



Attorney General's Office Data Collection Advisory Group

October 15, 2021 Virtual Meeting

Minutes

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

Members Absent: none

1. Welcome and Introductions

- Sue Feldman introduced herself as the Special Data Advisor and facilitator of the Attorney General's Office Data Collection Advisory Group ("Advisory Group").
- Attorney General Ferguson provided welcoming remarks, thanking Advisory Group members for their time.
- The facilitator began with an acknowledgement of the importance of centering racial equity and justice in this work.
- Advisory Group members had the opportunity to introduce themselves and explain why they are interested in pursuing this work.

2. Group Charter

- The facilitator noted that the charter outlines a process for working cooperatively, demonstrating a positive outlook toward community and law enforcement interdependence, generating inclusivity and productivity, and producing a consensus that meets the statutory mandates and common interests for the data. The common interests were drafted based on the statute and initial discussions with Advisory Group members. The Advisory Group had no concerns.
- The facilitator described expectations for meeting decorum as laid out in the charter. The Advisory Group had no concerns or questions.
- The charter was adopted via unanimous consent.

3. Open Public Meetings Act Training (OPMA): Presented by Assistant Attorney General Morgan Damerow.

The Advisory Group learned that under the Open Public Meetings Act, emails, texts, and other communications exchanged among a quorum discussing Advisory Group work constitute an improper meeting, including "replying all" to Advisory Group emails. Accordingly, outside of

meetings, Advisory Group members should not communicate with each other about Advisory Group work when a quorum is participating. In addition, records of the Advisory Group's work are public records, which means that they must be retained for a defined period. These records are subject to disclosure under the Public Records Act. If Advisory Group members send or receive communications to conduct Advisory Group work, they must forward/copy all such communications to the facilitator to ensure that records are retained appropriately.

4. Project Plan

The facilitator discussed the project plan:

1. Phase One: Information Gathering and Sharing – four meetings
2. Phase Two: Sorting, Synthesizing and Prioritizing Information – four meetings
3. Phase Three: Finalizing Recommendations – two meetings

During the first phase, the Advisory Group will discuss current data practices, what is missing and what is working. The goal is to utilize the group's broad range of expertise to expand on current practices, including using video data (e.g., body-worn cameras, public recordings, and security cameras) and collecting data from members of the public. These meetings are designed to explore the issues and gather as much information as possible about needs, practices and possibilities for improving data collection, data displays, and data use. Then, the Advisory Group will shape the best ideas into comprehensive recommendations by the April 1st deadline.

5. Preliminary Discussion on Current Data Collection

The Advisory Group engaged in an initial discussion about current data collection and reporting practices, including what is working well and what could work better. Participants discussed the transparency and trust that can come from publicly posting use of force data. Law enforcement agencies can also use force reports to structure staffing and training, including related to defensive tactics and emergency vehicle operations. For example, if 95% of incidents involve verbal interactions and "light" hands on, agencies may wish to focus training in these skills that are needed most often, as opposed to range training. Agencies also need to collect data to be accredited by the Washington Association of Sheriffs and Police Chiefs.

The Advisory Group discussed the importance of making meaningful comparisons of officer uses of force within the department and particular units. For example, officers working in certain units or on certain shifts may use force at higher rates based on the circumstances they encounter. Individuals need to be compared to peers when making assessments.

The law enforcement representatives on the Advisory Group all work at agencies that use IAPro/BlueTeam software, which has separate features relevant to tracking uses of force: 1) internal use of force incident reports and 2) early Intervention flags, which identify officers with

levels of force above a certain level set by the agency, which are reviewed internally by the Office of Professional Responsibility. Law enforcement representatives suggested examining whether existing records management systems in use by agencies across Washington can be modified to collect the state-required data. The financial implications of upgrading systems can be particularly difficult for smaller agencies.

Participants also discussed the FBI Use of Force data collection program, which is limited in that it only captures serious incidents. One member noted his agency has approximately 150-170 incidents of force per year using his department's standards, but zero incidents in the FBI system.

Officers are generally trained to report data as part of their initial training. The threshold for force that requires internal reporting varies by agency. When force of a certain level occurs, reporting is typically immediate and supervisors go to the scene. A report is generated during that shift for approval by the on-duty sergeant.

The Advisory Group considered demographic data at length including learning that:

- California's legislation is specifically designed to track the officer's *perception* of race/ethnicity (which may differ than the person's actual race/ethnicity) because the officer's perception is essential to understanding bias. The Advisory Group will have to determine what it is trying to measure.
- For officers, asking someone who has been subject to force or a person who has been arrested about their race or ethnicity can be uncomfortable and possibly lead to escalation if the person is offended by the question. The Advisory Group questioned whether it be possible for officers to record their perception of race/ethnicity and have the subject of force self-identify at a later time.

The facilitator concluded the meeting by requesting any materials from the Advisory Group that reflect current data collection practices.

Meeting Brought to Order.