is difficult to discern which of these aspects influences a person's performance on the IAT and whether or how IAT results translate into other forms of decision-making (Nosek and Hansen 2008).

The IAT provides a snapshot of implicit attitudes at the individual level, but the instrument is not infallible to "gameability," or training to improve your score over multiple attempts. Unless the conditions are perfectly constructed, participants can respond in a way that does not align with their implicit biases (Erwin 2007). Thus, if a person knows they are being tested to see whether they react negatively toward a person of a certain race, they may respond against their implicit nature to preserve a self-image that they are not racially biased.

MEASURING IMPLICIT BIAS IN CRIMINAL JUSTICE

In "shooter bias" studies, participants are observed as the react to simulations in which men pull a gun or neutral object, such as a wallet, from their pockets. The race of the subject is varied, and participants are directed to shoot the subject with the gun. Results reveal that study participants are more likely to incorrectly shoot unarmed Black men

than armed Asian or White men (Correll et al. 2002). Similar results have been observed with both college students and police officers as the study participants (Markman 2012). Shooter bias results are especially disturbing given the trend of police officers shooting unarmed Black men (Peruche and Plant 2006).

In 2009, in one of the most well-known studies examining implicit bias in the criminal justice system, 133 trial judges from around the United States completed a race-based IAT. This study focused on judges because they are perceived to be objective and to treat everyone in a fair and equal manner. The study found "judges harbor the same kinds of implicit biases as others; that these biases can influence their judgment; but that given sufficient motivation, judges can compensate for the influence of these biases" (Rachlinski et al. 2009).

Interestingly, the results also indicate variability in Black judges' racial biases — that is, some Black judges demonstrated similar implicit biases against Black defendants as White judges, while others showed preferential treatment towards Black defendants relative to their treatment of White defendants. It is important to keep in mind, however, that judges typically receive dockets with an overrepresentation of Black people (Rachlinski et al. 2009). This, in and of itself, helps explain why judges end up convicting far more Black defendants than White.

The position of prosecutors is often considered the most powerful in the criminal justice system due to the level of discretion prosecutors can practice (Davis 2007). Nonetheless, there are currently no empirical studies which examine how prosecutorial discretion is influenced by implicit bias, specifically racial implicit bias (Smith and Levinson 2011). Prosecutors hold similar biases as law enforcement related to who they perceive as aggressive, hostile, and dangerous; and they act similarly to judges in terms of their decision-making (Smith and Levinson 2011).

EDWARD LICH

RESEARCH METHODS

We used qualitative and quantitative research methods to explore how implicit bias manifests within the context of City of Bellevue criminal prosecution.

- **Qualitative Analysis:** Semi-structured interviews with staff from the CAO, the Division of Criminal Prosecution, and the Diversity Advantage Team
- **Quantitative Analysis:** Citation data from police and data from ProLaw, to link defendant demographics to the prosecutor's database of outcomes

QUALITATIVE ANALYSIS: SEMI-STRUCTURED INTERVIEWS

DATA COLLECTION

We conducted interviews with 12 employees from the City of Bellevue. Our goals were threefold:

1. Explore how staff think about implicit bias
2. Understand whether and how cultural competency trainings influence workplace culture
3. Investigate the culture of implicit bias, within both the Division of Criminal Prosecution and the City of Bellevue

We interviewed all staff members from the Division of Criminal Prosecution, comprising five attorneys and three legal assistants. We also interviewed two staff members from the CAO who work with the Division of Criminal Prosecution and two members of the Diversity Advantage Team, which is part of the City Manager's Office. Prior to each interview, we developed a tailored interview guide. Although this prepared us with key questions and prompts, the lead interviewer maintained a conversational tone to invite the interviewee to share thoughts openly.

We recorded each interview using a tape recorder with the interviewee's permission. Interviews lasted between 30 minutes and 90 minutes. Due to a technical error, we did not record one interview. We excluded this interview from our analysis. We used oTranscribe to transcribe each of the interviews. This left us with two versions of each interview: an audio file and a written transcription.

DATA ANALYSIS

We conducted a thematic content analysis. This type of analysis allows us to identify patterns in interview data and sort them into key themes (Floersch et al. 2010).

We aligned our thematic analysis around the following six-step process, outlined by Virginia Braun and Victoria Clarke (2006).

1. **Becoming familiar with the data**
   Among our team, two analysts read each interview transcript. We also randomly assigned interviews to analysts to avoid any systematic bias that may come from the same two people reading the same transcripts. Each analyst worked independently and created individual notes as they read through the transcript. In addition to highlighting relevant passages, analysts provided a short summary of key points upon completing a read-through of the interview.

2. **Generating initial codes**
   We generated two sets of codes in this phase: identifiers and initial codes. Identifiers are unique number IDs we assigned to each interviewee. To generate initial codes, analysts re-read their assigned interview transcripts and took note of emergent topics. For example, we generated initial codes in a shared document for topics like "workload" (code: WL) or "accountability" (code: acct). We also highlighted quotes representative of these codes and pasted them alongside their corresponding codes in a spreadsheet.

3. **Discovering initial themes**
   We reviewed the codes we collected independently and discussed emergent patterns. We clustered codes that reflected patterns as initial themes. We created another spreadsheet to organize these themes. We pasted quotes from our interview transcriptions as they corresponded with codes in separate sections. This allowed us to view the data (e.g., quotes) supporting each theme in one place.

4. **Reviewing initial themes**
   Next, we reviewed the data points which supported each theme and teased out patterns emerging from the quotes. We discussed which themes were relevant to our research questions, which themes lacked sufficient support from our data, and whether we should add new themes to our analysis.

5. **Refining themes**
   Once we identified themes, we explored how they fit together as an interwoven, narrative for the data we collected. This helped us begin to answer our research questions.

6. **Documenting themes**
   Finally, we documented our themes and findings to produce this report.

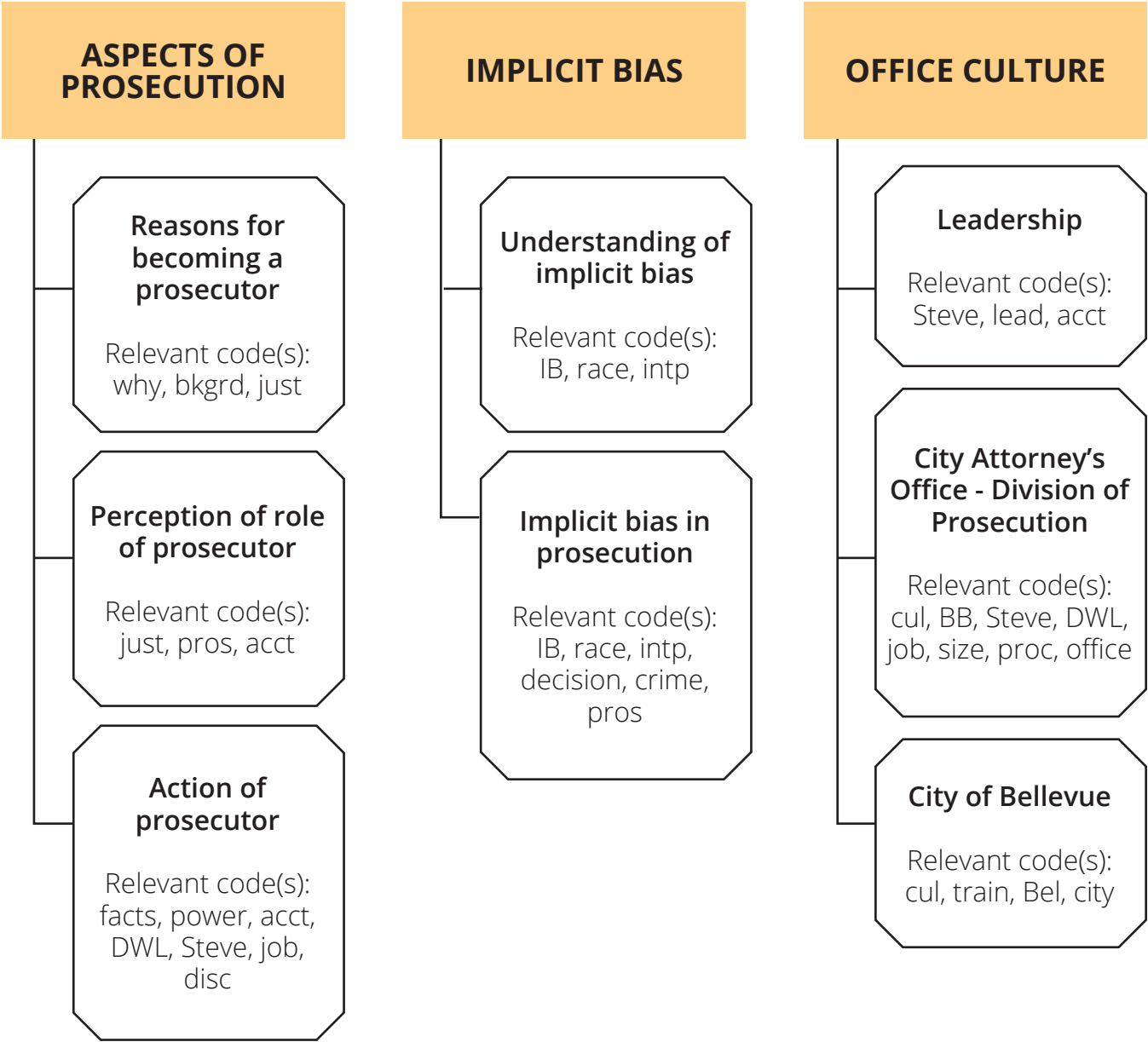## QUANTITATIVE ANALYSIS: CITATION DATA AND PROSECUTORIAL OUTCOMES

DATA SELECTION

We used administrative data provided by the Bellevue Police Department and the Division of Criminal Prosecution to examine arrest and case resolution trends and to consider how implicit bias manifests in Bellevue's criminal prosecution system. The data we investigated encompassed:

- **Police citation records**: A record of each citation from police interaction (2014-2018)
- **ProLaw records**: A record of each Division of Criminal Prosecution case (2014-2018)

Administrative data is a valuable source of information because it is readily available; both the Bellevue Police Department and Division of Criminal Prosecution are required to collect administrative data for every case they process.

We had two reasons for gathering data from both the Bellevue Police Department and the Division of Criminal Prosecution. First, by evaluating both data sources, we could track the entire life cycle of a case, from an individual's initial contact with a police officer, to the final outcome of prosecutorial proceedings. Second, ProLaw does not capture demographic information; the Bellevue Police Department does in its

OVERARCHING CODES

ASPECTS OF PROSECUTION	IMPLICIT BIAS	OFFICE CULTURE
Reasons for becoming a prosecutor Relevant code(s): why, bkgrd, just	**Understanding of implicit bias** Relevant code(s): IB, race, intp	**Leadership** Relevant code(s): Steve, lead, acct
Perception of role of prosecutor Relevant code(s): just, pros, acct	**Implicit bias in prosecution** Relevant code(s): IB, race, intp, decision, crime, pros	**City Attorney's Office - Division of Prosecution** Relevant code(s): cul, BB, Steve, DWL, job, size, proc, office
Action of prosecutor Relevant code(s): facts, power, acct, DWL, Steve, job, disc		**City of Bellevue** Relevant code(s): cul, train, Bel, city

A coding process enabled student researchers to sort through data and identify key themes related to implicit bias as it affects Bellevue's Division of Criminal Prosecution. LCY STUDENT TEAM

citation records. By linking police citation data to ProLaw data from the Division of Criminal Prosecution, we were able to trace lines from demographic information to cases and prosecutorial outcomes. We requested five years of data from each office because this time span provides a large enough sample of cases for us to draw statistically significant conclusions. Further, the timespan accounts for shifts in staffing and any randomness due to entry error.

The data provided to us by the Bellevue Police Department and Division of Criminal Prosecution do not include characteristic variables such as ethnicity, socioeconomic status, criminal history, or area of arrest. They also do not include outcome variables such as agreed upon plea, amount of fine, and sentence served.

DATA COLLECTION AND CHARACTERISTICS

Data from Bellevue Police Department The Bellevue Police Department provided us with five years of citation data, from January 1, 2014 to December 31, 2018 (n = 24,685). The citation data indicates whether:

- The case was filed with the King County Prosecutor.
- The person was taken into custody after an arrest.
- The person was summoned or cited after an arrest.

The citation data also include the arrest date and time, criminal cite number (if applicable), person's date of birth, charge description, level of charge, sex, and race. The racial categories are: American Indian/Alaskan Native, Asian/Pacific Islander, Black, other, unknown, and White. There is no category for Hispanic or Latinx ethnicity, and the data do not account for additional racial subgroups or ethnicities within each of these categories.

Bellevue only processes misdemeanor charges, although both misdemeanor and felony charges were included in the data (King County processes felony charges). As is common with administrative data collections, data received from the Bellevue Police Department did not have all variable fields completed. This "missingness" may reflect administrative error or data entry errors. A majority of missing values were for felony cases, which are not pertinent to this analysis.

MISSING VALUES WITHIN DATA, 2014–2018

Variable name	Number of missing values in all data (n=24,685)	Percentage of data	Number of missing values in misdemeanor data (n=11,651)	Percentage of data
Arrest charge, statute description	150	0.61%	0	0%
Arrest type	174	0.70%	0	0%
Criminal cite number	12,758	51.68%	0	0%
Date of birth	135	0.55%	8	0.07%
Arrestee race	161	0.65%	27	0.23%
Arrestee sex	129	0.52%	8	0.07%

BELLEVUE DIVISION OF CRIMINAL PROSECUTION AND BELLEVUE POLICE DEPARTMENT

Data from Division of Criminal Prosecution The Division of Criminal Prosecution provided five years of ProLaw data, from January 1, 2014 to February 2, 2019. This data comprised of 7,806 records. Once the Division of Criminal Prosecution receives a case from the Bellevue Police Department, the prosecutor's office inputs citation data into ProLaw. At this point, the database becomes a case tracking and management tool. Each record in this dataset contained a criminal citation number, Bellevue Police Department case number, defendant name, and case outcome. There are 34 outcomes within the dataset that fall into eight general categories: plead guilty, dismissed, found guilty, declined to prosecute, deferred prosecution, felony to county, diversion, and other. Aside from a single record which lacked a Bellevue Police Department case number, the data provided by the Division of Criminal Prosecution reflected complete records.

Additionally, the Division of Criminal Prosecution provided a dataset of 1,117 cases from 2014 which listed initial charges as well as case outcomes. These data provided a broader context for us to consider which charges are most likely to be pursued, dropped, or brought down in charge level. Since these data from 2014 are dated, they may not capture the Division of Criminal Prosecution's current charging practices. Nonetheless, these data serve as a roadmap for further analysis of current charge data. (See Appendix B for an overview of data cleaning and reshaping.)

DATA MERGING

We merged the two datasets together using Bellevue Police Department's case numbers to match citation data with ProLaw data. This merge allowed us to analyze interactions from initial police contact to prosecutorial outcomes using all relevant demographic information. We created variables and merged data using Stata/SE14.2, a statistical software package commonly used by social scientists.

RESULTS OF MERGING DATA ACROSS POLICE AND PROSECUTOR, 2014–2018

Merged records	Number of records	Percent of prosecutor records
Matched	7,379	95.51%
Not matched	3,671	NA
From prosecutorial records	347	4.49%
From police records	3,324	NA

BELLEVUE DIVISION OF CRIMINAL PROSECUTION AND BELLEVUE POLICE DEPARTMENT

DATA ANALYSIS

For this analysis we used regression models, which are applied to determine the extent to which race predicts the following outcomes:

- Charge type

- Multinomial likelihood model (a predictive model that calculates the likelihood of an event occurring based on the variables included) of receiving one of the eight simplified outcomes: plead guilty, dismissed, found guilty, declined to prosecute, deferred prosecution, felony to county, diversion, and other

- Likelihood of pleading or being sentenced to a lesser charge than the charge given by the Bellevue Police Department in the final determination

To determine the validity of each model, we tested each with and without a racial identifier variable and we performed a likelihood ratio test to see if the added racial identifier variable improved the model's fit. In each instance, the racial identifier improved the fit of the model. Within our dataset, all race categories have large enough sample sizes (n>30) to be what is considered a "statistical power." This makes it possible to form valid statistical relationships between a variable and an outcome of interest. When separated into specific outcomes or charges, these samples, especially for the American Indian and Alaskan Native population, become very small (n< 30). In this case, the statistical power is lost and inferences drawn based on race may not be valid.

A multinomial likelihood model is used when there are multiple outcomes associated with one variable, as is true of the eight different outcome categories of the Division of Criminal Prosecution. These models produce different coefficients, or the value that signifies the effect, for each input variable, allowing one to see the exact effects of every variable for all possible outcomes, such as the exact effect of age on whether an individual pleads guilty. With multinomial models, one of the outcomes is used as a reference category, meaning that the coefficients in the model are relative to that outcome. Within our original model we used "plead guilty" as the reference category, since it is the most prevalent outcome. In order to determine the true effect of the chosen input variables on outcomes, we take the marginal effects of the coefficients. The marginal effects signify the percentage point change of the outcome based on a change in that variable, all else held equal, and allow us to see the effects on every outcome.

Many prosecutors are convinced that bias does not affect their judgment or decision-making, claiming that their determinations are based entirely on facts. CLARISSE MEYER

Descriptive statistics provide additional context and themes for the data which supplement the regression analysis used to identify important associations between key variables and outcomes. With both the descriptive statistics and the regression analysis models, we can paint a complete picture of an individual's path through the Bellevue Division of Criminal Prosecution and any possible influence of implicit bias. We performed all regression analysis and descriptive statistics using Stata/SE 14.2.

We conducted semi-structured interviews with various stakeholders to assess office culture as it relates to implicit bias and efforts surrounding diversity, equity, and inclusion. Our focus was to explore how the office understands and thinks about implicit bias, assess the effectiveness of the City's required cultural competency trainings, and investigate the culture of implicit bias in the City generally as well as in its Division of Criminal Prosecution specifically.

From these interviews, we identified three main themes:

1. **Fairness and achieving justice as the primary role of prosecution**
   When discussing how they view the role of prosecution, all prosecutors and legal staff mentioned its purpose is to achieve justice or fairness, or to protect the community. Interviewees mentioned justice and fairness means different things in different situations.

2. **Misunderstanding of implicit bias and how it affects prosecution**
   Prosecutors and legal assistants offered various definitions of implicit bias, all of which are somewhat related to bias, but do not entirely capture the meaning of *implicit* bias. The majority of interviewees said they do not think implicit biases affect the work they do, which suggests a fundamental misunderstanding of implicit bias.

3. **Effectiveness of citywide efforts to mitigate implicit bias**
   While the City of Bellevue has undertaken efforts to bolster and prioritize diversity, respondents tended to find the required cultural competency trainings as unrelated to their work and ineffective in the long-term.

4. **Discomfort around engaging in conversations about race**
   Related to prosecutors not thinking implicit bias affects their work and the perception that the City's mandatory cultural competency trainings are irrelevant or ineffective, interviewees exhibited discomfort around talking about race.

The majority of interviewees said they do not think implicit biases affect the work they do, which suggests a fundamental misunderstanding of implicit bias.

FAIRNESS AND JUSTICE AS THE PRIMARY PURPOSE OF PROSECUTION

The overwhelming perception of the role of prosecution in society is to seek justice. The majority of interviewees also said justice can look different in different situations. Some prosecutors noted that justice does not necessarily mean jail time or securing a conviction, but most noted that someone who committed an offense should be held accountable for their actions. Some interviewees indicated that part of justice is obtaining a fair resolution for a case, including fair outcomes for the defendants. When asked why they pursued a career in prosecution, a majority of prosecutors said they found the work "interesting," and some noted a natural inclination to understand what is fundamentally "right" and "wrong."

More than one person within the Division of Criminal Prosecution noted that prosecutors "do not work directly with clients." Clients, usually defendants, they said, tend to provide an abundance of additional information, which prosecutors believe is irrelevant. Since prosecutors primarily work with defense attorneys, they only receive the "substantive" information, such as case history and court records. Some prosecutors stated that not working directly with clients is one reason they like prosecution, as opposed to being a defense attorney.

MISUNDERSTANDING OF IMPLICIT BIAS AND HOW IT AFFECTS PROSECUTION

The citation data prosecutors receive do not reveal any information on race, ethnicity, or gender of the defendant. Several people in the Division of Criminal Prosecution said prosecutors do not need this demographic information when assessing cases. While race, ethnicity, and gender are not explicitly noted, prosecutors mentioned they are still sometimes able to deduce or assume the race and ethnicity of some defendants based on their name. Almost all prosecutors mentioned that their job relies on facts. When making decisions, prosecutors only rely on the information present in a case file, which includes the citation information and prior criminal history, if there is one. Related to fairness and accountability, prosecutors described a general perception among themselves that they do not treat anybody differently during the prosecution process, and that

When asked why they pursued a career in prosecution, a majority of prosecutors said they found the work "interesting," and some noted a natural inclination to understand what is fundamentally "right" and "wrong."

if someone has committed an offense or infraction, they should be held accountable. As one interviewee said, a prosecutor's job is "strictly sticking to legal points."

Given their stated reliance on facts to make prosecutorial decisions, a majority of prosecutors said implicit bias does not affect their work. While most interviewees recognized implicit bias as unconscious biases which everybody holds, most said these biases do not play any part in their decisions and actions, suggesting a fundamental misunderstanding of what implicit biases are and how they influence human decision-making and action.

EFFECTIVENESS OF CITYWIDE EFFORTS TO MITIGATE IMPLICIT BIAS

Interviewees said a majority of conversations regarding implicit bias among City of Bellevue officials and staff revolve around hiring practices, as the City's implicit bias training focuses on mitigating implicit biases in hiring procedures. Some interviewees stated the goal for hiring processes is to ensure the most qualified candidate is selected for the job. This approach ignores structural racism linked to implicit biases which influence who will be considered most qualified. While the City of Bellevue has undertaken efforts to prioritize diversity, interview respondents tended to consider required cultural competency trainings as unnecessary. This reflected their view of race and other demographic traits as irrelevant to their work.

However, interviewees did talk about racial representation in the office more generally. While some interviewees lauded the Division of Criminal Prosecution for its diverse staff, others noted a lack of diversity in the office. Regarding learning more about implicit bias and addressing diversity initiatives in their office, interest levels of interviewees varied.

DISCOMFORT IN TALKING ABOUT RACE

Within the Division of Criminal Prosecution, there appears a pervasive discomfort around discussing race and racially disparate outcomes in the criminal justice system. Many respondents were quick to declare that there are no challenges related to implicit bias within their field. Part of the perceived lack of implicit bias may be tied to the overarching perception that neither race nor implicit bias affect prosecutorial

process. When discussing how implicit bias may play out in prosecution, interviewees often reiterated the importance of "the facts." One interviewee noted how important it is to "not cut anyone a break." We heard this sentiment echoed by others. Part of the perception that implicit bias does not manifest within prosecution stems from individuals believing they do not carry, and are thus not influenced by, implicit bias. As stated by one respondent, "I just don't see [implicit bias], and it never impacts me. It's not anything I ever talk about."

Interviewees also often used the terms "implicit bias" or "diversity" interchangeably when they were talking about race and explicit biases. We observed a widespread discomfort around discussing race and a reluctance to acknowledge the role prosecution may play in perpetuating racial disparities.

QUANTITATIVE ANALYSIS

We analyzed each dataset for characteristics and findings separately, and then carried out a final analysis when we merged the two datasets. We observed racial disproportionality in the dataset from the Bellevue Police Department. While the results of our analysis do not pinpoint the exact source of the disproportionality, such differences between the overall Bellevue population and the arrested population should be a point of concern for the Division of Criminal Prosecution as well as for the City of Bellevue.

DESCRIPTIVE STATISTICS

Bellevue Police Department data Between 2014 and 2018 there were 11,650 charges associated with 9,396 case numbers. There were an average of 1.53 charges per case, with a maximum of nine charges for one case. The Bellevue Police Department uses racial categories from the US Bureau of Justice Statistics in its data collection. This results in six racial categories: White, Black, Asian-Pacific Islander (A-PI), American Indian-Alaskan Native (AI-AN), other, and unknown. As shown in the Overview of Bellevue Police Department Misdemeanor Cases table, there are notable differences in the racial composition among those who are arrested in Bellevue. Whites make up 68% of misdemeanor cases, Blacks make up 19%, Asian-Pacific Islanders make up 8%, and American Indian-Alaskan Natives make up less than 1%. Further, the vast majority of misdemeanor

We observed a widespread discomfort around discussing race and a reluctance to acknowledge the role prosecution may play in perpetuating racial disparities.

cases among all races are male. The median age of misdemeanor cases among races is between 27 and 33 years of age. In addition, compared to other racial groups, on average, Black individuals have a higher number of charges per case.

OVERVIEW OF BELLEVUE POLICE DEPARTMENT MISDEMEANOR CASES, 2014–2018

| Race	Number of observations	Percent of observations	Percent male	Median age	Mean number of charges per case number
White	7,922	68.00%	71.94%	32	1.51
Black	2,220	19.06%	74.86%	29	1.61
Asian-Pacific Islander	966	8.29%	68.74%	32	1.46
Unknown	307	2.64%	74.59%	28	1.43
Other	134	1.15%	80.60%	27	1.50
American Indian-Alaskan Native	74	0.64%	68.92%	33	1.47
Not provided	27	0.23%	***	31	1.26

*****Missing data in both race and sex indentifiers does not allow for calculation.* BELLEVUE CITY ATTORNEY'S OFFICE

Population demographics reflected by the police data differ significantly from the Bellevue population at large. Specifically, as shown in the graph of demographic differences and in the table of the overview of misdemeanor cases, the Police Department's data population is younger, more likely to be male, and disproportionately Black and White. Compared to the city's overall population, Asian-Pacific Islander individuals are underrepresented by Bellevue Police Department data. When compared to the larger King County population, some of these patterns of disproportionality appear less

stark. However, the overrepresentation of Black individuals persists. While not every individual arrested or cited by the Bellevue Police Department is a Bellevue resident, the racial disproportionality reflected by the department's data compared to Bellevue's population points to a need to investigate the effects of race on arrest and citation. Such an analysis is beyond the bounds of this report's focus on prosecutorial outcomes.

Additionally, the number of misdemeanor cases varied by year from 2014-2018. The total number of cases handled by the Bellevue Police Department has steadily increased since 2014, but there are differing patterns between those who are arrested and those who are cited. In 2018, the number of arrests decreased, while the number of citations increased.

## BELLEVUE POLICE DEPARTMENT CASES, 2014–2018
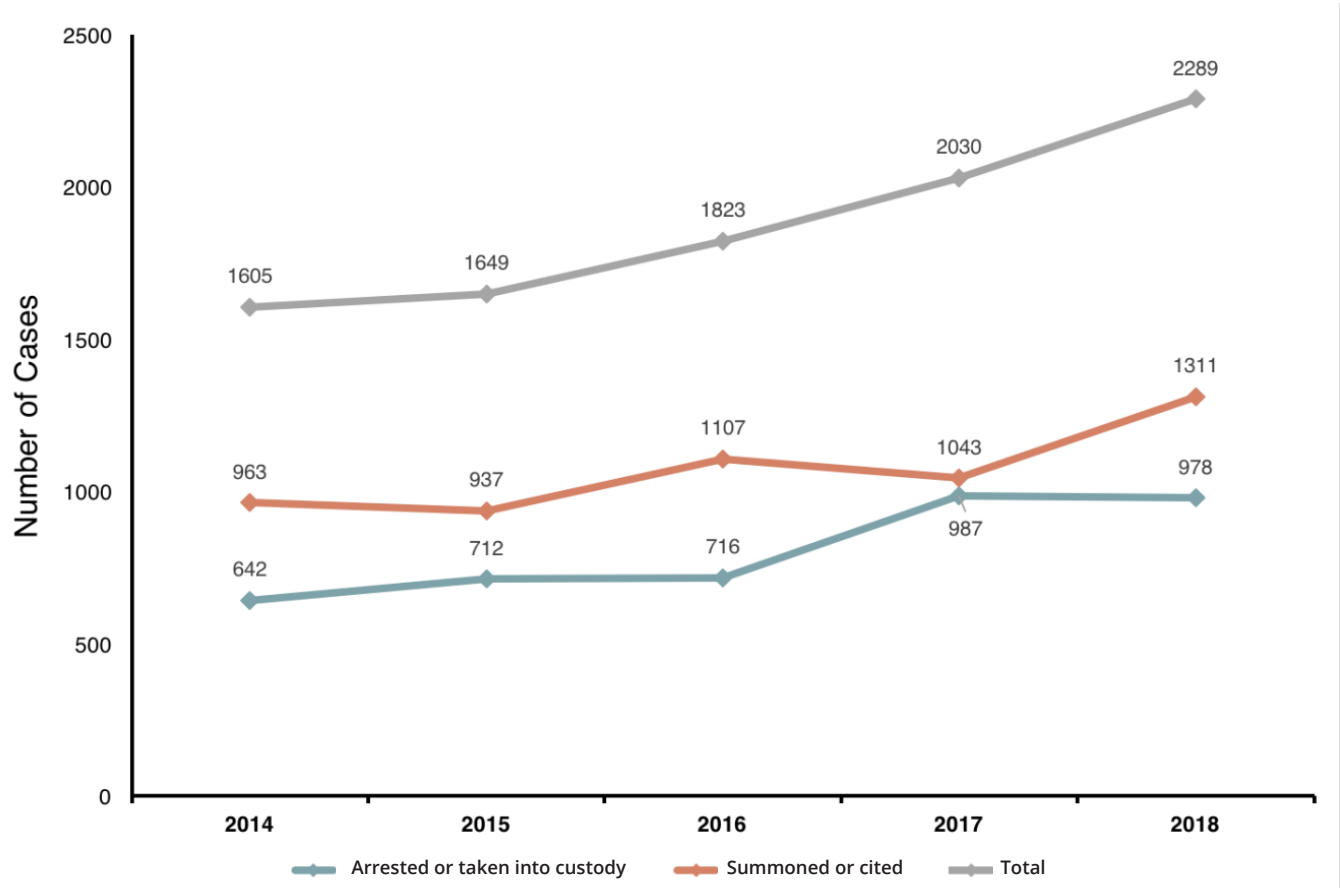
BELLEVUE CITY ATTORNEY'S OFFICE

There were 244 different charges within the dataset – however, as seen in the bar graph depiction of the most frequently charged cases from 2014-2018, these charges did not occur at the same rate. The top four charges – driving with a suspended license, theft in the third degree, fourth degree domestic violence assault, and criminal trespass – accounted for more than 50% of all charges represented by the dataset. The top 10 charges comprised 68.46% of all of the charges in the dataset.

DIVISION OF CRIMINAL PROSECUTION PROLAW DATA

In the data provided by the Division of Criminal Prosecution from 2014 to 2018 (n = 7,726), individuals appeared, on average, 2.3 times in the dataset, either as a result of multiple cases per arrest or multiple arrests. A total of 34 different outcome codes initially emerged from the dataset.

MOST COMMON CHARGES, BELLEVUE POLICE DEPARTMENT, 2014–2018

BELLEVUE POLICE DEPARTMENT
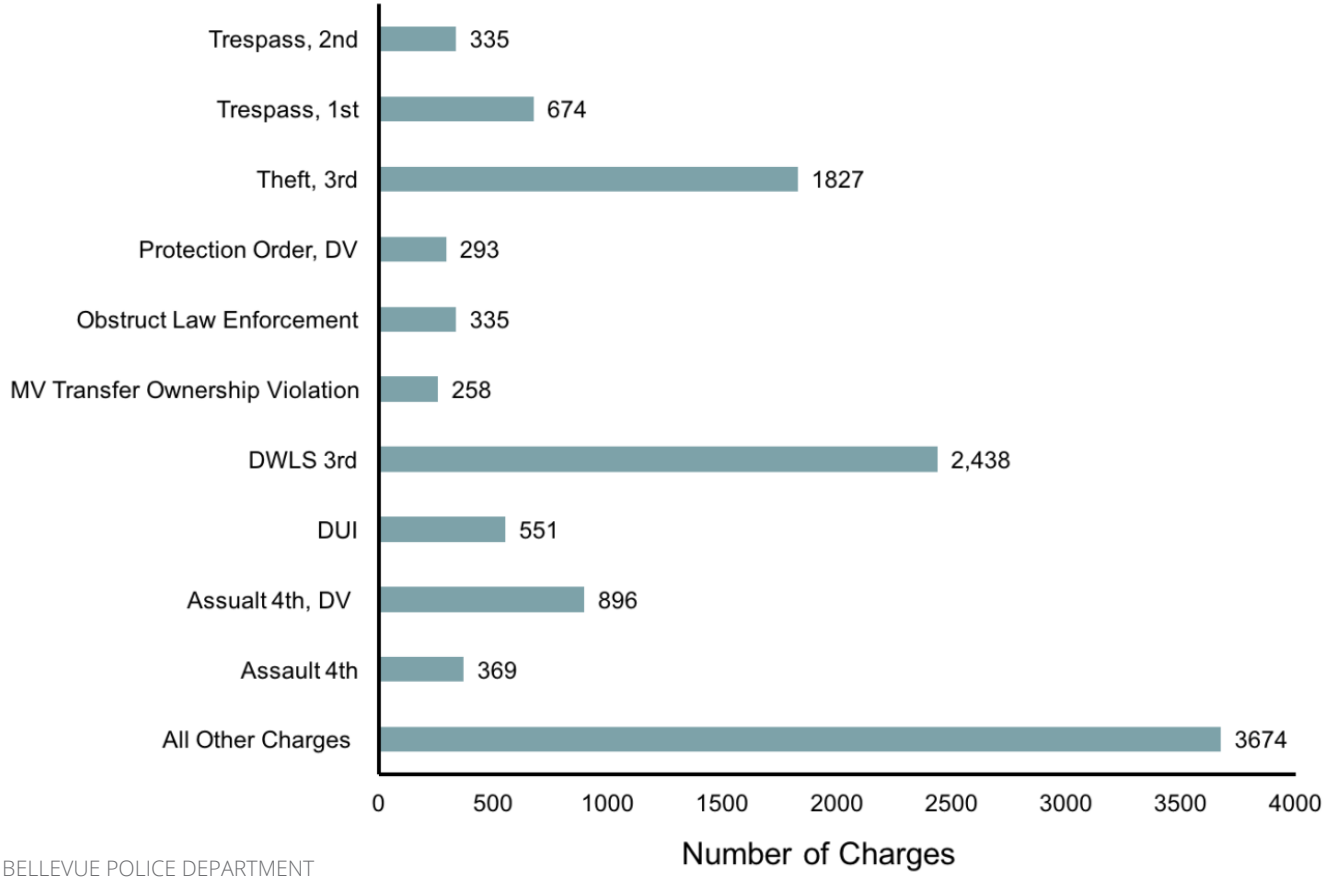
PROSECUTORIAL OUTCOMES, FREQUENCY BY TYPE, 2014–2018

Outcome	Number	Percent of all outcomes
Plead guilty	4,055	52.49%
Dismissed	1,799	23.29%
Diversion	1,236	16.00%
Plead guilty - lesser	296	3.83%
Decline to prosecute	188	2.43%
Found guilty by trial	80	1.04%
Other	48	0.62%
County filed felony	24	0.31%
Total	7,726	100%

BELLEVUE CITY ATTORNEY'S OFFICE

Many of these outcome codes could be grouped into similar outcome categories. As a result, once we grouped outcome codes, eight outcome categories emerged.

The data show a majority of cases handled by Bellevue's Division of Criminal Prosecution result in a guilty plea; this mirrors national trends in the criminal justice system. When we removed cases with "dismissed" or "declined to prosecute" statuses, plea deals accounted for 75% of case outcomes.

The caseloads handled by the Division of Criminal Prosecution varied between 2014 and 2018. The year 2017 stood out as the highest caseload year within the time period analyzed, with 1,926 cases, (shown in the Overview of Bellevue Police Department Misdemeanor Cases table). There was a decrease in 2018, to 1,401 cases handled by the Division of Criminal

The data show a majority of cases handled by Bellevue's Division of Criminal Prosecution result in a guilty plea; this mirrors national trends in the criminal justice system.

Prosecution. We are unable to determine whether these caseload trends will continue. Additionally, we noted that case outcomes have shifted over the years, with a decrease in guilty by trial and in declining to prosecute, and an increase in dismissal and diversion.

DIVISION OF PROSECUTION CASELOAD, 2014–2018
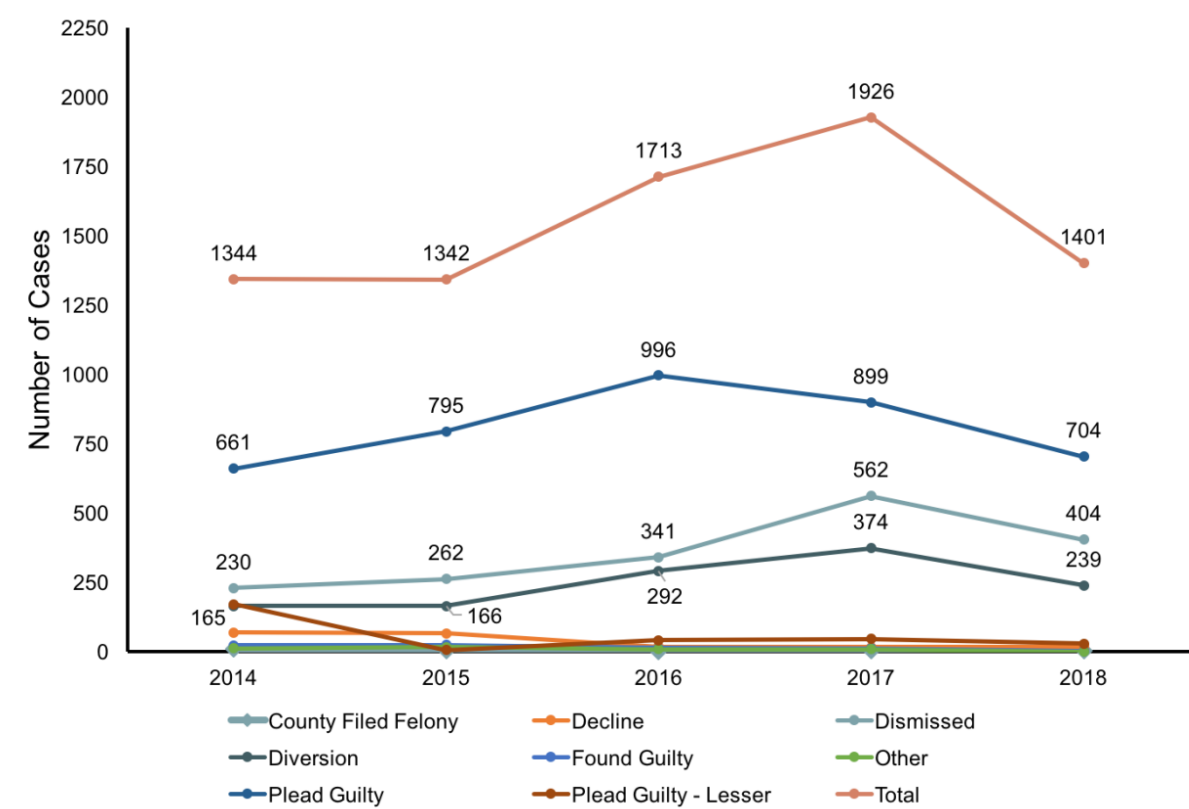
PROLAW OUTCOME DATA LINKED TO BELLEVUE POLICE DEPARTMENT DEMOGRAPHIC DATA

Once we linked ProLaw data to the Bellevue Police Department data, other trends emerged. Compared to the Bellevue Police Department dataset, we noted a 2% decrease in the number of Black individuals. Two factors may cause this disparity: First, there are differences between the number of police arrests and the number of cases the Division of Criminal Prosecution pursues. Second, Bellevue Police Department data

is delineated by charge while prosecution data is recorded by citation number, which may stand for multiple charges. The merged dataset displays fewer records for Black men largely because it documents citations and not individual charges. Overall, Black men tended to have more than a single charge per citation. That nuance, of multiple charges per citation, is lost in the merged dataset.

OVERVIEW OF MERGED DATA, 2014–2018

Race	Number of observations	Percent of observations	Percent male	Median age	Mean number of charges per case number
White	5,030	65.10%	71.61%	32	1.45
Black	1,320	17.09%	76.00%	29	1.57
Asian-Pacific Islander	675	8.74%	66.02%	33	1.41
Unknown	194	2.51%	73.20%	27	1.42
Other	103	1.33%	80.00%	28	1.49
American Indian-Alaskan Native	41	0.53%	65.85%	31	1.21
Not merged or not provided	363	4.70%	***	31	1.27

***Missing data in both race and sex indentifiers doesn't allow for calculation

In addition to outcomes differing over time, they also differ by race throughout the time period. There are significant differences in the occurrence of certain outcomes for some races over others. The true predictive power of race will be explored further in the multinomial regression analysis of outcome.

OVERVIEW OF MERGED DATA, 2014–2018

Race	Dismissed	County filed felony	Decline	Found guilty	Plead guilty	Plead guilty - lesser	Diversion	Other
White	22.51%	0.26%	1.69%	0.78%	53.81%	3.57%	16.75%	0.64%
Black	24.43%	0.61%	1.89%	1.13%	59.76%	2.65%	9.15%	0.38%
Asian-Pacific Islander	25.15%	0.15%	1.63%	0.30%	37.43%	5.92%	28.70%	0.74%
Unknown	18.88%	0.51%	2.04%	1.53%	58.67%	4.59%	12.76%	1.02%
Other	30.48%	NA	2.86%	NA	41.90%	1.90%	22.86%	NA
American Indian-Alaskan Native	26.59%	NA	NA	NA	41.46%	4.88%	14.63%	2.44%
Not provided	25.21%	0.27%	16.44%	5.75%	36.71%	7.95%	6.85%	0.82%

BELLEVUE DIVISION OF CRIMINAL PROSECUTION AND BELLEVUE POLICE DEPARTMENT

PREDICTIVE MODELING

Modeling likelihood of charge A likelihood model calculates the marginal effect probability that a given charge outcome will occur based on input variables. The "marginal effect" is the change in likelihood that an individual will be charged with a criminal offense, compared to a white person, while holding all other variables constant. For instance, when an individual is Black, they are 3.5 percentage points more likely to be charged with theft in the third degree than a White individual.

Race	DWLS***	Theft 3rd***	Assault DV 4th***	Trespass 1st***	DUI***	Assault 4th	Obstruct officer*	Trespass 2nd*	Protection order DV	MV transfer ***
AI-AN	-0.148***	0.293***	0.035	-0.048	NA	NA	-0.035	0.013	NA	NA
A-PI	-0.059***	-0.039*	0.113***	-0.024*	0.045***	0.002	-0.014	-0.012	-0.002	-0.024***
Black	0.087***	0.035*	-0.028***	0.048***	-0.051***	0.009	0.016*	-0.008	0.001	0.002
Other	0.003	-0.090**	0.108*	0.023	NA	-0.008	-0.031	0.050	0.010	0.021
Unknown	0.272***	-0.154***	-0.013	-0.026	-0.056***	0.032	-0.013	NA	-0.007	0.045

Indicates significance at .05 level
**Indicates significance at .005 level*
***Indicates significance at .001 level, NA if no charges of that type in racial category*
BELLEVUE DIVISION OF CRIMINAL PROSECUTION AND BELLEVUE POLICE DEPARTMENT

Several important findings emerge from these predictive models. First, not all racial categories have sample sizes large enough to make the results statistically significant. Some racial categories have no charges in a given category at all, namely American Indian-Alaskan Natives (this is noted by "NA" in the Marginal Effects of Race on Likelihood of Charge table). Second, for the results that are statistically significant, the likelihood that a person of a certain race will be charged with a crime versus their White counterparts varies across charge types. The majority of models are statistically significant, with the exceptions of assault in the fourth degree and being charged with a domestic violence protection order. For these charges, race is not an accurate predictor of the likelihood of a person being charged.

Within the top ten charge types, there is significant variance among the likelihood of being charged based on race. Relative to their White counterparts, Black individuals are significantly more likely to be charged with driving with a suspended license, theft in the third degree, trespass in the first degree, and obstruction of a law enforcement officer. On the other hand, Black individuals are less likely than Whites to be charged with domestic violence assault and driving while under the influence. Asian-Pacific Islander individuals are significantly more likely to be charged with domestic violence assault and driving while under the influence, compared to their White counterparts; and they are significantly less likely to be charged with driving with a suspended license and violating the notification of a transfer of a motor vehicle than White individuals. Compared to White individuals, American Indian-Alaskan Native individuals are significantly more likely to be charged with theft in the third degree and significantly less likely to be charged with driving with a suspended license.

Multinomial likelihood model of case outcomes Next, we assessed the likelihood of individual case outcomes using a multinomial logit function. This was similar to finding the marginal effect of race on the likelihood of a charge but concerned variables other than race. For instance, given age as the variable, individuals under 26 years of age are 6.8 percentage points less likely to have their cases dismissed than individuals over 26 years of age.

We identified three relevant variables in addition to race using this model: 1) whether an individual was taken into custody or arrested, versus cited, 2) how many charges were associated with a given case, and 3) if the individual was under the age of 26. We selected these variables to account for correlation among number of charges, likelihood of arrest, age, and race.

OVERVIEW OF MERGED DATA, 2014–2018

Input variables	Dismissed	County filed felony	Decline	Found guilty	Plead guilty	Plead guilty-lesser	Diversion	Other
Arrested or in custody	0.013	0.004*	-0.010**	0.007*	-0.080***	-0.023***	0.090***	-0.001
Number of charges	0.086***	0.001	0.008***	0.001	-0.108***	-0.025***	0.037***	0.001
Individual under age 26	-0.068***	NA	0.002	-0.006*	0.012	0.020***	0.043***	-0.003
AI-AN	0.152*	-0.003***	-0.017***	-0.008***	-0.138	0.015	-0.019	0.017
A-PI	0.03	-0.001	0.003	-0.005*	-0.165***	.022*	0.114*	0.001
Black	0.023	0.004	0.001	0.005	0.060***	-0.013*	-0.077***	-0.003
Other	0.069	-0.003***	0.008	-0.008***	-0.103*	-0.018	0.061	-0.006***
Unknown	-0.025	0.005	0.001	0.007	0.022	0.005	-0.017	0.004

Indicates significance at .05 level
Indicates significance at .005 level
Indicates significance at .001 level, NA if no charges of that type in racial category
BELLEVUE DIVISION OF CRIMINAL PROSECUTION AND BELLEVUE POLICE DEPARTMENT

Several findings are evident from the multinomial likelihood model of predicting outcome. First, being arrested or taken into custody is a strong predictor for case outcome. When one is arrested, versus cited, for a charge, one is more likely to receive a felony conviction, to be found guilty in a trial, or to be diverted in some way. On the other hand, one is less likely to be declined to prosecute, to plead guilty, or to plead guilty to a lesser charge. Second, a higher number of charges per case results in a greater likelihood of one of those charges being dismissed, declined, or diverted; while each additional charge makes it less likely that an individual will plead guilty or plead guilty to lesser charges. Third, being under the age of 26 makes it more likely that the individual will plead to a lesser charge or be diverted in some way, and it makes it less likely that the charges will be dismissed or that the individual will be found guilty by a trial.

While the marginal effects of all racial categories are not statistically significant, race does appear to predict certain outcomes. Black individuals are more likely to plead guilty to charges filed against them and they are less likely to plead guilty to lesser charges or to be diverted, compared to their White counterparts. Additionally, the inverse is true for Asian-Pacific Islander individuals. They are significantly less likely to plead guilty to the charges as given and more likely to plead guilty to lesser charges or to be diverted than their White counterparts. Only those who are American Indian-Alaskan Native are more likely than White people to have their cases dismissed.

Lastly, the racial identifier "unknown" does not predict any outcome, as all marginal effects are statistically insignificant. As shown in the Overview of Merged Data table, the racial identifier "unknown" has more observations than American Indian-Alaskan Native and other racial categories, and is more likely to be charged with driving with a license suspended (DWLS) in the third degree than any other group. So, while this population is quite large and is the most likely to be charged with DWLS, the most prevalent charge in the Division of Criminal Prosecution, nothing more can be concluded from data recorded for the group since there is no way to determine the race of these individuals. This way of collecting data presents a major information gap which should be redressed by the Bellevue Police Department to enable full accounting of racial demographics related to arrests and citations.

Likelihood model of charge reduction based on 2014 data In addition to outcome data, the Division of Criminal Prosecution provided the initial charge and the charge outcome for most cases in 2014 (n=1,117). We created a variable to identify whether charges were reduced or dismissed. This allowed us to construct a model to determine whether race carried any significant predictive effect on the probability of charges being dismissed or reduced in 2014. While the results of this model provide insight for 2014 practices only, this model can serve as an example for future analyses related to charge outcomes and prosecutorial practices.

The input variables for this model, in addition to the previously listed racial categories, were initial charge, whether one was arrested or taken into custody, the number of charges associated with each case number, and whether one was under age 26. Among these variables, only Black and Asian-Pacific Islander racial categories appeared statistically significant. Black individuals are 11.8 percentage points less likely to have charges reduced or dismissed than White individuals (p-value = .007), and Asian-Pacific Islander individuals are 12.4 percentage points more likely to have their charges reduced or dismissed than White individuals (p-value = .022). These findings emerged when all other variables were controlled.

LIMITATION OF MODELS

We were unable to control for type of charge using the merged dataset. This limitation resulted from not receiving a complete dataset from the Division of Criminal Prosecution for initial or outcome charge data. While charge data from the police could serve as a proxy for the prosecutor's charges, this is not an adequate substitute for two reasons: First, merging data using Bellevue Police Department case number allows us to link case numbers, not charges, to outcomes. Within our merged data, 31.39% of cases have multiple charges. For those cases with multiple charges, there is no unique identifier that links charge(s) within a case to the outcome(s) of that/those charge(s). Second, charges pursued by prosecutors can differ from the charges initially cited by police. This can occur for a number of reasons, such as dropping a charge(s) after an initial citation based on evidence. We were unable to delineate or account for these differences with the data provided to us. Such analysis can only be done with the charge information held by the Division of Criminal Prosecution, such as the analysis we completed using data from 2014.

ANALYSIS AND RECOMMENDATIONS

We have grouped our main findings and recommendations in the following three categories: data collection and analysis; equity in prosecutorial policies; and addressing implicit bias in prosecution.

DATA COLLECTION AND ANALYSIS

FINDING 1

The Division of Criminal Prosecution's current data management system does not adequately equip the team to track or analyze racial data.

There are several components of the Division of Criminal Prosecution's current data practices that significantly limit the team's ability to track racial disparities. Most notably, the Division of Criminal Prosecution does not directly track racial data. This makes data analysis of demographics impossible. In addition to not tracking racial or ethnic identifiers, there exists no efficient manner to extract charge and outcome data from ProLaw for the purposes of data analysis, thereby making such an effort difficult, monotonous, and unsustainable.

Without the Division of Criminal Prosecution tracking racial and ethnic data, any such analysis would require a person to merge data from the Bellevue Police Department with data from the Division of Criminal Prosecution. Such would require statistical analytic software and a staff member with skills to perform the data merge. As seen in the quantitative analysis of this report, merged datasets are rarely complete, leading to the possibility of a skewed analysis. These issues could be alleviated by tracking racial and ethnic information by the Division of Criminal Prosecution.

ADDITIONAL SHORTCOMINGS RELATED TO MERGING DIVISION OF CRIMINAL PROSECUTION AND BELLEVUE POLICE DEPARTMENT DATA

Merging Division of Criminal Prosecution data with Bellevue Police Department data yields incomplete and inaccurate findings because Bellevue Police Department data do not account for all racial identifiers. This is due to three factors:

1. **Inevitable error is introduced into the racial data collected by the Bellevue Police Department because police officers are in charge of noting people's race when issuing a citation.** While only 0.23% of the Bellevue Police Department data did not indicate any racial identifier, the 2.64% of "unknown" race individuals in the dataset indicates a lack of proper identification. In addition, a police officer's quick assessment of race may not reflect an individual's actual racial or ethnic identity.

2. **Racial categories used by the Bellevue Police Department do not account for individuals who may identify as having two or more races.** According to 2017 American Community Survey (ACS) estimates, 5% of Bellevue residents report having two or more races.

3. **Bellevue Police Department records use Department of Justice standards for racial categories.** Therefore, there is no way to record those of Hispanic or Latinx ethnicity. Instead, these populations are captured within other racial categories — predominantly White. When a police officer codes a race as "H" for Hispanic, the record system auto-corrects this input as "White." As a result, there is no way to account for possible disproportionate impacts of charge or case outcome on Bellevue's Hispanic and Latinx population. This is a cause for concern especially since this population has grown in Bellevue over the past 20 years; today more than 7% of Bellevue residents identify as Hispanic or Latinx.

It is also worth noting that even if race and ethnicity were properly tracked, there still are no identifiers for other key variables, such as a defendant's neighborhood, socio-economic status, or national origin, which may also give rise to disparate outcomes.

FINDING 2

A disproportionate number of Black individuals are entering Bellevue's criminal justice system, relative to the city's demographic composition as a whole. Similarly situated individuals receive differential treatment based on their race.

The data reveal a clear disproportionality between Bellevue's resident population and its arrested population. Specifically, Black individuals account for 2.8% of the resident population, but constitute 19.1% of those who are arrested or who receive citations. We noted this disproportionality in cases handled by the Division of Criminal Prosecution. Disproportionate outcomes are found in both charges and outcomes of cases. Further, based on the data we analyzed from 2014, White identification appears to predict whether charges would be dropped. Such disproportionality shows that although Bellevue and the Division of Criminal Prosecution have made efforts to increase cultural competency and knowledge of their staff, disparities still persist. Further investigation of the cause of these disparities by the Division of Criminal Prosecution is needed as the team continues to address the impacts of implicit and explicit biases as the play out in the criminal justice system as a whole.

> ### Recommendation
> Track race and ethnicity data consistently and provide time and resources for routine analysis.

Currently, the Division of Prosecution does not allocate time or resources to any type of demographic tracking for the cases it handles. Such tracking would require a change to the data collection and management practices outlined above, as well as additional resources and employee time to perform routine analyses. We recommend that the Division of Criminal Prosecution dedicate one full time staff member to the entering, collecting, and analyzing data for this effort. This person's role would be similar to the role of records management staff within the Bellevue Police Department. Implementing these practices will allow the Division of Criminal Prosecution to conduct regular self-audits of its cases, which will enable the Division to identify where progress on racial bias has been made and where more efforts are needed.

Although Bellevue and the Division of Criminal Prosecution have made efforts to increase cultural competency of their staff, disparities persist.

EQUITY IN PROSECUTORIAL POLICIES

FINDING 3

The largest proportion of cases the Division of Criminal Prosecution handles is driving with a suspended license, despite discussions to stop prosecuting these cases.

In the past five years, 20.5% of citations in Bellevue were issued to people driving with a suspended license, making it the largest citation category. Shoplifting accounted for 18.6% of citations, making it the second largest citation category. Office leadership has initiated conversations about not prosecuting for driving with a suspended license cases, since this offense is often considered a crime of poverty, one which mainly affects low-income people and people of color. Over the five year span considered for this study, the proportion of driving with a suspended license charges peaked in 2016, representing 24.2% of charges, and dipped to their lowest in 2018, representing 18.2% of charges.

Despite office leadership advocating to not charge on driving with a suspended license cases, there is not unanimity among staff on how to handle these cases. Several people in the office mentioned the futility of pressing charges on these cases, which essential results in the criminalization of people who have not paid a fine. The resources required to carry out this work is excessive. Meanwhile, others view that the role of the prosecutor is to hold people accountable for their actions, and this means pressing charges for those who do not pay their fines.

FINDING 4

Office leadership is encouraging prosecutors to consider ideas of justice not centered on securing convictions; such a change represents a significant cultural shift for prosecutors and office staff, with important implications for bias in the Division of Criminal Prosecution.

The current office leadership is trying to foster a culture wherein prosecutors think more critically about the nuances of prosecution, and prioritize rehabilitation over conviction in certain cases. Interviewees noted how office leadership – both past and current – has set the tone for prosecutorial decisions. Current leadership is viewed to allow for more nuance and discretion in decision-making than in the past; there

is an understanding that cases are not always straightforward, and some offenses and circumstances do not need to result in charges. This approach stands in contrast to previous office leadership which categorically condoned charging for criminal offenses.

Recommendation

Document policy changes shaped by the Division of Criminal Prosecution's emerging concept of justice so such policies are sustained through leadership changeovers.

An organization's culture is defined by the values and behaviors exhibited by its members, which directly transfer into decision making processes. The Division of Criminal Prosecution's determination to let prosecutors decide whether to charge people for driving with a suspended license, and potentially for other offenses similarly associated with poverty, leaves outcomes up to the discretion of individual prosecutors. Such practices may not remain in the case of a leadership changing, however. Since change and turnover is inevitable over time, the forming of policies tied to a solid and actionable commitment to diversity, equity, and inclusion, and a method for tracking gains related to those commitments, ensures those values become internalized and ingrained into prosecutorial systems. By codifying prosecutorial decision-making procedures, the Division of Criminal Prosecution can begin to increase both transparency and accountability for itself and ensure that prosecutorial discretion is used in a productive and purposeful manner to serve community interests, even if leadership changes.

Recommendation

Formally prioritize diversity, equity, and inclusion priorities in the Office by increasing investment in the CAO's Diversity Planning Task Force.

Staff from the City Attorney's Office (CAO) formed their own internal diversity team, known as the Diversity Planning Task Force (PTF), to supplement the work of CAO's diversity liaisons. The Diversity PTF is already spearheading efforts to address racial biases, discrimination, and disparate outcomes in criminal prosecution, as well as enhance the office's dedication to diversity, equity, and inclusion. In February 2018, the Diversity PTF produced a Strategic Plan outlining concrete steps for the CAO to embrace diversity and ultimately better serve Bellevue community members.

The Diversity PTF identified five overarching strategy areas where the Office can incorporate an equity lens and culturally competent procedures. Their recommendations include action items such as making CAO information more accessible to the public, developing a policy matrix to use when creating CAO policies, and implementing a quality assurance protocol to improve the hiring process and attract and retain diverse candidates. The Diversity PTF has also already recommended implementing a system to track demographic data, and requiring recurring trainings; we echo these recommendations. It is important to recognize the work the Diversity PTF has done so far, especially since the group opted to do this work on their own accord. Given their internal and intimate knowledge of the CAO and office culture, their assessments should be given credence, and the CAO should support their efforts and give them time and resources, including funds, to implement their Strategic Plan.

ADDRESSING IMPLICIT BIASES IN PROSECUTION

FINDING 5

There is no common understanding of implicit bias within the Division of Criminal Prosecution.

Statements from interviews with staff from the Division of Criminal Prosecution indicate that the office does not share a vocabulary for discussing implicit bias. Although the majority of people recognize that implicit bias is an unconscious attitude — and that everyone holds it — most prosecutorial staff reported that it does not impact their work. This indicates a subtle misunderstanding of implicit bias as well as of how it manifests.

The cultural competency training did not result in prosecutorial staff unpacking how bias likely manifests in their work.

Most staff we interviewed exhibited discomfort around talking about implicit bias on a personal level. When asked how implicit bias impacts their work, their speech patterns and mannerisms shifted noticeably. This is not an unusual response to being asked about implicit bias — especially when someone is asked to reflect on their own biases. Still, it indicates that the City's cultural competency trainings have not adequately prepared staff to reflect on their own implicit biases.

FINDING 6

Everyone in the Division of Criminal Prosecution identifies fairness and justice as the main roles of a prosecutor.

All interviewees cited "fairness" and/or "justice" as the primary roles of a prosecutor. There is, however, some nuance related to how people in the Division understand the meaning of fairness and justice. Several staff noted that justice relates to upholding the current criminal justice system as it stands, while a few connected justice to offering everyone — including defendants — a fair shot in an inherently broken system. Nearly everyone explained the importance of "facts" in prosecutorial work, and that a prosecutor's job is to assess the data related to a case. In line with this, a majority of interviewees also mentioned that prosecutorial work begins with decisions made by the police force.

Prosecutors' reliance on "facts" may in part explain the gap in staff's understanding of how implicit bias relates to the work of the Division of Criminal Prosecution. Since implicit bias is unconsciously held, it inevitably impacts everyday decision-making without the decision-maker being aware. Although the Division of Criminal Prosecution generally makes decisions based on case file information, it is crucial to remember that each case was created by a person on the police force — a person capable of holding and acting on implicit biases. By this logic, implicit bias does impact the work of prosecutors, framing at least some portion of the "facts" they receive from the police. While demographic information is not included in the case files prosecutors assess, names are included, and names can indicate a person's race or ethnicity. Such clues can activate unconscious and implicit biases and affect the decision-making of prosecutors.

FINDING 7

The current training structure does not adequately prepare the Division of Prosecution to confront implicit bias and its impacts.

Most of the staff we interviewed from the Division of Criminal Prosecution described the cultural competency training as a positive experience. The training appears to have provided staff with a basic knowledge of implicit bias and its explicit impacts. Yet, several people expressed not viewing the content of the training as applicable to their work as prosecutors. This suggests a key issue: Attendees did not leave the training with an understanding of how implicit bias by nature impacts the work of prosecutors. While it is positive that attendees developed an understanding of bias and how it can impact their personal lives, the training did not appear to result in prosecutorial staff unpacking how bias likely manifests in their work. The cultural competency training did not result in prosecutorial staff unpacking how bias likely manifests in their work.

> ### Recommendation
>
> Institute required, recurring trainings for all Division of Criminal Prosecution staff centered on bias — both implicit and explicit.

The cultural competency training is an adequate first step for the Division of Criminal Prosecution to begin to understand bias. However, as noted in the literature review, combating implicit bias (and its external manifestations) can be compared to working a muscle; it requires routine "exercise." For the Division of Criminal Prosecution to tackle implicit bias head-on, the department's entire staff must understand that a one-time cultural competency training is insufficient.

Since implicit bias is unconsciously held, it inevitably impacts everyday decision-making without the decision-maker being aware.

For the Division of Criminal Prosecution to tackle implicit bias head-on, the department's entire staff must understand that a one-time cultural competency training is insufficient.

We recommend that the Division of Criminal Prosecution organize an ongoing seminar series around implicit bias. Characteristics of such a series could include:

- **Regularly occurring**: Schedule quarterly or biannual trainings well in advance.

- **Required**: All staff should be required to participate in the trainings.

- **Engaging**: Instead of a lecture-style training, create a structure that invites candid conversation, activities, and cross-employee engagement.

- **Efficient:** An effective training does not have to span a full day. Some of the most impactful trainings last 1-2 hours.

- **Homework-ready:** Attendees should leave each training with a clear sense of next steps and practical strategies to apply to address implicit bias in their professional lives.

There are many ways to structure a seminar series. King County Prosecuting Attorney's Office, for example, hosts a book club around bias that meets bi-monthly. The City of Seattle organizes a speaker series in which guests share their perspectives on how implicit bias plays out in a real-life contexts. Although the Diversity PTF has laid a solid foundation with its lunchtime series, the Division of Criminal Prosecution can reinforce these efforts by ensuring that a) planning staff have the resources to make the seminar series effective, b) all staff can allocate time to attend the seminars, and c) all staff understand that increasing the Division's literacy around bias is a top priority.

Recommendation

Within the trainings, make it a priority to contextualize the effects and manifestations of implicit bias as it relates to prosecution.

This seminar series should explicitly connect implicit and explicit bias to the criminal justice system. More specifically, seminars should address how implicit bias factors into the work of prosecutorial staff. Prosecutorial staff should understand how biases inevitably play out in their everyday work. By developing seminar content specific to the work of the Division of Criminal Prosecution, all staff can develop a shared understanding of the grave implications of bias — and leave with practical skills and strategies to combat it.

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CONCLUSION

Due to the nature of implicit bias as something all of us carry in our subconscious, it is difficult to ascertain the extent of its impacts on a myriad of day to day decision making processes, including prosecutorial decision-making. Our findings from interviews with City of Bellevue prosecutors as well as from the data we received from the City reveal that while the City of Bellevue and its Division of Criminal Prosecution promote diversity, equity, and inclusion (DEI) initiatives, there remains work to be done to mitigate the effects of implicit bias and create an equitable justice system. While the City of Bellevue and its Division of Criminal Prosecution promote diversity, equity, and inclusion initiatives, there remains work to be done to mitigate the effects of implicit bias and create an equitable justice system.

> While the City of Bellevue and its Division of Criminal Prosecution promote diversity, equity, and inclusion initiatives, there remains work to be done to mitigate the effects of implicit bias and create an equitable justice system.

SUMMARY OF FINDINGS

Our team completed a demographic analysis of the Division's caseload. Our findings show disparate outcomes based on race. Interview sessions with members of the Division of Criminal Prosecution team revealed varied opinions regarding the value of and need for implicit bias trainings and other DEI initiatives. While many agreed that understanding implicit bias is important in broader social and political contexts, many also failed to see how their own implicit bias, as well as the implicit bias of others involved in earlier stages of the criminal justice system (e.g., police officers), may contribute to disparate outcomes. Prosecutors stated that in their work they rely on "facts," and refuted any possibility of implicit bias impacting them in their work.

SUMMARY OF RECOMMENDATIONS

We offer a set of empirical solutions for the City of Bellevue and its Division of Criminal Prosecution to combat the effects of implicit bias:

First, we recommend the Division of Criminal Prosecution continue to invest in DEI efforts, and carry out the Strategic Plan put forth by the Diversity Planning Task Force. Within its Strategic Plan, the Division has outlined plans to track demographic data and analyze its own polices using a racial equity matrix. We encourage the Division to pursue these efforts to the fullest extent possible. Such investment will demonstrate the team's commitment to real change and support of equitable outcomes.

Second, we suggest that the Division devote a full-time administrative employee to research and implement best practices for demographics data analysis. In order to ensure security and usability of data, this staff member may need to begin new data tracking processes and merge existing and new operating systems. (This goal can be implemented in tandem with other the goals outlined in the Strategic Plan, to track and analyze demographic data.)

Third, and most importantly, we recommend the Division implement implicit bias trainings according to current best practices. They should be required, regularly occurring, homework ready, and contextualized within the field of criminal prosecution. As one is more likely to act on implicit bias during times of stress, it is vitally important that these trainings not occur as one-offs; regular occurrence ensures people can absorb and make use of training material in their work. Content should be tailored to prosecutorial processes, and not generalized like many standardized diversity and equity trainings; this will help prosecutors recognize how implicit bias shows up in their work and contributes to disparate social outcomes.

With these recommendations, we believe that the Division of Criminal Prosecution can continue to make progress combating implicit bias in the criminal justice system and make Bellevue a safer and more equitable place for all.

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APPENDICES

APPENDIX A: INTERVIEW PROTOCOL

Interview Protocol

[Everyone introduces self.] Before we get started, is it okay if we record this conversation for transcribing purposes? Thanks again for taking the time to speak with us today. We wanted to give you a quick background on the project and then we can dive into the questions we prepared for you.

We are graduate students at the University of Washington Evans School of Public Policy and Governance. We're working with the Division of Prosecution here in Bellevue for our Capstone project, which is our final degree project. Our project is looking at implicit bias in criminal prosecution in Bellevue. We're speaking to everyone in the Division of Prosecution, as well as some other City staff members. At the end of our project, we will produce a report with our findings, analysis, and some recommendations for the office.

Do you have any questions for us?

Note: Questions shown in italics are follow up questions and suggested wording.

Questions for Prosecutors
- Introductory questions:
    » What's it like to be a prosecutor in Bellevue?
    » What drew you to this particular line of work?
    » What's the most rewarding part of your job? What's the most challenging?
    » How long have you been working with the City of Bellevue?
- What do you think is the role of a prosecutor in a city/society?
- How do you define implicit bias?
- How do you understand or think about implicit bias as it relates to the work of prosecutors?
- Have you taken the cultural competency or related trainings Bellevue provides?

    » What are your thoughts generally on the trainings?
    » From your perspective, what was the goal(s) of these trainings?
    » How would you assess their effectiveness?
- How does office leadership talk about implicit bias?
- How often does the office engage in conversations about disparate outcomes?
    » How often do you hear the term being used or discussed?
- What does it mean to you to have discretion in your job?
    » *How do you use discretion in your everyday work? How does it come into play?*
- How do you think about or perceive implicit bias in this office?
    » *Can you point to a part of your work where you could see the potential for implicit bias? In the work of the entire prosecutor's office? In the police force?*
- How would you rate your workload/caseload?
    » How does this affect your decision-making? Your ability to spend time on a case?
- What tools do you use in your office to help you make decisions?
- Is there anything else you want to add? Anything I didn't touch on or anything that you think we should know?

Questions for City Attorney's Office Staff
- Can you talk about your role/position in the City Attorney's Office?
- What do you think is the role of a prosecutor in a city/society?
- How do you define implicit bias?
- How do you understand or think about implicit bias as it relates to the work of prosecutors?
- Have you taken the cultural competency or related trainings Bellevue provides?
    » What are your thoughts generally on the trainings?
    » From your perspective, what was the goal(s) of these trainings?
    » How would you assess their effectiveness?

- How does office leadership talk about implicit bias?
- How often does the office engage in conversations about disparate outcomes?
- How often do you hear the term being used or discussed?
- What tools do you use in your office to help make decisions?
- Is there anything else you want to add? Anything I didn't touch on or that you think we should know?

Questions for Bellevue Diversity Advantage Team

- What is your role within the City of Bellevue?
  » What do you like about this work?

  » How do you like the City of Bellevue as a workplace and community?

- How do you define implicit bias?
- In 2014, the City launched the Diversity Advantage Initiative effort. How do you think this has changed the city, both internally (e.g., City of Bellevue as a workplace) and externally (community)?
- Which diversity trainings are the city currently pursuing as a part of its Diversity Advantage initiative?
- What are the goals of diversity trainings for staff?
  » How would you assess their effectiveness?

  » How would you assess employees' engagement with the material?

- What current strategies is the City pursuing related to hiring or training specifically related to Law Enforcement or Criminal Prosecution?
- How does City leadership talk about implicit bias/discrimination/disparate outcomes?
- Have you noticed any challenges/opportunities specific to the City of Bellevue?
- Can you provide other training materials?
- Is there anything else you want to add or that we should know? Anything we missed?

APPENDIX B: DATA CLEANING AND RESHAPING

Within data provided by the Bellevue Police Department and the Division of Prosecution, there were several variable fields that needed to be modified in order to properly analyze the data. This accompanied the fact that some data was missing entirely from the dataset. The newly generated variables facilitated our data merging process and made the dataset simpler to analyze. No variables were dropped in the process of generating these new variables. We created the following variables to merge and analyze Bellevue Police Department data:

- BPD: A truncated version of the Bellevue Police Department case number to match version used in Prosecutor records
- Age at arrest: difference in date of birth and date of arrest
- Age under 26: if an individual was under 26 at time of arrest
- Number of charges per case: number of charges associated with a single case number
- Top charge variables: individual variables for the top 10 charges in the dataset
- Arrested or taken into custody: if an individual was taken into custody or arrested instead of cited

We generated the following variables for the ProLaw dataset:

- Outcome simplified: group outcomes by type (plead guilty, dismissed, found guilty, declined to prosecute, deferred prosecution, felony to county, diversion, and other)
- Charge reduction: if a charge was reduced or dismissed in provided 2014 data

Additionally, to perform a proper merge the data had to be reshaped from a dataset with duplicate case numbers to a dataset with the case number as the unique ID for the record.

APPENDIX C: CODE BOOK

CODE	MAIN IDEA
acct	Accountability-related actions and measures
BB	'Brown bag' lunches on diversity-related topics in the City Attorney's Office- Division of Prosecution
Bel	Bellevue perception and reputation
bkgrd	Personal background of Interviewee
city	Landscape of the City of Bellevue
cop	Bellevue Police Department
crime	Types of crimes/offenses
cul	Office culture (City Attorney's Office- Division of Prosecution)
data	Data-collection
decision	Decision-making
disc	Prosecutorial discretion
DWL	Driving without license
EB	Explicit bias
fact	Facts (e.g., X was the previous Chief Prosecutor)
hire	Hiring processes and practices
IB	Implicit bias
intp	Interpersonal interactions
job	Job duties and responsibilities
just	Ideas around justice
KC	King County
lead	Leadership
mit	Mitigation-related tools and methods

pol	Policy (both current and any changes that have occurred over time)
power	Power
prbl	Probable cause
proc	Processes
pros	Role of prosecutor
pros-def	Prosecutor vs. defense
pros-pol	Prosecutor-police relationship
race	Racial disparities
size	Office size
staff	Staffing capacity
Steve	Stephen Penner- Chief Prosecutor of the City of Bellevue
time	Length of time working in City of Bellevue
train	City of Bellevue's Cultural Competency Trainings (perception and purpose)
train-out	Training outcomes
why	Reasoning for becoming a prosecutor
WL	Workload