Draft pending approval by Advisory Group.

Law Enforcement Data Collection Advisory Group

January 28, 2022 Virtual Meeting

Notes

Members Present: Donald Almer (designee Jay Hart), Chris Breault, Joseph King, Chief Darrell Lowe, Martina Morris, Charles Porche, Marie Pryor, Douglas Wagoner *(attended a portion of meeting)*, James Wilburn

Members Absent*: none*

1. Welcome and Introductions

By unanimous consent, the Advisory Group adopted the agenda for the January 28, 2022 meeting. The Advisory Group amended the January 14, 2022 meeting notes to clarify that the data program's dashboards should use modern tools, including interactivity. With this amendment, the Advisory Group approved the notes from the January 14, 2022 meeting.

2. Required Data Elements

The Advisory Group discussed the data elements required in Senate Bill 5259. The facilitator noted that each element is not entirely straightforward, and taken together, the list does not automatically translate into a successful, useable or meaningful data program. The facilitator flagged four data elements as needing further discussion and invited the group to identify others. The initial items for discussion were location, subject demographics, use of canines, and injuries. Don Almer brought forward clarifying the force type "used oleoresin capsicum (OC) spray against a person". Martina Morris brought forward considering disabilities in addition to the items currently listed as "perceived impairments" of the subject and raised the topic of chokeholds and vascular neck restraints.

- Location: There was full support among the Advisory Group for capturing the address where the use of force occurred, either at the 100 block or milepost if the incident occurred on a highway. In addition to address, the Advisory Group discussed how, if at all, to capture location type (e.g., business, residence, etc.). There was no support among the Advisory Group for capturing location type using all 58 options contained in the FBI's Uniform Crime Reporting program, as a list of this length does not promote accurate reporting. Advisory Group members expressed openness to using a truncated list of location types. Staff will present 4-5 options for location

type for the Advisory Group's consideration at a future meeting. Members noted the importance of a clear list without any overlap among the options.

- Subject Demographics: There was full support among the Advisory Group for capturing race and ethnicity in two ways, i.e. asking the person and recording officers' perceptions. All Advisory Group members agreed that the most accurate way to capture a subject's race and ethnicity is to ask the person (or a family member, if the person is deceased). The person's self-reported identity would then be fit into set categories. For example, if a person stated they are Afro-Cuban, that would be recorded as Ethnicity=Hispanic and Race=Black/African-American. Martina Morris emphasized the importance of using Census categories to make it possible to assess whether force is used disproportionately against certain groups in the local population. Chief Lowe noted the importance of including "Refused" as a response option, as some people may not provide their race/ethnicity when requested by an officer. Marie Pryor pointed out that including "Refused" as an option could result in increased missing data. Marie Pryor also brought up limiting "Other" or "Unknown" response options to decrease missing data. She noted that if "Unknown" is permitted, the instructions to officers on how to use this option are important.

  The Advisory Group also discussed other means of determining an individual's race/ethnicity besides asking them, such as using any existing administrative records, which may be particularly useful if people decline to respond or officers fail to ask. In addition, the Advisory Group expressed support for capturing the officer's perception of the person's race and ethnicity, as this can be used to assess bias.

- Use of Canines: For force type, the required data elements currently include capturing when a canine is released from the physical control of the law enforcement office or when a canine bites a person (even if it is on lead). There was full support among the Advisory Group for expanding bite to any canine contact with a person. The Advisory Group discussed including one item related to canines and law enforcement would check the highest level of canine use: 1) deployment of canine; 2) off lead, meaning deployment of a canine with no leash attached or when a leash is attached, and the handler does not have positive control of the leash or 3) canine contact with a person.

- Injuries: The required data elements include capturing injuries of the officer and subject. The Advisory Group considered the following response options:
  o apparent broken bones
  o canine bite
  o death
  o gunshot wound
  o possible internal injury
  o severe laceration
  o minor injury
  o none
  o other major injury

- o loss of teeth
- o unconscious

The Advisory Group supported these options, clarified that respondents would be instructed to check all that apply, and suggested adding an option for "Subject reported injury but not confirmed" to capture when the subject complains of injury, but medics find nothing apparently wrong with them. Members also suggested a separate item to identify whether the person was hospitalized.

OC Spray: The required data elements include the use of OC spray against a person. There was full support among the Advisory Group for expanding this to use of "chemical agents" to capture CS gas (tear gas) and related irritants. The Advisory Group discussed adding a descriptor to capture whether the use of chemical agents was used as a crowd control technique. In this case, respondents would fill out the subject information only for any known target of the chemical agent, not every person in the crowd impacted.

Disability: The required data elements include whether the subject of force exhibited any signs associated with a potential mental health condition or use of a controlled substance or alcohol based on the observation of the officer.* Martina Morris inquired about adding physical disabilities. Unlike the impairment characteristics currently identified, which identify potential factors contributing to the subject's behavior, the separate category of disability could capture vulnerabilities of the subject that may exacerbate the impact of force. The Advisory Group discussed, but did not reach any conclusions about, whether or not the disability would be limited to conditions observable or apparent to the officer. Members emphasized the need to limit the number of response options, rather than having an extensive list of many specific types of disabilities. Going forward, the Advisory Group will need to clarify more precisely what it is interested in capturing and may consider input from disability advocates.

*On the original impairment item, Chris Breault suggested adding "Unknown" as a response option.

Chokehold and vascular neck restraint: There was full support among the Advisory Group for collecting data on the use of chokeholds and vascular neck restraints. Though these tactics have been banned, it is possible they may be used in circumstances where deadly force is warranted.

3. Supplemental Data Elements

The Advisory Group, staff and guests broke up into small groups to discuss the supplemental data elements. The facilitator noted that some of the supplemental data elements may help make the required elements more useable or meaningful. In these small groups, participants discussed the pros and cons of including the supplemental elements in the data program, how to make the elements collectable and accurate, and questions or concerns about the elements. Due to time constraints, the Advisory Group tabled the large group discussion on supplemental data elements. Members flagged particular items for the subsequent discussion:

- 1.2 Type of Incident
- 1.4 Offense Charged
- 1.6 Investigation Finding
- 2.1 Used a takedown or leg sweep

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- 3.1 Person name
- 4.2 Shift assignment type
- 5.0 Information on Assisting Officer (entire section)
- 6.3 Individual responses to call for service

4. Wrap Up

The facilitator invited the Advisory Group to share data displays with features they would like to replicate for discussion at a future meeting.