

**ADDRESSING THE REAL PROBLEM OF RACIAL PROFILING IN
SEATTLE, WASHINGTON[®]**

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*So I...pull over to the side of the road, I heard
"Son do you know why I'm stoppin' you for?"
Cause I'm young and I'm black and my hats real low,
Do I look like a mind reader sir, I don't know,
Am I under arrest or should I guess some mo'?
"Well you was doin' fifty-five in a fifty-four.
License and registration and step out of the car
Are you carryin' a weapon on you I know a lot of you are."*

99 Problems, Rap Artist Jay-Z

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I. **Introduction**

This article will explore the problem of racial profiling in Seattle, Washington, and examine the ways that the city has attempted to solve this important and insidious issue. Seattle serves as an excellent example of the manner in which society misconstrues the issue of racial profiling for a number of reasons. Seattle has a relatively small black population and the statistics clearly indicate use of race based policing. Public discourse regarding this issue runs high at times and a great deal of debate has occurred surrounding how the local government and police should respond to this problem. Seattle demonstrates that the lingering effects of slavery are not limited to the South and that they can infect a city that often boasts of its open-minded and liberal citizens.

First, the issue of racial profiling must be examined, in general, to clearly define this practice and the consequences that result from it. The analysis will then turn to the use of racial profiling by police officers in Seattle, specifically. This section will provide an overview of the demographics of Seattle, the political culture of the city, and a clarification as to how these two characteristics interact and make racial profiling an issue that the city, as a whole, has failed to adequately address. The discussion will then examine public responses to Seattle's problem and the methods that the local government has employed in attempting to combat racial profiling.

This analysis will focus on improving the ways that citizens and the local government understand racial profiling. Seattle's residents, city officials, and the police department have repeatedly misconstrued the issue of racial profiling. By focusing on the history and sources of racial profiling, solutions will be proposed for better addressing this social crisis. This article argues that the measures that have been taken in Seattle have done nothing to alleviate the problem of racial profiling as well as offers suggestions as to how to improve race relations.

II. **Racial Profiling in General**

A. **Defining Racial Profiling**

The term "racial profiling" refers to a practice utilized by law enforcement authorities that uses race to draw conclusions about criminal conduct.¹ Racial profiling is distinct from criminal profiling where law enforcement authorities use

¹ William M. Carter, Jr., *A Thirteenth Amendment Framework for Combating Racial Profiling*, 39 HARV. C.R.-C.L. L. REV. 17, 22 (2004).

behavioral factors as a means of predicting criminal activity.² In criminal profiling, police use their past experience and traditional criminal profiles to discover criminal behavior.³ Racial profiling rests on a similar correlation, but instead a police officer uses race, rather than behavior, as an indicator of which citizens may be involved in criminal activities.⁴

Behavioral profiles that rely on an individual's conduct are far more accurate than profiles that depend on an individual's race.⁵ When officers take race into account to develop a criminal profile, they rely on stereotypes about criminal tendencies of minority groups, rather than objective and rational criteria for suspicion.⁶ This use of racial stereotypes to detect criminality violates multiple amendments of the U.S. Constitution.⁷ Despite the fact that many strong arguments against the practice of racial profiling may be derived from the Constitution, the legal system in the United States has utterly failed to effectively address the problem of racial profiling.⁸ Thus, the legal system perpetuates a class structure in which society may continue to socially oppress African Americans by portraying them as possessing uncontrollable and innate urges toward criminality.⁹ Racial profiling is a denial of equal treatment as well as a reflection of the historical stigmatization of all African Americans.¹⁰ The specific analysis of Seattle's racial profiling problems detailed below illustrates the manner in which society ignores the role of this historic stigmatization when examining racial profiling.¹¹

² DAVID HARRIS, *PROFILES IN INJUSTICE: WHY RACIAL PROFILING CANNOT WORK* 80 (2003).

³ *Id.* at 16.

⁴ *Id.* at 23.

⁵ *Id.*

⁶ *Id.* at 49 (“Much of what we think of as racial profiling comes from attitudes and beliefs people hold about certain racial or ethnic groups”).

⁷ *Id.* at 46 (arguing that while the Fourth Amendment and the Fourteenth Amendment are the most commonly used to challenge racial profiling practices, the Thirteenth Amendment should also be read as containing a powerful remedy for victims).

⁸ *Id.* at 57.

⁹ *Id.* (citing Eric Cummin, *Criminal Justice System and African Americans*, in *Encarta Africana*, at http://www.africana.com/research/encarta/tt_265.asp).

¹⁰ *Id.* at 17.

¹¹ *See id.*

B. History of Racial Profiling

Many who speak out against the practice of racial profiling link its existence to slavery in this nation.¹² Courts have consistently failed to acknowledge the connection between demonizing African Americans, as a means of justifying the institution of slavery, and racial profiling practices used by police in contemporary American society.¹³ Historical presumptions that developed to maintain the slavery system continue to remain; these presumptions base themselves on the assertion that African Americans are habitual criminals that should be under constant suspicion.¹⁴

The stigma of criminality attached to African Americans by white society was developed as a means of social control over the enslaved and later emancipated African Americans.¹⁵ By creating an image of blacks that portrays them as prone to irrepressible violence, white society effected the perception of slaves as subhuman.¹⁶ This perception reinforced the belief that the institution of slavery was needed to restrain African Americans.¹⁷ By placing whites in constant fear of blacks, white citizens would be more willing to accept black subordination to ensure white safety.¹⁸ Abolition of the slavery system proved ineffective in negating centuries of historical, legal, and cultural stripping of African Americans' humanity.¹⁹ Racial profiling of African Americans has always been and remains to be a part of the nation's social and legal fabric.²⁰

The belief that nonwhites are the cause of all disorder and inconvenience, a belief which began during the era of slavery, has become a permanent attitude in much of society.²¹ Slavery and the dehumanization of blacks was a method of social control during slavery.²² Racial profiling in contemporary society serves the same purposes by telling African Americans that regardless of any objective

¹² See, e.g., KENNETH M. STAMPP, *THE PECULIAR INSTITUTION: SLAVERY IN THE ANTEBELLUM SOUTH* 211 (1961); LEON HIGGINBOTTOM, JR., *IN THE MATTER OF RACE AND THE AMERICAN LEGAL PROCESS: THE COLONIAL PERIOD* 41 (Oxford University Press 1989)(1978).

¹³ Carter, *supra* note 1, at 17.

¹⁴ *Id.* at 56.

¹⁵ Randall Kennedy, *Suspect Policy: Racial Profiling Usually Isn't Racist. It Can Help Stop Crime. And It Should Be Abolished*, *New Republic*, Sept. 13, 1999, at 34.

¹⁶ Carter, *supra* note 1, at 57.

¹⁷ *Id.*

¹⁸ Higginbottom, *supra* note 12, at 8.

¹⁹ GLENN C. LOURY, *THE ANATOMY OF RACIAL INEQUALITY* 69 (2002).

²⁰ Higginbottom, *supra* note 12, at 81.

²¹ *Id.*

²² *Id.*

basis for criminal suspicion, they will be viewed as less than human based upon their race.²³ For many in white society, controlling crime is synonymous with intensifying law enforcement against African Americans.²⁴ Law enforcement that takes race into account is part of a larger history of the institutions and cultural practices that devalue African Americans to second class citizenship.²⁵

Numerous instances exist to illustrate the ways that racial methods have persisted and played an integral role in contemporary policing. For example, “paddy roons” were hired in the eighteenth century to run down and bring back runaway slaves.²⁶ These paddy roons eventually became the first organized police forces in the nation.²⁷ The vehicles that were used to bring back runaway slaves were called paddy wagons, a term still used in law enforcement today.²⁸ Because the internal culture of police was built on overt racial profiling, it would be extremely difficult to argue that racial profiling no longer exists.²⁹

Blackness became a crime in America during the slave era and remained a crime through the Black Codes, segregation, and race based policing.³⁰ African Americans are often viewed suspiciously and perceived as needing to be closely policed.³¹ While technically members of society, if deemed necessary their membership may be withdrawn under the auspice of securing the safety of others.³² Racial profiling remains so ingrained in American culture that many white Americans perceive the image of an African American criminal as part of the national landscape.³³

White society has difficulty accepting the relationship between slavery and racial profiling. At its best, white society would rather believe that overzealous police officers are the only members of society that utilize this

²³ Carter, *supra* note 1 at 60.

²⁴ Ronald Weitzer and Steven A. Tuch, *Reforming the Police: Racial Differences in Public Support for Change*, 42 CRIMINOLOGY 391, 393 (2004).

²⁵ KATHERYN K. RUSSELL, THE COLOR OF CRIME: RACIAL HOAXES, WHITE FEAR, BLACK PROTECTIONISM, AND OTHER MACROAGGRESSIONS 353 (1998).

²⁶ Charlie James, *Trying to Turn Around Centuries Old Cop Culture*, The Seattle Times, Aug. 25, 1999 (James is the publisher of the African-American Business & Employment Journal).

²⁷ *Id.*

²⁸ *Id.*

²⁹ *See id.*

³⁰ Lenese C. Herbert, *Bete Noire: How Race-Based Policing Threatens National Security*, 9 MICH. J. RACE & L. 149, 164 (2004).

³¹ Kenneth B. Nunn, *Race, Crime and the Pool of Surplus Criminality: Or Why the ‘War on Drugs’ was a ‘War on Blacks.’* 6 GENDER RACE & JUST. 381, 442 (2002).

³² *Id.*

³³ James, *supra* note 26.

practice in misguided attempts to protect white citizens. At its worst, white society may believe that the practice exists to protect law abiding white citizens and that this purpose justifies any costs to the black community. Most members of white society will verbally condemn racism; thus, they cannot view racial profiling as a problem that white society as a whole perpetuates because this view would lead to the conclusion that white society embraces racism.

In order to avoid placing any responsibility on white society, the problem of racial profiling becomes a debate about whether or not the practice exists. This debate leaves out any discussion of institutions and cultural values ingrained in society that create the image of the black criminal in many minds. As will become apparent throughout this article, it is vital for American society to recognize the source of racial profiling and its prevalent use in law enforcement before any effective solution can be implemented. Without this recognition, society will continue to base their perceptions on false images that serve only to maintain the class structure.

C. Consequences of Racial Profiling

Characterizing African Americans as disposed to criminality creates and perpetuates a wide range of additional social problems involving race relations in the United States.³⁴ When blacks are victims of racial profiling, this experience confirms the prevalent belief within the black community that the criminal justice system is racially biased.³⁵ Many African Americans consider themselves hunted by police officers; the history of this nation provides a long list of reasons elucidating why they would feel this way.³⁶ The proposed federal End Racial Profiling Act of 2001 stated that racial profiling perpetuates this characterization of an unjust criminal justice system and that individuals subjected to racial profiling experience fear, anxiety, humiliation, anger, resentment, and cynicism when they are unjustifiably treated as criminal suspects.³⁷ Feelings of separation and apprehension resound deep within the black community, produced by decades

³⁴ Carter, *supra* note 1, at 23.

³⁵ See, e.g., James, *supra* note 26; Steven A. Tuch and Robert Weitzer, *Racial Differences in Attitudes Toward Police*, 61 PUB. OPINION Q. 642 (1997).

³⁶ James, *supra* note 26.

³⁷ S. 989, 107th Cong. (2001) (no hearings or action on this act since it was introduced prior to the attacks of September 11, 2001 and congressional action in the future is unlikely because of Congress' reluctance to limit law enforcement power regarding antiterrorism measures).

of hostile interactions with law enforcement.³⁸ Racial profiling is a societal problem that impacts both the individuals subjected to it and effective policing.³⁹

Racial profiling also produces feelings of victimization and powerlessness, both during the encounter and afterwards when the individual seeks redress.⁴⁰ This sense of powerlessness may either cause the individual to accept that racial profiling will be a regular part of his life or adopt accommodationist strategies in an attempt to avoid constant suspicion.⁴¹ Either way, the practice of racial profiling dramatically affects these individuals' lifestyles and freedom.⁴² Individuals stopped by police because of their race are placed outside the protective ambit of citizenship and identity.⁴³ The individual is reduced to a race that is deemed disproportionately criminal and therefore the individual is deemed deserving of suspicion because of this immutable group membership.⁴⁴

Race based law enforcement also generates stigmatization and dehumanization of members of the black community.⁴⁵ Police officers do not exempt African Americans citizens from racial profiling based on their education, wealth, or personal appearance.⁴⁶ Thus, accomplishments of an individual are undermined when he is treated like a common criminal.⁴⁷ Psychologists exploring the impact of racial profiling have concluded that it can lead to serious emotional anguish.⁴⁸ The marginalization produced by racial profiling severely affects the physical and emotional health of African Americans in a variety of settings.⁴⁹ One study of reactions to racial profiling conducted in Washington, D.C. neighborhoods revealed that feelings of anger, powerlessness, and stigmatization are typical for racial minorities that experience race based law

³⁸ Andrew E. Taslitz, *Stories of Fourth Amendment Disrespect: From Elian to the Internment*, 70 *FORDHAM L. REV.* 2257, 2260 (2002).

³⁹ Carter, *supra* note 1, at 24.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ Leti Volpp, *The Citizen and the Terrorist*, 49 *UCLA L. REV.* 1575, 1598 (2002).

⁴⁴ Frank Rudy Cooper, *The Un-Balanced Fourth Amendment: A Cultural Study of the Drug War, Racial Profiling and Arvizu*, 47 *VILL. L. REV.* 851, 871 (2002).

⁴⁵ Carter, *supra* note 1, at 24.

⁴⁶ Harris, *supra* note 2, at 95.

⁴⁷ *Id.* at 96.

⁴⁸ See, e.g., Hugh F. Butts, *Psychoanalytic Perspectives on Racial Profiling*, 27 *J. AM. ACAD. PSYCHIATRY. L.* 633 (1999); Eileen O'Connor, *Psychology Responds to Racial Profiling*, 32 *MONITOR PSYCHOL.* (2001).

⁴⁹ Joe R. Feagin, Kevin E. Early and Karyn D. McKinney, *The Many Costs of Discrimination: The Case of Middle-Class African Americans*, 34 *IND. L. REV.* 1313, 1323 (2001).

enforcement.⁵⁰ Every time an African American is stopped by law enforcement on the basis of race, regardless of their lawfulness or accomplishment, they are denied the rights afforded to other citizens and are thus relegated to an inferior status.⁵¹

Racial profiling not only produces negative consequences for black communities, but also for American society in general. This nation continually praises itself as a democratic country that provides equal rights for all of its citizens. Racial profiling impacts the integrity of America and its ideals because equal rights do not apply to anyone matching the myth of the black criminal.⁵² Racial profiling demonstrates that the legacies of slavery and institutionalized racism have left African Americans in this nation without any genuine realization of freedom.⁵³ Racial profiling obliterates the expectation of fair dealing legitimacy, and justice in the criminal justice system and creates a marginalized population.⁵⁴ The United States cannot allow racial profiling to continue without the hypocrisy of the national rhetoric becoming abundantly clear to all of its citizens.

III. Racial Profiling in Seattle, Washington

A. Political and Social Climate of Seattle

The City of Seattle differs dramatically from many other urban areas in the United States. The population of the city is just over half of a million people;⁵⁵ whites make up 70.1% of the population and 8.4% of the population is African American.⁵⁶ This low black population is typical in cities located in the northern half of the western coast of the United States.⁵⁷ Effects of racial profiling become undoubtedly apparent in a city that has a smaller proportion of African American residents than in cities with larger African American populations.

⁵⁰ Ronald Weitzer, *Racialized Policing: Resident's Perceptions in Three Neighborhoods*, 43 LAW & SOC'Y REV. 129 (2000).

⁵¹ Cooper, *supra* note 44, at 874-5 n.160.

⁵² Carter, *supra* note 1, at 17.

⁵³ Herbert, *supra* note 30, at 180.

⁵⁴ *Id.* at 156.

⁵⁵ U.S. Census Bureau, *Census Demographic Profile Highlights* (available at <http://factfinder.census.gov>).

⁵⁶ *Id.*

⁵⁷ *Id.* (See San Francisco, CA where 7.8% of its population is black and Portland, OR where 6.6% of its population is black.)

Seattle is often labeled a politically liberal city⁵⁸ and tends to vote highly Democratic in political elections.⁵⁹ Seattle has been championed and self-congratulatory on its “tolerance” of ethnic minorities.⁶⁰ City officials are often publicized as socially responsible and caring members of the community.⁶¹ Citizens of Seattle are proud of the fact that they have elected two African Americans and an Asian American as their top executives.⁶² According to the Census Bureau, Seattle is the best educated big city in America where 51.3% of all Seattle adults age 25 and older have obtained a bachelor’s degree or higher.⁶³ The fact that the citizens of Seattle view themselves as extremely open-minded and liberal individuals has affected the city’s ability to label racial profiling correctly as institutionalized racism.⁶⁴ Citizens have difficulty accepting that institutional racism exists in a metropolis brimming with well meaning liberals professing their devotion to social justice and progressive ideals.⁶⁵

Seattle’s geographic distance from the South and the institution of slavery leads to the misperception that the city is immune from the enduring effects of discrimination against African Americans.⁶⁶ This misperception clearly indicates a lack of understanding regarding the practice of racial profiling.⁶⁷ When issues of racial profiling move to the center stage in Seattle, the Seattle Police Department consistently uses the historical image of black criminals to instill fear throughout the city and to persuade citizens and city officials to look the other way.⁶⁸

⁵⁸ *The Urban Archipelago*, *The Stranger*, Nov. 11, 2004 (see cover).

⁵⁹ *Id.* (John Kerry received 80% of the Seattle vote in the 2004 presidential election).

⁶⁰ John Persak, *Black Community Under Attack in Liberal Seattle*, Hartford Web Publishing, Dec. 5, 1997, available at <http://www.hartford-hwp.com/archives/45a/373.html> (last visited Nov. 2007).

⁶¹ *Id.*

⁶² Editorial, *Racial Divide Threatens a Tolerant City*, *The Seattle Times*, July 15, 2001.

⁶³ Eric Pryne, *Seattle Ranks as Nation’s Best-Educated Big City*, *The Seattle Times*, Apr. 11, 2006.

⁶⁴ Florangela Davila and Lynne K. Varner, *Blacks: Past Taught Us Fear, Police Actions Reinforce It*, *The Seattle Times*, May 17, 2000.

⁶⁵ Geov Parrish, *The Sun Rises. Every Day*, *Seattle Weekly*, Sept. 21, 2000.

⁶⁶ *See id.* (explaining that polite Seattle shies away from the word racism and the city has embraced an image of racism as hooded bigots careening through the streets rather than the institutional racism found in the practices of the Seattle Police Department).

⁶⁷ Carter, *supra* note 1, at 22.

⁶⁸ Alex Tizon and Reid Forgrave, *Wary of Racism Complaints, Police Look the Other Way in Black Neighborhoods*, *The Seattle Times*, June 26, 2001.

B. Racial Profiling Becomes a Heated Issue in Seattle

The issue of racial profiling came to the forefront in Seattle in the late 1990's.⁶⁹ During this time, activist groups convinced the city council to begin conducting hearings and reviews in order to develop a better system of monitoring police activities that amounted to racial profiling.⁷⁰ After receiving pressure from these groups, the city government agreed to comply only after a veteran homicide detective was charged with stealing \$10,000 from the apartment of a black man, Sonny Davis, who was killed by police in 1996.⁷¹ This incident served as the first in a long series of events that resulted in animosity and distrust between citizens, police, activist groups, and the city government. Over the coming years, promises would be made and broken, studies would be conducted and ignored, and Seattle would lose its reputation as a tolerant city.⁷² Public outrage ensued after learning that this officer had gone unpunished for over three years, even though several other officers and an internal affairs investigator knew of the theft.⁷³ The department had never pursued action against the officer.⁷⁴ In response to the public outrage, Mayor Paul Schell appointed a commission to scrutinize the police department's internal affairs division.⁷⁵

The issue of racial profiling continued to move in and out of the media. Research has found that citizens' feelings towards police are influenced by coverage of police misconduct.⁷⁶ However, these attitudes eventually return to pre-incident levels.⁷⁷ After the uproar surrounding the theft by the homicide detective, racial profiling remained in the spotlight for only a few months. Emotions intensified again in May of 2000 when David Walker, an African American man, was shot by police after stealing orange juice at a supermarket and firing two gunshots in a parking lot minutes earlier.⁷⁸ Walker had a history of mental illness; he skipped down the street as police confronted him and refused to drop a knife that he was carrying.⁷⁹ Police officers that were responsible for

⁶⁹ Mike Carter, *ACLU Critical of Police Videotaping of Meeting – Previous Spying Activities Charged*, The Seattle Times, June 16, 1999.

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² See, e.g., Anne Koch, *Study to Determine If Police Base Traffic Stops on Race*, The Seattle Times, Oct. 5, 2000; Beth Kaiman, *Police Overseer Pledges Action on Complaints*, The Seattle Times, July 13, 2001.

⁷³ Carter, *supra* note 69.

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ Weitzer & Tuch, *supra* note 24, at 396.

⁷⁷ *Id.*

⁷⁸ Kim Barker, *Man Had Been Hospitalized*, The Seattle Times, Apr. 14, 2000.

⁷⁹ *Id.*

Walker's death testified that they shot this mentally disabled African American only after he had made a sudden movement, but could not articulate the threat that this movement posed to their safety.⁸⁰

This incident set off another round of protests outside Mayor Schell's office and a flood of letters to the editor of *The Seattle Times*.⁸¹ Mayor Schell, originally, told the public that the shooting was a mistake, but later claimed that he misspoke and had meant to characterize the shooting as a tragedy.⁸² The mayor subsequently issued a personal apology for his remark to the president of the Seattle Police Officers Guild, Mike Edwards, on a Seattle radio program.⁸³ Edwards told members of the media that he was unsatisfied with the apology and that Mayor Schell's comments were irresponsible.⁸⁴

Within two months of the Walker incident, *The Seattle Times* published an analysis of racial disparities in the amount of traffic tickets that drivers received from the Seattle Police Department.⁸⁵ The article reported that the black driving population represents less than 9% of the driving population in Seattle.⁸⁶ *The Seattle Times* analyzed more than 324,000 citations issued between 1995 and 2000 and found that African Americans were twice as likely to receive a traffic ticket.⁸⁷ The analysis also revealed that blacks were more likely to be cited for certain offenses: blacks driving in Seattle received 27% of tickets issued for equipment violations, 33% of tickets for not using signals when required, 33.7% of tickets for defective headlights, and 47.3% of tickets for not having an illuminated license plate.⁸⁸ However, blacks received only 14.5% of speeding tickets and 12.5% of illegal U-turn tickets.⁸⁹ The newspaper's study clearly demonstrated that the Seattle Police Department was using race to predict criminality.⁹⁰

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² Anne Koch, *Mayor Apologizes for Remark About David Walker Shooting*, *The Seattle Times*, May 23, 2000.

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ Andrew Garber, *Seattle Blacks Twice as Likely to Get Tickets*, *The Seattle Times*, June 14, 2000.

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ *See id.*

The publication of this analysis prompted public outcry once again.⁹¹ Law enforcement officials responded by stating that explanations besides racial profiling were responsible for the disparities.⁹² Police officials tried to account for the disproportionate issuance of tickets by explaining that blacks receive this disproportionate share because there are more officers patrolling areas with large populations of blacks.⁹³ This statement, rather than providing an alternative explanation, simply refers to a cause and symptom of racial profiling.⁹⁴ City officials refused to acknowledge the problem of racial profiling in Seattle, despite the findings reported by *The Seattle Times*.⁹⁵ Rather, city and police officials offered to conduct their own studies to determine whether a problem actually existed.⁹⁶ Even so, six weeks later the Seattle Police Department's study confirmed *The Seattle Times*'s original analysis.⁹⁷

The issue of racism quickly became dormant and did not resurface again until May 2001 when Aaron Roberts, another African American man, was shot by two police officers during a traffic stop.⁹⁸ The two police officers involved in the shooting stated that Roberts grabbed one of the police officers by the arm and drove "violently" down the street with the police officer attached to the side of the car before any shots were fired.⁹⁹ The police officers' account changed at varying points in the investigation.¹⁰⁰ A witness stated that she saw Roberts' car roll down the street but that there was no police officer attached.¹⁰¹ When asked about this witness, the attorneys for the officers stated that they were unconcerned

⁹¹ Joshua Robin, *Witnesses Cite Racial Profiling Occasions*, *The Seattle Times*, June 15, 2000.

⁹² Garber, *supra* note 85 (quoting Scott Reinacher, chairman of the National Troopers' Coalition).

⁹³ *Id.*

⁹⁴ If police embrace the image of the black criminal, they will predict that criminality will be most prevalent in black neighborhoods. Since police use racial profiling to justify greater presence in black neighborhoods, they will arrest more African Americans than if police had been more evenly distributed throughout the city. This high number of arrests allows an officer to justify his original conclusion of black criminality. The analysis becomes even more complicated if the reasons that African Americans tend to live in poorer neighborhoods with more crime are taken into account. This more complicated analysis would demonstrate the fact that African Americans live in poorer neighborhoods is produced by the same lingering effects of the institution of slavery from which racial profiling is derived.

⁹⁵ Andrew Garber, *Blacks Ticketed More Often, Seattle Police Study Confirms*, *The Seattle Times*, July 20, 2000.

⁹⁶ *Id.*

⁹⁷ *Id.*

⁹⁸ Ian Ith, *Witness Refutes Police Account of Shooting Death*, *The Seattle Times*, June 26, 2001.

⁹⁹ *Id.*

¹⁰⁰ *Id.* (In the first days after the shooting agents for the officers stated that the police officer was still stuck in the car when it finally crashed, but one month later the officer stated that the police spokesperson had misspoke).

¹⁰¹ *Id.*

about her account because she was outnumbered by witnesses who agreed with the police.¹⁰² Many people did not trust the shifting stories of the Seattle Police Department, not only because these stories were inconsistent with physics and human nature, but also because many distrusted the Seattle Police Department in the first place.¹⁰³

April 2002 brought with it the death of yet another unarmed African American man at the hands of a white police officer.¹⁰⁴ An off duty sheriff's deputy, Melvin Miller, shot Robert Thomas, Sr., age 59, while he sat in his truck with his son and his son's white girlfriend on a mostly deserted road.¹⁰⁵ Miller arrived at Thomas' truck after a phone call from a neighbor.¹⁰⁶ Miller claimed that he was forced to shoot after Thomas drew a gun, although Thomas' son maintained that his father was unarmed.¹⁰⁷ Subsequently, the sheriff characterized Thomas as a drug abuser and outlaw motorcyclist, though he later apologized and referred to his own comments as "misstatements."¹⁰⁸ Miller was put on paid leave after the killing, prompting Reverend Leslie Braxton of Mount Zion Baptist Church to tell the media, "Shoot a black man, get a vacation."¹⁰⁹ Leaders of the African American community expressed their hope that with this shooting, their protests would lead to actual change in the relations between minority groups and police.¹¹⁰ However, it appeared that once again public reaction would mean a march around the block and then home.¹¹¹

Most recently, an off duty officer was accused of pointing a gun at a black man during a road rage incident.¹¹² The black man had a small girl in the vehicle with him.¹¹³ The officer claimed that he believed the man was a pimp "out to get" him because of "his physical appearance, being black, and also being very husky, and also his attitude."¹¹⁴ The department investigation concluded that the claim that the black man was a pimp was "beyond incredible and racially insensitive."¹¹⁵ The misconduct resulted in only a three day suspension for the off

¹⁰² *Id.*

¹⁰³ Geov Parrish, *A Raw Time for Race*, Seattle Weekly, Sept. 26, 2001.

¹⁰⁴ Rick Anderson, *Street Heat*, Seattle Weekly, May 22, 2002.

¹⁰⁵ *Id.*

¹⁰⁶ Rick Anderson, *Sheriff Trouble*, Seattle Weekly, May 1, 2002.

¹⁰⁷ *Id.*

¹⁰⁸ *Id.*

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ *Id.*

¹¹² Rick Anderson, *Our Not-So-Finest*, Seattle Weekly, June 14, 2006.

¹¹³ *Id.*

¹¹⁴ *Id.*

¹¹⁵ *Id.*

duty officer.¹¹⁶ These types of complaints against police are not uncommon¹¹⁷ and many cases are unknown to the public.¹¹⁸

These incidents created a rise and fall in the importance of racial profiling on the agendas of the citizens of Seattle.¹¹⁹ Public outcry and protests often accompanied each tragic event that revealed the use of racial profiling by the Seattle Police Department.¹²⁰ Regardless, each episode of public anger was followed by a period of near silence, indicating that the residents of Seattle had become apathetic to the problem of racial profiling during the times when there was no specific incident about which to be outraged and there was no specific individual officer to blame.¹²¹ This silence may reflect the residents' belief that racial profiling was not something that the Seattle Police Department, as a whole, utilized but something that misguided police officers used to take shortcuts. However, problems rest not with individual officers, but with a militarized police force that views certain segments of the population as the enemy, including law abiding citizens whose guilt is a function of their race.¹²² In the meantime, the response by the Seattle City Council and the Seattle Police Department mirrored this apathy, despite assertions otherwise.¹²³

C. Local Government and Police Responses to Allegations of Racial Profiling

As previously mentioned, after the 1996 incident involving the \$10,000 theft by the homicide detective came to the public's attention, the mayor appointed a commission to review how the Seattle Police Department polices itself.¹²⁴ Community and minority based organizations soon announced that they

¹¹⁶ *Id.*

¹¹⁷ *Id.* This article provides a synopsis of sustained complaints against Seattle Police Department officers from 2005 through the first quarter of 2006. Other examples of police misconduct include a vice cop arrested for patronizing another cop who was posing as a prostitute; an off duty cop with a 0.21 blood alcohol level, suspected of consuming approximately 18 beers before driving, who had to be rescued from his burning car that he had rolled after hitting the guard rail on Interstate 5; and a cop with a 0.22 blood alcohol level who told arresting state troopers, "If I get out of these cuffs, I will fucking kill you both."

¹¹⁸ *Id.*

¹¹⁹ See, e.g., *Students Call For Steps to End Racial Profiling*, The Seattle Times, Nov. 22, 2000; Nancy Bartley, *Ruling Turns Heat on Police*, The Seattle Times, Mar. 25, 2001.

¹²⁰ Davila and Varner, *supra* note 64.

¹²¹ *Ith*, *supra* note 98.

¹²² Geov Parrish, *Calling for a Crackdown*, Seattle Weekly, June 28, 2000.

¹²³ Kaiman, *supra* note 72.

¹²⁴ Mike Carter and Barbara Serrano, *Allegations Spur Hearings on Police*, The Seattle Times, June 11, 1999.

would hold public hearings into allegations of racism, brutality, and other wrongdoing by Seattle police.¹²⁵ Days after this announcement, the American Civil Liberties Union reported that a police officer had been secretly videotaping a meeting of these community groups.¹²⁶

The ACLU wrote a letter to Police Chief Norm Stamper expressing grave concern over the videotaping.¹²⁷ Chief Stamper had come under scrutiny earlier that week after he angered city council members when he sidestepped the issue of reforming the internal affairs department during a meeting in which he was supposed to discuss his plans for improving police accountability.¹²⁸ A spokeswoman for the Seattle Police Department stated that the incident was a misunderstanding and that the department had been under the impression that they were invited to the meeting, despite the fact that the police officer dressed as a civilian, did not identify himself, and set up his video camera with members of the media that actually had been invited to attend.¹²⁹ Mayor Schell made no comment and deferred to the police department.¹³⁰ This incident began a highly tumultuous relationship between race based organizations and members of the police in the debate regarding racial profiling.¹³¹

In the wake of the scandal regarding the unauthorized police videotaping, similar allegations of earlier tapings arose.¹³² It was alleged that these earlier tapings violated a ban on Seattle Police Department tapings that the city had implemented in the 1970s after an uproar had occurred over politically inspired tapings of antiwar and other left wing groups.¹³³ John Hoffman, a community activist, stated that, using public records, he had found repeated violations of the law where video cameras focused on left wing and civil rights groups.¹³⁴ Hoffman also told media that he had discovered documents from 1996 revealing that a private detective, hired by a law firm retained by the city, videotaped a meeting at the Langston Hughes Cultural Center, which featured Harriet Walden of Mothers Against Police Harassment where she discussed her lawsuit

¹²⁵ *Id.*

¹²⁶ Carter, *supra* note 69.

¹²⁷ *Id.*

¹²⁸ *Id.*

¹²⁹ *Id.*

¹³⁰ *Id.*

¹³¹ James, *supra* note 26.

¹³² Rick Anderson, *Thinning Blue Line*, Seattle Weekly, June 23, 1999.

¹³³ *Id.*

¹³⁴ *Id.*

concerning police dogs.¹³⁵ The Police Intelligence Auditor at the time, Jeffrey Robinson, acknowledged that he was investigating several allegations of video tapings by the Seattle Police Department Intelligence Division.¹³⁶ The investigation involved a number of other video complaints including the alleged covert filming of political rallies and the hiring of outside private firms to do taping for the Seattle Police Department in order to circumvent city law.¹³⁷ These allegations fed the fire surrounding police misconduct and further contributed to the deteriorating image of the Seattle Police Department.

The city council quickly ended their inquiry into racial profiling and the shortcomings of the internal affairs division at the police department. Strategies to deal with the increasing amounts of complaints from black residents were abandoned at the local level until after The Seattle Times published its analysis.¹³⁸ This publication led to a variety of responses from police and city council members, but agreement could not be reached regarding the best way to determine whether racial profiling exists.¹³⁹

After criticizing the study published by The Seattle Times, the Seattle Police Department decided to conduct their own study.¹⁴⁰ The department analyzed 86,000 tickets issued in 1999 and found that 18.6% were issued to black drivers.¹⁴¹ Captain John Diaz stated that the results clearly indicated that a disproportionality existed and that the inquiry must now focus on why it does.¹⁴² Diaz stated that the police department had created a panel composed of judges, law enforcement officials, and city council members to conduct a more detailed analysis.¹⁴³ Rather than beginning to address the problem of racial profiling and looking for solutions, the police department chose to first determine for themselves whether there was a problem and then recruited other members of the same criminal justice system to do the same.¹⁴⁴ The results of this panel inquiry, which Diaz stated would be released within three months, were never actually made public.¹⁴⁵

¹³⁵ *Id.* For a full discussion on the problematic use of police dogs, see John M. Terpin, *Illinois v. Caballes: Providing Pretext for Civil Rights Abuse*, 73 J. TRANSP. L. LOG. POL'Y 295 (2006).

¹³⁶ Anderson, *supra* note 132.

¹³⁷ *Id.*

¹³⁸ Garber, *supra* note 85.

¹³⁹ Florangela Davila, *Police, Racial Profiling Panel at Odds*, The Seattle Times, Sept. 7, 2001.

¹⁴⁰ Garber, *supra* note 85.

¹⁴¹ Garber, *supra* note 95.

¹⁴² *Id.*

¹⁴³ *Id.*

¹⁴⁴ *See id.*

¹⁴⁵ *Id.*

In October 2000, the Seattle City Council's public safety committee passed a resolution that condemned race and ethnicity as factors in deciding to stop and question, arrest, or search a person without legal basis.¹⁴⁶ The resolution called for devising a system to collect information on all traffic stops by Seattle police officers for at least one year.¹⁴⁷ The information collected would then be analyzed so that if the data showed the use of racial profiling, officials and citizens could work together to enhance police training and recommend changes in policy.¹⁴⁸ The media and community members praised this resolution, despite the fact that the existence of racial profiling in Seattle had already been established in the two previous studies by The Seattle Times and the Seattle Police Department.¹⁴⁹ Officials at the local level were highly concerned with repeatedly verifying the existence of racial profiling before any discussion could take place or any actions implemented to eradicate the problem.¹⁵⁰

The City Council approved the resolution one month later and also directed the Seattle Police Department to study the feasibility of installing video cameras on patrol cars to collect additional data on traffic stops.¹⁵¹ Thus, the city council ordered police to research the cost of video cameras to determine if they would be useful in studying whether racial profiling exists.¹⁵² A pilot program to install cameras on some patrol cars would cost the city nearly \$600,000 over two years; installing cameras on all patrol cars would cost more than \$2.5 million.¹⁵³ The Seattle City Council, apparently acting under the assumption that it was still unclear whether police were using racial profiling, was willing to spend vast amounts of taxpayer money to reach a conclusion that the previous data had already clearly revealed.¹⁵⁴ Very few residents in Seattle expressed any dissatisfaction with this resolution.¹⁵⁵

¹⁴⁶ Koch, *supra* note 72.

¹⁴⁷ *Id.*

¹⁴⁸ *Id.*

¹⁴⁹ *Id.*

¹⁵⁰ *See id.*

¹⁵¹ *City Council Approves Study on Racial Profiling*, The Seattle Times, Nov. 7, 2000.

¹⁵² *Id.*

¹⁵³ *Id.*

¹⁵⁴ *See id.*

¹⁵⁵ *Students Call for Steps to End Racial Profiling*, *supra* note 119 (reporting on a protest by Seattle Central Community College students where the students demanded that the city: (1) require police to undergo yearly anti-racism training; (2) require police to report the reason for each stop they make and the race of the people stopped; (3) install video cameras in police cars dispatched to areas where there are many complaints of police brutality; (4) establish a swift and clear discipline process for officers who target people because of their race; (5) give people who are stopped by police report cards to fill out if they feel they have been mistreated; (6) establish a

Silence followed for the next few months until two Harvard graduate students released a report revealing that even though drug use stretches across all races, people arrested in downtown Seattle in narcotics stings were more likely to be poor and black.¹⁵⁶ Blacks make up less than 9% of the population of Seattle, but accounted for 57% of adult drug arrests in 1999.¹⁵⁷ Seattle Police Chief, Gil Kerlikowske, who had replaced Police Chief Norm Stamper, stated that police go where the information, evidence, and complaints lead them and that they would not change their safety strategy merely to reduce the numbers of minorities being arrested.¹⁵⁸ However, the Harvard report contained information that clearly illustrated the flaws in Chief Kerlikowske's explanation.¹⁵⁹ While 12.5% of official narcotics complaints were recorded in the downtown area during the relevant time period, 50% of all narcotics arrests took place there.¹⁶⁰ Obviously, something other than complaints was prompting Seattle police officers to arrest this high proportion of African Americans.

The results of the Harvard study were later confirmed by a new analysis of police records, which showed that African Americans represent well over half of those arrested in serious drug busts in Seattle.¹⁶¹ The data was compiled by the Racial Disparity Project within The Defenders Association, an agency which represents indigent defendants in Seattle; the compilation was done after a review of 30,000 pages of arrest records.¹⁶² The King County Prosecuting Attorney's Office and the Seattle Police Department wanted to block public access to the statistics, despite the fact that the records themselves were subject to release under the state's open public records laws.¹⁶³ These statistics involved review of a much larger set of data than the Harvard study and demonstrated that the disparities were even greater than the Harvard study had indicated.¹⁶⁴

place other than a police station for complaints to be filed; and (7) start an economic empowerment program to help poor people pay for minor car repairs such as broken tail lights or missing lights on license plates that often result in police stops).

¹⁵⁶ Jim Brunner, *Racial Disparity Reported in King County's Drug Arrests*, *The Seattle Times*, Mar. 15, 2001.

¹⁵⁷ *Id.* (whites make up 68% of the population and accounted for 39% of drug arrests that year).

¹⁵⁸ *Id.*

¹⁵⁹ *See id.*

¹⁶⁰ *Id.*

¹⁶¹ Philip Dawdy, *A Fight to Know*, *Seattle Weekly*, Nov. 5, 2003.

¹⁶² *Id.*

¹⁶³ *Id.*

¹⁶⁴ *Id.*

The shooting of Aaron Roberts by police in 2001, detailed above, occurred just a few months after the release of the Harvard report.¹⁶⁵ Events indicated that race based law enforcement was occurring much more frequently and Seattle residents were no longer enjoying the periods of silence wherein they could forget the realities of racial profiling.¹⁶⁶ While the late 1990's were marked by an abrupt incident leading to public outcry that was closely followed by long periods of public disinterest, the first few years of the new millennium did not give residents the opportunity to ignore the tension building between racial minorities, local government, and police.¹⁶⁷ Studies continued to be released and local officials and police continued to ignore the results.¹⁶⁸ However, most Seattle residents showed no sign of recognizing that studies were not going to solve the racial discord taking control of their city.¹⁶⁹

Police officers repeatedly expressed their annoyance at the public's disapproval of the Seattle Police Department and indicated that police officers could no longer perform their duties effectively.¹⁷⁰ One officer told the media that he had never seen a place where people use the "race card" so frequently.¹⁷¹ Officers at the Seattle Police Department publicly stated that the phenomenon of "depolicing," defined as selective disengagement by police officers, was spreading throughout the city of Seattle, especially in predominantly black neighborhoods.¹⁷² Police Chief Kerlikowske acknowledged that some officers were being especially cautious in light of the controversy surrounding the killing of Aaron Roberts, but stated that there was no evidence of significant depolicing.¹⁷³

Despite Chief Kerlikowske's denial, many police officers continued to tell the media that police caution on the streets when dealing with African Americans was inevitable and will hurt black communities the most as crime increases in their neighborhoods.¹⁷⁴ The translation of this message to the black community is clear: quit demanding to be treated like human beings with equal rights or law enforcement will dehumanize you even further by refusing to protect you from danger. Eric Michl, a white Seattle patrol officer of seventeen years, told a

¹⁶⁵ *Black and White Justice in Seattle*, The Seattle Times, June 5, 2001.

¹⁶⁶ *See id.*

¹⁶⁷ *Id.*

¹⁶⁸ *See id.*

¹⁶⁹ *See id.*

¹⁷⁰ Tizon and Forgrave, *supra* note 68.

¹⁷¹ Nina Shapiro, *Black and Blue*, Seattle Weekly, June 20, 2001.

¹⁷² Tizon and Forgrave, *supra* note 68.

¹⁷³ *Id.*

¹⁷⁴ *Id.*

Seattle Times reporter, “Parking under a shady tree to work on a crossword puzzle is a great alternative to being labeled a racist and being dragged through an inquest, a review board, a FBI and U.S. Attorney’s investigation and a lawsuit.”¹⁷⁵

The hostile comments that police officers expressed to the media were not addressed to the black community alone.¹⁷⁶ Michl also stated that depolicing occurs in white neighborhoods as well.¹⁷⁷ He described an incident in which a car driven by a black man in a white neighborhood turned left into oncoming traffic, nearly causing an accident, and then drove away.¹⁷⁸ Michl explained that he pulled the man over and noticed that he was acting very suspiciously.¹⁷⁹ He provided the details of his thought process to the reporter,

If he were any other race, I would probably have arrested him on the spot. But then I started thinking, ‘What if he’s on cocaine, what if we get in a fight and he dies, and then we find out he’s only guilty of a suspended license.’ I don’t want to see my name in the papers.¹⁸⁰

Michl’s message, on behalf of himself and police officers with similar agendas, is blaring: if white citizens want to be protected from black criminals who abuse drugs, drive erratically in white neighborhoods, and are capable of committing any number of violent crimes against white families, then they must tolerate race based law enforcement and allow the costs to fall on the black community. Michl completed the story by reporting that the driver escaped while he was running a background check.¹⁸¹ He said that he found it particularly distressing to go against his own police instincts.¹⁸² Michl’s statements reflect many that were issued by police officers at the time; police officers were attempting to instill fear into citizens so that they could regain the luxury of acting immediately on suspected black criminals.

This turbulent trend continued as the police department and city council continued trying to dispel allegations. The city engaged in an eighteen month project of creating the Office of Professional Accountability (OPA) within the department to deal with any complaints of police misconduct.¹⁸³ Before the creation of the OPA, an independent auditor monitored complaints against the

¹⁷⁵ *Id.*

¹⁷⁶ *Id.*

¹⁷⁷ *Id.*

¹⁷⁸ *Id.*

¹⁷⁹ *Id.*

¹⁸⁰ *Id.*

¹⁸¹ *Id.*

¹⁸² *Id.*

¹⁸³ Kaiman, *supra* note 72.

Seattle Police Department, but had no power to conduct investigations and was commonly regarded as a rubber stamp for the department's own internal investigations.¹⁸⁴ Initially, the OPA was limited to reviewing internal investigations already conducted by the Seattle Police Department and had no power to investigate or subpoena witnesses.¹⁸⁵ The OPA would consist of a director, a citizen who would run the Seattle Police Department's internal investigations, an OPA auditor to review the director's work, and an OPA review board to review some of the OPA's investigations.¹⁸⁶

At the time of creation, the city was negotiating a new contract with the Seattle Police Officers Guild.¹⁸⁷ The Mayor, City Council, and Police Guild all acted under the assumption that the OPA was subject to contract bargaining because it might affect salaries, working conditions, and discipline of police officers.¹⁸⁸ The American Civil Liberties Union of Washington asserted that the city bargained away several provisions of OPA behind closed doors and even gave the Police Guild effective control over the individuals who sit on the OPA review board.¹⁸⁹ A criminal justice professor and national expert on police accountability systems stated that he knew of no other city where a police union has been able to negotiate already legislated accountability regulations.¹⁹⁰ Amnesty International's spokesperson commented, "The system proposed is a good step, but it does seem that some of those steps are going to be negotiated away; that's a terrible step backwards."¹⁹¹ He went on to echo concerns that the city seemed to be allowing the police guild to exercise veto power over the conception of any public oversight of the Seattle Police Department.¹⁹² The Seattle Police Officers Guild later filed a lawsuit against the city over the review board's role.¹⁹³ Police unions generally claim that civilian overseers undermine police authority, do not understand the operation of police departments, and are motivated by politics and antipolice attitudes.¹⁹⁴

In an attempt to keep the community involved, Mayor Schell announced that he would obtain "citizen input" by selecting seven "special advisors" to help

¹⁸⁴ Parrish, *supra* note 122.

¹⁸⁵ Geov Parrish, *News Impolitics*, Seattle Weekly, Jan. 3, 2001.

¹⁸⁶ Philip Dawdy, *Watchdog on a Leash*, Seattle Weekly, Oct. 8, 2003.

¹⁸⁷ *Id.*

¹⁸⁸ *Id.*

¹⁸⁹ *Id.*

¹⁹⁰ *Id.*

¹⁹¹ Parrish, *supra* note 122.

¹⁹² *Id.*

¹⁹³ Philip Dawdy, *The Cops' Credibility Gap*, Seattle Weekly, June 2, 2004.

¹⁹⁴ Parrish, *supra* note 122.

interview candidates for director of the OPA.¹⁹⁵ This group of special advisors included Jim Compton, a City Council member and renowned “cop booster.”¹⁹⁶ Terry Carroll, a former deputy prosecutor and judge whose work as the Seattle Police Department’s internal investigations officer had originally created the demand for a more effective police accountability mechanism, was also selected as a special advisor to give “citizen input.”¹⁹⁷ However, not one independent community member was appointed to the special advisory panel.¹⁹⁸

Sam Pailca was appointed as Director of the OPA.¹⁹⁹ Pailca previously served as a King County deputy prosecutor, where her job was to convince judges that police witnesses were truthful with regard to apprehending a defendant that she was charging with a crime.²⁰⁰ The other two finalists for the director position also had law enforcement or military ties.²⁰¹ After Pailca was appointed, she stated that most complaints would still not be given complete investigations, but that she would implement a policy whereby complainants would receive a written response explaining why no investigation would be conducted.²⁰² To reduce what she labeled as “actual or perceived bias,” she stated that investigators would conduct interviews, be trained on interview techniques and obtain the criminal history of the complainant only after a showing that it would be relevant.²⁰³

These measures are common sense methods for ensuring that complainants are not turned away without any acknowledgement at all. However, the city paid Pailca \$108,000 per year to formulate these procedures and implement them.²⁰⁴ Despite the director’s self proclaimed devotion to handling complaints justly, only one complaint of biased policing in the Seattle Police Department out of 164 complaints was sustained in the years 2001 and 2002;²⁰⁵ this complaint was based on sexual orientation and not race.²⁰⁶ Rather than being regarded as a sign of change, many were suspicious of the OPA.

¹⁹⁵ Parrish, *supra* note 185.

¹⁹⁶ *Id.*

¹⁹⁷ *Id.*

¹⁹⁸ *Id.*

¹⁹⁹ *Id.*

²⁰⁰ *Id.*

²⁰¹ *Id.*

²⁰² Kaiman, *supra* note 72.

²⁰³ *Id.*

²⁰⁴ *Id.*

²⁰⁵ Florangela Davila, *1 Complaint of Police Bias Sustained in 2001, 2002*, The Seattle Times, Aug. 11, 2003.

²⁰⁶ *Id.* (The officer involved in the sustained complaint made a derogatory remark while transporting a man to jail after an alleged sexual offense and was directed by Police Chief

It is far more realistic to write off the Office of Professional Accountability (OPA) as a cruel hoax, doomed from the start by a department, mayor, and City Council more interested in deflecting public criticism than in actual accountability for public employees with guns.²⁰⁷

The report regarding the one sustained complaint released by the OPA, which was published two years after the creation of the department, indicated that 28 out of 89 complaints of biased policing were investigated in 2001 and 26 out of 75 were investigated in 2002.²⁰⁸ After the publication of this report, Pailca stated that biased policing allegations are especially difficult to sustain because of the near impossibility of proving discriminatory intent.²⁰⁹ Thus, just two years after she was appointed the director of a new department within the Seattle Police Department and touted her devotion to making sure that the complaint process would be fair and effective, she stated that they could do nothing to help victims of biased policing without extensive proof.²¹⁰

Dissatisfaction with the OPA continued to grow. The Minority Executive Directors Coalition, representing the city's many ethnic minority advocacy groups, came before the city council and calmly demanded public hearings on possible changes to the OPA.²¹¹ Members of the coalition found the location of Pailca's office, which was just down the hall from Chief Kerlikowske's office in Seattle Police Department headquarters, problematic.²¹² Additionally, they expressed concerns that Pailca was biased in favor of police and that the exoneration of police officers in the controversial David Walker and Aaron Roberts shootings showed that the OPA system was broken.²¹³ However, the OPA was never given the power to review police shootings.²¹⁴ The city council was largely unresponsive to the coalition's demands.²¹⁵

The civilian review board created to examine a random sample of the OPA's concluded investigations also proved disappointing. The city council

Kerlikowske to be counseled and attend a meeting of the department's Sexual Minorities Advisory Council).

²⁰⁷ Parrish, *supra* note 185.

²⁰⁸ Davila, *supra* note 205.

²⁰⁹ *Id.*

²¹⁰ *Id.*

²¹¹ Dawdy, *supra* note 186.

²¹² *Id.*

²¹³ *Id.*

²¹⁴ *Id.*

²¹⁵ *Id.*

appoints citizens to this review board.²¹⁶ In April 2004, the only two members of the civilian review board, with the third position being unoccupied, began expressing their frustration with the process and talked of resigning.²¹⁷ Peter Holmes, an attorney from a downtown Seattle law firm, told media that he was thinking of resigning from the board because of lack of support from the city attorney and the mayor's office regarding release of the civilian review reports.²¹⁸ Holmes sensed subtle censorship at work.²¹⁹ The civilian review board's report stated that, at times, they were left with the impression that the "OPA had been predisposed to exonerate officers."²²⁰

The OPA's poor performance continued to be exposed through the media. One incident involved a 66 year old man, Raymond Nix, arrested in front of a bar after officers allegedly observed him make a drug transaction.²²¹ Nix allegedly fought back when officers tried to arrest him and was subsequently pepper sprayed, whipped to his stomach and buttocks, slapped, and kicked.²²² Once Nix was subdued, officers transported him to King County Jail.²²³ There, it was determined that Nix needed to be taken to Harborview Medical Center, where he was diagnosed with a cracked rib and returned to jail.²²⁴ Nix later passed out at the jail and was again taken to the hospital, where he was diagnosed this time with a ruptured spleen and a lacerated gut lining which required surgery.²²⁵ A friend of Nix's filed a complaint of police brutality with the OPA; however the result was simply the receipt of a letter stating that the OPA had "administratively exonerated" the officers involved due to the lack of evidence proving that Nix had received any injuries.²²⁶ After an inquiry by Nix's attorney and the Seattle Weekly, Pailca ordered the case reopened, but declined to answer any questions about the incident.²²⁷

The city and police department's methods of handling racial profiling allegations continued to spiral out of control. State Senator Rosa Franklin and State Representative Velma Veloria appeared in The Seattle Times as guest

²¹⁶ Dawdy, *supra* note 193.

²¹⁷ *Id.*

²¹⁸ *Id.*

²¹⁹ *Id.*

²²⁰ *Id.*

²²¹ *Id.*

²²² *Id.*

²²³ *Id.*

²²⁴ *Id.*

²²⁵ *Id.*

²²⁶ *Id.*

²²⁷ *Id.*

columnists pleading with the City of Seattle to do more than simply put words on paper and a few cameras in patrol cars to solve the problems of racial profiling.²²⁸ The state legislators warned that empty promises would not address the fact that relations between police and communities of color were deteriorating rapidly.²²⁹ They argued that legislation alone would not eliminate racism in the Seattle Police Department and they encouraged city officials to begin developing a system that would actually prevent racial profiling rather than simply studying it.²³⁰

In August 2001, the task force that had been created by the City Council, one year earlier, was debating whether police officers must identify themselves when collecting data.²³¹ A 9-8 vote determined that police officers would identify themselves on data collection sheets in order to heighten accountability and build trust between the police department and the public.²³² Police responded very negatively to this decision and stated that the task force was more concerned with public relations than with effective policing.²³³ As the debate raged forward, video cameras were installed in sixteen patrol cars at a cost of \$208,000.²³⁴ The task force continued to debate the best way to collect data on police stops, preferring a Scantron sheet that would be filled out by motorists.²³⁵

In the meantime, citizens began to express their outrage, stemming from the task force's closed meetings, and voiced concerns that the make-up of the task force was not reflective of the people who must deal with the consequences of racial profiling.²³⁶ One of the main criticisms alleged that young African American males were not being represented.²³⁷ After an article ran in *The Stranger* criticizing this lack of representation, a task force member contacted the publication to assert that the task force was not devoid of youth representation and directed the publication's attention to task force member Shelbi Scott.²³⁸ Upon

²²⁸ Rosa Franklin and Velma Veloria, *Treat All Seattle Residents with Respect and Dignity*, *The Seattle Times*, July 27, 2001.

²²⁹ *Id.*

²³⁰ *Id.*

²³¹ Florangela Davila, *Racial Profiling Task Force Opts for Police Officer ID at Traffic Stops*, *The Seattle Times*, Aug. 31, 2001.

²³² *Id.*

²³³ Florangela Davila, *Police, Racial Profiling Panel at Odds*, *The Seattle Times*, Sept. 7, 2001.

²³⁴ Pam Sitt, *16 Seattle Police Cars Get Video Cameras; More Considered*, *The Seattle Times*, Feb. 25, 2002.

²³⁵ Davila, *supra* note 231.

²³⁶ Josh Feit, *The Other Closed Meetings: City's Racial-Profiling Task Force Meets Behind Closed Doors in Violation of State Law*, *The Stranger*, Apr. 26, 2001.

²³⁷ *Id.*

²³⁸ Josh Feit, *Wrong Profile: Racial Profiling Task Force's Youth Representative Turns Out to be 30 Year Old White Woman*, *The Stranger*, May 3, 2001.

further investigation, The Stranger discovered that Shelbi Scott was a thirty year old white woman.²³⁹ Additionally, Ms. Scott was considering stepping down from the task force because she was discouraged with the committee.²⁴⁰

This task force had been approved by the Seattle City Council in November 2000 while Paul Schell was still the mayor.²⁴¹ Over sixteen months later, no plan had been agreed upon regarding the best way to study whether racial profiling exists in Seattle.²⁴² The task force submitted their recommendations to the Seattle City Council in February 2002.²⁴³ However, a meeting of the City Council's Police Committee in May caused members of the task force to worry that the city council would turn its back on the public and cozy up to police.²⁴⁴ The committee chair, Jim Compton, opposed the task force's recommendation that the city collect data by individual officers.²⁴⁵ Compton explained, "It would be an insult to a good police department to add a feature that has been used to harass or ridicule police in other jurisdictions."²⁴⁶ Compton then suggested reducing the task force's meetings from once a week to once every three months.²⁴⁷ Because no decision could be reached at the meeting, the resolutions were tabled.²⁴⁸ While the debate continued over data collection, discussions regarding solutions to race based law enforcement remained nearly nonexistent.

The task force's efforts would prove to be futile. During the two years that the task force discussed the issue of racial profiling, they met 30 times, organized six community meetings, and worked regularly with police.²⁴⁹ However, the city council did not follow the task force's suggestions on data collection.²⁵⁰ When a data collection study was finally approved by the task force in June 2002, the current Mayor of Seattle, Greg Nickels, refused to support the study.²⁵¹ The resolution was distinguishable from an ordinance in that it was

²³⁹ *Id.*

²⁴⁰ *Id.*

²⁴¹ *City Council Approves Study, supra*, note 151.

²⁴² Florangela Davila, *Traffic Stop Data Won't Halt Debate Over Racial Profiling*, The Seattle Times, Mar. 15, 2002.

²⁴³ Trevor Griffey, *Low Profile, Years of Work on Racial Profiling in Jeopardy*, Seattle Weekly, May 8, 2002.

²⁴⁴ *Id.*

²⁴⁵ *Id.*

²⁴⁶ *Id.*

²⁴⁷ *Id.*

²⁴⁸ *Id.*

²⁴⁹ Trevor Griffey, *The Nickels Way*, Seattle Weekly, July 3, 2002.

²⁵⁰ *Id.*

²⁵¹ Jim Brunner and Florangela Davila, *Nickels Rejects Racial Profiling Plan*, The Seattle Times, June 29, 2002.

nonbinding, so the Mayor refused to order police to implement the study and thus effectively blocked the plan.²⁵² Council members had previously admitted that the study would not necessarily prove that racial profiling exists, but stated that it would be a useful tool in improving the relations between police and the community.²⁵³ The mayor, the city council, and the task force continued to debate the best way to collect data.²⁵⁴

Mayor Nickels' refusal to adopt the city council's resolution sparked another furor concerning racial profiling.²⁵⁵ Some city council members speculated that Chief Gil Kerlikowske had pressured the mayor to reject the resolution.²⁵⁶ The Seattle Police Officers Guild had made clear that they objected to the city council's plan on racial profiling.²⁵⁷ Many believed that the Police Guild leaned on Chief Kerlikowske, who then influenced Mayor Nickels.²⁵⁸ Others thought that, perhaps, he rejected the task force recommendations and city council resolutions because the project had begun under his predecessor, Mayor Paul Schell, and Mayor Nickels wanted to put his own mark on the plan to deal with racial profiling in Seattle.²⁵⁹

Three weeks later, Mayor Nickels implemented his own plan to gather data on police stops and consent searches on a much smaller scale than the task force had recommended.²⁶⁰ Critics of the plan asserted that it emphasized individual conduct over departmental policy.²⁶¹ While the plan promised to increase police officer accountability, critics continued to maintain that the plan did not do enough to address the wider patterns of bias in the department.²⁶² Community groups continued to express alarm that the OPA did not provide any real accountability.²⁶³ Concerns regarding funding were also raised, since the plan called for installing video cameras in all 224 city police cars.²⁶⁴ Apart from the cost of the video cameras, Mayor Nickels set aside only \$200,000 to pay for

²⁵² *Id.*

²⁵³ *Id.*

²⁵⁴ Phuong Cat Le, *Nickels to Devise his own Attack on Racial Profiling*, Seattle P.I., June 29, 2002.

²⁵⁵ George Howland, Jr., *All Politics is Local*, Seattle Weekly, July 24, 2002.

²⁵⁶ *Id.*

²⁵⁷ *Id.*

²⁵⁸ *Id.*

²⁵⁹ *Id.*

²⁶⁰ Davila, *supra* note 205.

²⁶¹ Trevor Griffey, *Half a Plan? Even Supporters of the Mayor's Racial Profiling Plan Don't Know How to Pay For It*, Seattle Weekly, July 24, 2002.

²⁶² *Id.*

²⁶³ *Id.*

²⁶⁴ *Id.*

the rest of his plan, which included quarterly community meetings, extensive neighborhood polling, paying professional social scientists to observe police, and analyzing data from approximately 140,000 tickets per year.²⁶⁵

The Mayor's plan did not deliver on his promises.²⁶⁶ The Seattle Weekly reported that at one of the quarterly community meetings, hosted by police officers under Mayor Nickels' plan, the topic of racial profiling was almost entirely absent from the discussions.²⁶⁷ Rather, residents used the opportunity to discuss neighborhood issues and complain to police officers about neighborhood problems.²⁶⁸ Residents complained of drug activity, unanswered 911 calls, and gang presence in their neighborhoods.²⁶⁹ When a black woman finally surfaced the issue of racial profiling, white residents became uncomfortable and the police soon redirected the conversations back to neighborhood issues.²⁷⁰

Local community and race based groups, such as the People's Coalition for Justice, predicted that the meetings would accomplish very little to address race based policing.²⁷¹ These meetings were poorly advertised and had very low attendance.²⁷² The city made no attempt to attract black residents and community leaders to the meetings.²⁷³ These meetings were not even mentioned in the local papers.²⁷⁴ Many critics argued that the meetings were simply public relations opportunities for the Seattle Police Department and that no strategies were being implemented to actually address the issue of racial profiling.²⁷⁵

D. Criticisms of Seattle's Responses to Allegations of Racial Profiling

The Seattle City Council and the Seattle Police Department failed to recognize the larger crisis of black subordination while addressing the city's racial profiling problems. The debate was approached as a polarized and tense struggle between minority communities and the police.²⁷⁶ Most notably, it appears that

²⁶⁵ *Id.*

²⁶⁶ See Amy Jenniges, *Police Departments' Community Forums Keep Racial Profiling Off the Agenda*, *The Stranger*, Nov. 21, 2002.

²⁶⁷ *Id.*

²⁶⁸ *Id.*

²⁶⁹ *Id.*

²⁷⁰ *Id.*

²⁷¹ *Id.*

²⁷² *Id.*

²⁷³ *Id.*

²⁷⁴ *Id.*

²⁷⁵ See *id.*

²⁷⁶ Carter and Serrano, *supra* note 124.

city leaders and Seattle residents simply could not force themselves to accept that institutionalized racism affects the lives of African Americans in their city. James Kelly, President and CEO of the Urban League of Metropolitan Seattle, poignantly commented, “Because despite there being many democratic, liberal people in this town who care about their fellow citizen and volunteer to help the less fortunate, opportunities for people of color are unequal in this city, county, and in this state.”²⁷⁷ Seattle City Councilman, Larry Gosset, made similar comments when he appeared as a guest columnist for *The Seattle Times* and wrote,

For too long, discussions about race have been too polite in Seattle, making it extremely difficult for the underlying problems and divisions in perspectives between blacks and whites to float to the surface, where a healthy debate and reexamination of policy might occur.²⁷⁸

The city that prides itself on being tolerant, technologically advanced, and politically liberal clearly has difficulty admitting that its racial profiling problems stem from the dehumanization of African Americans that began during slavery. The South is perceived to be geographically distant and ideologically inconsistent with many of the ideals that residents believe the city of Seattle represents. The average educated, white, Seattle resident will have trouble coming to terms with the fact that they accept the constructed image of the black criminal and that the fear that results from this image allows them to justify society’s perceived increased safety at the cost of African Americans. Thus, rather than recognizing that police officers that use race based law enforcement perpetuate false images of the black criminal to maintain a social control based on the dehumanization of African Americans exerted during the era of slavery, the citizens and local government of Seattle choose to focus on verifying whether the practice actually exists before pointing fingers.²⁷⁹

The Seattle City Council, the Seattle Police Department, and leaders of community organizations have spent countless hours discussing methods of collecting data.²⁸⁰ Significant amounts of money have been spent installing video cameras, paying for new departments and review boards that promise change and designing Scantron sheets to collect data on traffic stops.²⁸¹ However, none of these have changed the racial tension in Seattle and the situation remains virtually

²⁷⁷ James Kelly, *Seattle Police, Community Need to Roll Up Their Sleeves*, *The Seattle Times*, Mar. 7, 2002.

²⁷⁸ *Id.*

²⁷⁹ See, e.g., *City Council Approves Study*, *supra* note 151; Koch, *supra* note 72.

²⁸⁰ E.g., Carter and Serrano, *supra* note 124; Carter, *supra* note 69.

²⁸¹ Davila, *supra* note 205.

identical to the situation that existed when it was first revealed that a homicide detective had stolen money from a black man shot by police.²⁸²

All of these efforts have created a divide among those who believe that something must be done to address this problem and have further incensed an inherently divisive social, economic, and legal issue. None of the resolutions, official comments, or promises of change have ever articulated how the problem would be handled if a conclusive decision was ever reached regarding whether or not the Seattle Police Department uses racial profiling.²⁸³ Perhaps some of the actors counted on the fact that a conclusive decision would never be reached on a social problem that should be addressed by more than simply compiling data.

E. Proposals For Addressing the Real Problem of Racial Profiling in Seattle

A problem must be clearly understood before solutions can be developed. The tense relationship between police and minority communities has been among the most well documented and difficult urban problems to solve.²⁸⁴ Seattle city officials have approached the problem of racial profiling from an erroneous perspective since allegations first surfaced. By having the perception that racial profiling must be clearly shown by concrete statistics and evidence, the city council has wasted vast amounts of time and money. The answer to solving the city's racial issues would not be found in video cameras installed in police cars or an expensive analysis of Scantron sheets that officers filled out during each stop. Instead of speculating and arguing whether Seattle police used racial profiling against black residents, the focus should have centered on acknowledging that lingering effects of slavery still haunt African Americans. If this assertion had been adopted as a starting point, the local government and police could have immediately begun implementing a system to eradicate this practice and bring equal treatment to the black residents of Seattle.

Officials in Seattle still have not recognized that racial profiling is part of a larger context of black subordination created in order to socially control African Americans in this nation. This reluctance to properly frame racial profiling may be a result from fear that if city officials acknowledge that one type of black subordination has managed to travel from the South to their city, they must acknowledge the numerous other vestiges of slavery that plague Seattle as well.²⁸⁵

²⁸² Brunner and Davila, *supra* note 251.

²⁸³ See, e.g., Koch, *supra* note 72; Kaiman, *supra* note 72.

²⁸⁴ Benjamin B. Tucker, *How Do We Reduce Crime and Preserve Human Decency? The Role of Leadership in Policing for a Democratic Society*, 28 *FORDHAM URB. L.J.* 601, 602 (2000).

²⁸⁵ E.g., poverty and poor schooling in predominantly black neighborhoods.

Before any progress can be made in Seattle, with regard to this issue, the city leaders must step up and call racial profiling what it is: a method of dehumanizing black members of society in order to ensure their second class citizenship. If city officials do not acknowledge that racial profiling has been and remains a part of the social and legal fabric of American culture, they cannot begin working to restructure the institutions that produce these injustices.

Once city officials understand and accept that racial profiling exists in their city and that the practice reflects a long history of creating an image of blacks as inherently criminal, residents of Seattle can begin addressing their own biases and realize that the problem is one of white control over blacks and not a problem of black criminality. White residents of Seattle must acknowledge that their own perceptions contribute to racial profiling by police. Once they do this, they will be better able to discern when police officers construct images of black criminality in order to instill fear resulting in tolerance of unjust practices. The residents of Seattle must be able to see that they have been ingrained with the belief, prevalent throughout all American society, that nonwhites are the cause of all criminal behavior and social disorder. Only then can society begin to unravel the myth and start reconstructing social institutions.

Only after racial profiling has been properly defined and understood will the city be able to actually move forward and implement a system of procedures that can reduce the prevalence of racial profiling rather than merely study it. An effective system cannot be accomplished without drastically improving oversight mechanisms to effectively control police officers. External, rather than internal, mechanisms are necessary not only to combat traditional police resistance to civilian review and public access to statistics,²⁸⁶ but also to ensure public confidence in police accountability. The internal mechanisms used by the Seattle Police Department have led to distrust, which in turn has led to insularity. The workings of the oversight mechanisms must be transparent; transparency is a prerequisite for legitimate government and is especially important in the criminal justice system.²⁸⁷ Mechanisms of accountability must include methods of monitoring officers for misconduct and serious sanctions against officers who engage in this behavior.²⁸⁸

The oversight mechanism must be geared toward effective investigation of all complaints of police use of racial profiling. The OPA has proved utterly

²⁸⁶ Brandon Garrett, *Remedying Racial Profiling*, 33 COLUM. HUM. RTS. L. REV. 41, 117 (2002).

²⁸⁷ Erik Luna, *Transparent Policing*, 85 IOWA L. REV. 1107, 1166 (2000).

²⁸⁸ See Weitzer and Tuch, *supra* note 24, at 397.

insufficient in making any strides towards its goals. Instead of investigating very few reported incidents and sustaining almost none, the Seattle Police Department should adopt an early warning system. Early warning systems identify officers who receive several citizen complaints.²⁸⁹ This system would quickly identify which officers are using race based policing tactics. However, this early warning system must include sanctions for violations. Only with these two systems working together will individual police officers take seriously the prohibition on using race as a factor in predicting criminality.

The ongoing problem solving process must address police culture and require a change in attitude on the part of the police.²⁹⁰ Generally, police departments demonstrate organizational inflexibility and an unwillingness to change traditional ways of policing.²⁹¹ Police departments are insular and unable to reach out to others who may be able to assist them in understanding racial profiling.²⁹² Police culture resists acknowledging operational failures in procedure and prefers to place blame for problems on officers who ignore procedure.²⁹³ Problem solving will require efforts to change the subculture of police and break down rigid attitudes.²⁹⁴ Police must become accustomed to open forum debate and deliberation and be forced to abandoned their hostility and silence when discussing racial profiling.²⁹⁵

Participation by citizens in the community will be critical to any system that can effectively address racial profiling.²⁹⁶ Community and race based organizations' involvement will supply police with information and perspective, while at the same time, building relationships and fostering trust. Research has found that high quality problem solving results from discourse between people with diverse backgrounds.²⁹⁷ Community participation in shaping police procedures must be more than mere public relations meetings, wherein citizens may complain about neighborhood problems.²⁹⁸ Rather, community involvement must be meaningful and lead to serious efforts to remedy racial profiling. To

²⁸⁹ *Id.* at 404.

²⁹⁰ Garrett, *supra* note 286, at 126.

²⁹¹ *Id.*

²⁹² *Id.*

²⁹³ *Id.*

²⁹⁴ Jeffrey Fagan and Garth Davies, *Street Stops and Broken Windows: Terry, Race, and Disorder in New York City*, 28 FORDHAM URB. L.J. 457, 500 (2000).

²⁹⁵ See Garrett, *supra* note 286, at 127.

²⁹⁶ Susan P. Sturm, *The Promise of Participation*, 78 IOWA L. REV. 981, 983 (1993).

²⁹⁷ Susan P. Sturm and Lani Guinier, *The Future of Affirmative Action: Reclaiming the Innovative Idea*, 84 CAL. L. REV. 953, 1024 n. 289 (1996).

²⁹⁸ See Jenniges, *supra* note 266.

ensure this necessary meaningful community input, their participation must be institutionalized and become part of the fabric of developing police procedures. Community committees should be formed who have an actual voice in the police department. These committees should have regular meetings with leaders in the police department, which would be open for anyone in the public to attend. This will create regular opportunities for the police to interact with others and give citizens the guarantee that they will not be shut out from the discourse.²⁹⁹

This community participation would be drastically different than the quarterly community meetings implemented under Mayor Nickels' plan.³⁰⁰ Simply convening a group with the vague mission of discussing racial profiling has proven insufficient.³⁰¹ While dialogue creates trust, the lack of definition of the role of these groups results in the failing efforts of discussion forums and community meetings.³⁰² In order for community participation to be successful, all participants must have a distinct role and particular responsibilities. Without this formalization, community meetings degenerate into ineffective discussions on matters that may or may not include racial profiling. Fostering alliances between the police and the community breaks through the "us and them" mentality.³⁰³ Additionally, these alliances may change the external face of policing as well as the values of the police department itself.³⁰⁴ Citizens must be able to participate directly in decisions affecting the Seattle Police Department, thus sharing in responsibility while retaining police accountability.³⁰⁵

When actors begin taking responsibility for their own contributions to racial profiling, the city can work together to develop a police system that will greatly discourage any use of racial profiling and provide an effective forum for complaints of police discrimination. Before any of these methods can be effective, Seattle must recognize that it is not impervious to the remnants of slavery because of their physical distance from the original institution or their professed politically liberal culture. Once individuals and society, as a whole, can begin recognizing this fact, residents of Seattle can start fashioning their city into one more consistent with the ideals it purports to represent.

²⁹⁹ See Garrett, *supra* note 286, at 131.

³⁰⁰ See Jenniges, *supra* note 266.

³⁰¹ See Garrett, *supra* note 286, at 132.

³⁰² *Id.*

³⁰³ Sarah E. Waldeck, *Cops, Community Policing, and the Social Norms Approach to Crime Control: Should One Make Us More Comfortable with the Others?*, 34 GA. L. REV. 1253, 1267 (2000).

³⁰⁴ *Id.*

³⁰⁵ See Garrett, *supra* note 286, at 140.

IV. **Conclusion**

The analysis of Seattle's handling of the racial profiling problem demonstrates the way that society misconstrues this issue. Institutionalized racism permeates the entire nation, including cities with liberal citizens, and the effects of slavery still impact African American lives. The image of the black criminal has been perpetuated by current practices and continues to dehumanize African American citizens.

Rather than acknowledging the problem, Seattle's local officials were determined to find out whether a problem actually existed. Rather than recognizing that racial profiling is part of a larger societal issue involving the historical stigmatization of African Americans, they debated whether or not individual officers would have to identify themselves on Scantron sheets. These methods of addressing racial profiling prove entirely insufficient. Before any progress can be made, officials must concede the prevalence of racial profiling and understand that this practice descended from stigmas created during slavery to socially control African Americans. Only after these truths have been acknowledged can society come together to begin to chip away at these lingering effects of slavery.