Draft pending approval by Advisory Group.

Law Enforcement Data Collection Advisory Group

February 11, 2022 Virtual Meeting

Notes

Members Present: Donald Almer, Chris Breault, Chief Darrell Lowe, Martina Morris, Charles Porche, Marie Pryor, Douglas Wagoner, James Wilburn

Members Absent*:* Joseph King

1. Welcome and Introductions

By unanimous consent, the Advisory Group adopted the agenda for the February 11, 2022 meeting. By unanimous consent, the Advisory Group approved the notes from the January 28, 2022 meeting.

2. Review Supplemental Data Elements

The Advisory Group discussed the supplemental data elements to include in the data collection program. The facilitator noted that the group can consider a number of options with regard to these elements, including dropping them, revising them or adding additional elements. The Advisory Group began by discussing several identification numbers. First, the Advisory Group considered using the Criminal Justice Training Commission's (CJTC) unique identification for officers, which will allow tracking of individual officers in the public dataset without using names. The Advisory Group expressed support for using this number and raised a few questions for follow-up to ensure that this approach will be comprehensive and unduplicated. Members questioned whether Washington State Patrol troopers and tribal police officers have CJTC identification numbers. They also inquired whether these numbers would be recycled if an officer left the state or passed away.

Next, the Advisory Group expressed unanimous support for using the FBI's Originating Agency Identifier, known as the ORI number, to identify law enforcement agencies. To identify subjects, the Advisory Group discussed the concept of a unique subject identifier, an anonymized way to track subjects across agencies. This could be used, for example, to identify that three out an agency's fifteen uses of force in a given month involved the same subject. Some Advisory Group members indicated that a unique subject identifier would be useful. Marie Pryor noted that multiple force incidents involving the same subject can skew the data when comparing to the population demographics. Chief Lowe, however, raised the point that the purpose of the data collection program is not to identify problem individuals. Since there is not currently a way to identify subjects across agencies without using their names, members questioned how this practice would be implemented statewide. Ultimately, the Advisory

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Group concluded that moving forward on this item would require further study by the data program operator.

The Advisory Group discussed a number of supplemental data elements they flagged for discussion at the prior meeting. The numbers below correspond to the ==attached== draft data chart.

- 1.2 Type of Incident

The Advisory Group reacted to a list with these types of incidents: Traffic, Misdemeanor Property Crime, Felony Property Crime, Misdemeanor Crime Against Person, Felony Crime Against Person, Behavioral Health, Warrant, Suspect Stop, DUI. Advisory Group members expressed concern about distinguishing between misdemeanors and felonies, as that may be not be known at the outset of the call. They also raised the possibility of adding domestic violence as a specific type of incident, since it is common for officers to be dispatched to these incidents. A question also came up about whether respondents could choose more than one type of incident. In addition, the discussion emphasized the importance of considering Type of Incident in relation to Reason for Contact, which captures whether the incident stemmed from a call for service or self-initiated contact by the officer.

- 1.4 Offense Charged

The Advisory Group discussed moving away from what the subject of force was charged with and instead collecting what they were arrested for. None of the Advisory Group members advocated for collecting information on the offense charged. Members expressed concern about completing the data reporting on a monthly basis given the timeframe of charging decisions and the challenges of making incident data reporting a living document that would need to be regularly amended over time. Moreover, members raised the point that this data program is not about prosecutors' actions, so should remain focused on information that is within the responsibility of law enforcement agencies.

• 1.6 Investigation Finding

Similar to offense charged, the Advisory Group discussed the challenges associated with collecting information that extends well beyond the timeframe of the incident, like the outcome of an investigation into the incident. They also noted that the initial findings can be reversed. While knowing the outcome on an investigation is valuable, Advisory Group members suggested that it may not be within the scope of this collection process. Instead, the Advisory Group suggested exploring whether the investigation outcome can be collected on an annual basis.

• 2.1 Used a takedown or leg sweep

The Advisory Group discussed whether to explicitly add using a takedown or leg sweep as standalone types of reportable force. Advisory Group members expressed confusion about why these types of contact would be specifically called out, as opposed to be being covered in other data elements. No one articulated a reason to capture these separately. Moreover, Advisory Group members questioned whether listing these would produce quality data, as there is not a universal definition of a takedown. The group discussed considering how CJTC classifies physical force, as well as the definition of physical force the Legislature is actively considering to inform future discussions.

• 4.2 Shift assignment type

The Advisory Group reacted to a list with these assignment types: Patrol, Detective, Taskforce, K9, Admin, Traffic, SWAT, Special. The Advisory Group agreed that including some information about shift assignment type provides important context for officer use of force. However, there were some questions about these categories. Law enforcement members pointed out that agencies would already have this information internally.   A simple list, such as Patrol, Administrative, or Specialty Unit may be sufficient for the public. The Advisory Group also discussed other ways of capturing an officer's assignment, like day or night shift. Members also discussed whether to add off-duty; however, if an off-duty officer effects an arrest, they go back on duty.

• 5.0 Information on Assisting Officer (entire section)
The Advisory Group unanimously agreed to remove this section from the supplemental data elements, as it is problematic to ask one agency to report on another agency's use of force. The Advisory Group suggested tasking the data program operator with linking reports of the same incident involving multiple law enforcement agencies, which may be done similarly to how cross-jurisdictional incidents are linked in the Uniform Crime Reporting program. The Advisory Group raised the possibility of adding a question "Was your agency assisting another agency?" to facilitate implementation, if needed.

• 6.1-6.3 Calls for service
The Advisory Group discussed collecting calls for service information to contextualize use of force, i.e., to understand the portion of calls that involved use of force. The Advisory Group agreed that collecting total calls for service during the reporting period is a reasonable starting point. Beyond the number of calls, Advisory Group members expressed confusion about the purpose of collecting additional information and concern about the administrative burden on agencies to extract particular information. Members raised the possibility of the data program operator studying how to collect additional information while minimizing the burden on agencies, given that this information is farther afield from use of force data. Advisory Group members agreed that law enforcement agencies should not be tasked with breaking out calls for service data.

DRAFT
Agency Generated
Supplemental Data Elements

Discuss the pros and cons of including these supplemental elements in the data collection program.

	Element	Definition	Valid Value	Notes
S1.0	**Incident Information**			
S1.1	Agency Incident Number	Indicates the number given to an incident record by the originating agency	Alpha-Numeric Agency-specific	For calculating incidents accurately
	ORI			
S1.2	Type of Incident	Indicates the type of incident dispatched	On-view Wellness Check Domestic Vehicle Stop Person Stop Other Traffic Misdemeanor Property Felony Property Misdemeanor Person Crime Felony Person Crime Behavioral Health Warrant Suspect Stop DUI	This list helps examine patterns in types of incidents being more or less likely to include use of force.
S1.3	Arrest made	Indicates if the person on whom force was used was arrested	Yes No Pending	Arrests an area this group is expected to make recommendations
S1.4	Offense charged	Indicates the charge(s) used for the arrest	Misdemeanor Property Felony Property Crime Misdemeanor Person Felony Person DUI Obstruction Resisting Arrest Warrant	What categories should be used here?

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S1.5	Use of force investigation	Indicates the level of investigation of this use of force	No Investigation Internal- on-going/complete External Ongoing/complete	What categories should be used here?
S1.6	Investigation finding	Indicates if the investigation concluded with a finding	Yes No Pending	Should this be a list of finding types instead?
S2.0	**Type of Force**			
S2.1	Used a takedown or leg sweep	Indicates the officer used a takedown or leg sweep	Takedown inside Takedown outside Leg sweep	Should takedowns be a stand-alone type of force? Should Leg sweeps be a stand-alone type of force?
S3.0	**Information for Person on Who Force was Used**			
S3.1	Person name	Indicates the legal name of the person on who force was used	First, Last, Middle Unknown	For calculation purposes
S3.2	Person identification number	Indicates the unique number used to identify the person without using their name	Alpha Numeric	For calculation purposes Suggested Agency ORI+six random digits+ incident number
S4.0	**Officer Information**			
S4.1	CJTC identification number	Indicates the unique identification of the officer without using their name	XXXX-XXXX	CJTC can provide regularly updated ID lists. This number stays with all officers through their career in Washington, even if they move agencies.
S4.2	Shift assignment type	Indicates the type of assignment officer had at the time of use of force	Patrol Detective Taskforce K9 Admin	What is the correct list for assignment types?

			Traffic SWAT Special	
S5.0	**Information for Assisting Officers**			
S5.1	Assisting officer (s) who used force	Indicates names of all officers who used force in the incident	(First, Last, Middle)	This element is for calculation purposes
S5.2	Assisting officer's employing agency	Indicates the agency employing each officer listed as present	ORI+Name	
S5.3	Assisting officer's CJTC ID number	Indicates the CJTC ID number for this assisting officer	XXXX-XXXX	
S6.0	**Calls for Service Information**			
S6.1	Calls for service	Indicates the total number of documented calls for service to the agency during the reporting period	Numeric Unlimited digits	Used to determine the agency's level of activity during reporting periods
S6.2	Type of initial contact for call	Indicates the total number of calls categorized by reason for initial contact	Numeric for each type: Dispatch Officer Discretion Planned/Warrant Other	
S6.3	Individual responses to call for service	Indicates the total number of calls for service responses this officer had during the reporting period	Numeric	This element would contextualize the officer's use of force in their overall work