Draft pending approval by the Advisory Group.

Attorney General's Office Data Collection Advisory Group

November 5, 2021 Virtual Meeting

Notes

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
Advisory Group members introduced themselves. By unanimous consent, the Advisory Group adopted the agenda for November 5, 2021. The Advisory Group discussed a clarification to the notes from the October 15, 2021 meeting, which will be presented at the next meeting for approval.

2. Lessons Learned From California's Racial and Identity Profiling Act, Marie Pryor
The Advisory Group discussed capturing information about the **origin of encounters** (e.g., officer-initiated vs. calls for service, pedestrian vs. vehicle stops, etc.). Every contact is documented through the computer-aided dispatch (CAD) system or the agency's records management system (RMS). For call type, the dispatcher must report the information they are told, but the officer has the ability to modify the call type after arriving on the scene (e.g., assault to verbal disagreement). CAD retains the original and modified call types.

Even seemingly simple data fields, like **location**, can be complex. Location, for example, could mean geocoding, using an exact address, approximating the address (e.g., nearest intersection/100 block), or using zip code. Chief Lowe noted that the way location is currently captured varies by agency – dispatch auto-generates geocoding in most places, but approximate addresses are generally used in rural areas and by State Patrol, as traffic stops occur between exact addresses. Marie Pryor noted that California used 100 block data to avoid disclosing personally identifiable information associated with exact addresses. Martina Morris raised the possibility of capturing whether the encounter occurred at an indoor or outdoor location and public place vs. private residence.

The Advisory Group discussed many considerations regarding gathering information about **race and other characteristics**, including:

- The point at which the officer was able to perceive the subject's race (prior to or after making contact);
- The importance of obtaining the officer's perception of race (even if their perception isn't accurate) if the goal is bias detection. Marie Pryor explained that CA expressly sought data about officer perception to assess bias.
- The opportunity to ask subjects their race if they are booked into jail (they can refuse to answer, but will be asked as part of the process);
- The impact of including a response option of "unknown"; and
- The challenges of assessing whether a person's behavior is associated with mental illness, substance use, both or another factor.

James Wilburn asked about identifying an officer's use of force against people of particular races. Currently, depending on the RMS, some agencies can identify an officer's use of force by any number of factors, including race, gender, time of day, etc.

The Advisory Group considered different **data capture and reporting methods**, including using a new state-created method vs. integrating with existing RMS, automating reports vs. agency upload extractions, etc. Members discussed the challenges associated with using any type of narrative information.

Members also discussed how to **track individual officers** in a de-identified fashion across multiple uses of force over time. Currently, officers have a serial number that is specific to their agency, but it does not carry over if they join a new agency. The Advisory Group contemplated whether each officer could be associated with a unique number through the Criminal Justice Training Commission (CJTC). Some officers, however, including State Patrol troopers and tribal police, do not go through CJTC training.

Chief Lowe noted that officers' past conduct, including uses of force, is reviewed when seeking to join a new agency. The Chief looks into the details of incidents; just having prior uses of force doesn't preclude a person from being hired. In his view, the notion of bad officers going from agency to agency is not a major reality.

Regarding the **outcome** of the use of force, the Advisory Group discussed capturing whether there were injuries, fatalities, hospitalization, if aid was rendered, and other potential outcomes. Don Almer noted that in his agency, approximately 1/3 of uses of force do not involve a crime; these are primarily commitments under the Involuntary Treatment Act. The RMS can capture whether the person was delivered to a facility. In behavioral health crises such as these, the individual may be injured prior to the encounter with the officer.

Finally, Marie Pryor commented on some principles of **tidy data**:

- Each variable must have its own column.
- Each observation must have its own row.
- Each value must have its own cell.

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3. Data Quality and Data Use, Martina Morris
Martina Morris presented on properly defining the scope of data to be collected, employing accurate and comparable measures, ensuring complete reporting, and allowing for revision as problems are identified. She illustrated the importance of calculating rates, so the public and law enforcement management can appropriately compare force across agencies. For example, in a given time period, the Spokane and Seattle Police Departments were involved in 14 and 26 fatal encounters, respectively. Putting those figures in context requires additional information, such as the number of officers in each department, the population size of the jurisdiction, and the number of encounters with public. This type of information would not be in a database that only collects use of force incidents, but can help paint a fuller picture. Martina Morris illustrated the value in also collecting, analyzing, and displaying calls for service data along with use of force data. In addition, Martina Morris provided information from New Jersey's data collection program. Noting that while they have accomplished making use of force data available for free to the public as an easy-to-use, downloadable spreadsheet, some data challenges are also apparent. For example, officer race is missing in 31% of the cases, rendering it unusable.

4. Making Use of Force Data Collection Feasible, Don Almer
Don Almer shared information about his agency's long-standing practices of sharing data with the community and how they have already aligned internal data collection practices with the requirements of Senate Bill 5259.

Based on SB 5259, the agency convened an internal work group that developed a Supervisor Use of Force Checklist with the data elements specified in the bill. Don Almer indicated that the tool has worked and supervisors have not faced issues collecting the data. As an accredited agency, personnel in the agency are used to collecting a lot of information, including any force capable of causing injury. For example, in a given period of time, the agency internally captured 179 uses of force; less than 60 would be reportable under SB 5259. For new data elements, like tribal affiliation, officers preface asking the individual with "we are required by law to collect this information."

In the agency's monthly use of force report to the public, the information is contextualized using figures from the calls that the agency responded to (e.g., force as a portion of all calls). The agency opted against population metrics, since the community has a higher than average transient population.

5. What else do we need to collect to understand police interaction with the public?
The Advisory Group will further explore the possibility of extracting data from 911 dispatch centers, CAD, and body-worn cameras.