

Draft pending approval by the Advisory Group.



## Law Enforcement Data Collection Advisory Group

December 10, 2021 Virtual Meeting

### Notes

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

**Members Absent:** Donald Almer, Joseph King

#### 1. Welcome and Introductions

By unanimous consent, the Advisory Group adopted the agenda for the December 10, 2021 meeting. The Advisory Group approved the notes from the November 19, 2021 meeting.

#### 2. Review Use of Force Data Elements and Valid Values

The Advisory Group previewed the draft valid values or response options for the use of force report. Staff will meet individually with members who are interested in providing in-depth feedback. The chart will continue to be revised until March.

The Advisory Group also discussed the possible response options for race and ethnicity, in particular, including whether to include perceived race and ethnicity, actual race and ethnicity, or both. Marie Pryor noted that an expansive ethnicity list (e.g., hundreds of options) would not be feasible when capturing perceived ethnicity. Marie Pryor also suggested distinguishing between "unable to perceive" (e.g., because it was dark outside) versus other reasons an officer may select "unknown" (e.g., discomfort with guessing a person's race/ethnicity). Martina Morris noted that the importance of consistency with Census categories in order to be able to make meaningful comparisons and understand whether or not force was proportional across groups in the local area.

#### 3. Civilian Oversight: Perspectives on Public Engagement in Reporting on Police Interactions

Bart Logue, Police Ombudsman, Spokane Office of Police Ombudsman and Shayleen Morris, Policy Director, Seattle Community Police Commission joined the Advisory Group meeting to provide perspectives from the civilian oversight community on public engagement in reporting on police interactions. The guest speakers focused their remarks on the following questions: 1)

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What use of force and police-public interaction data does the public want to see in the database and 2) How, if at all, can the public contribute information to this database?

Regarding what the public wants to know to better understand force, the speakers identified a number of items, starting with how force is defined and how a law enforcement agency classifies levels or types of force. They stressed the importance of counting actions consistently across departments. From there, people are interested in learning who is using force, including a specific officer's history or propensity of using force. They want to know how often force is used in their neighborhood. To understand racial disparities, the public wants to know the demographics of the people involved. They want to know the circumstances of the incident, including the reason the parties came into contact (e.g., dispatched vs. self-initiated), the seriousness of crime being committed, the level of threat posed by the subject and the level of resistance, including whether the subject fleeing. The public would like to know if the force was necessary, reasonable and proportionate. Ombudsman Logue noted that Spokane Police Department's analysis of force includes justification scores to get at these issues. Finally, the speakers brought up information about the outcomes of the incident, including whether the civilian and officer were injured and whether the officer was disciplined.

In terms of how the public can contribute to use of force reporting, the speakers noted that this is not currently done. Incident reports are written from the officer's perspective. The inherent assumption is that police reports are accurate, but that is not always the case. Director Morris noted that people may be concerned about self-incrimination if they were asked to report.

#### **4. Community Voices: What the Public Wants to Know about Police Use of Force and What the Public Can Contribute to Reporting**

Sonia Joseph and Katrina Johnson, impacted family members who are both part of the Washington Coalition for Police Accountability and serve as Commissioners on the Criminal Justice Training Commission joined the Advisory Group meeting to provide community perspectives. They addressed the same questions as the previous panel. The speakers emphasized the importance of being able to track the conduct of particular officers, including the number of excessive force complaints against them, as well as the disciplinary action taken. Chief Lowe raised the importance of distinguishing between complaints that are substantiated versus those that are unfounded. The speakers also expressed interest in understanding the culture of use of force in a particular department, including the policies in departments with a pattern of misconduct. Regarding data displays, the speakers stressed the need for a user-friendly system that is readily available and accessible.

The Advisory Group and speakers discussed the potential of public reporting to provide another perspective in assessing the use of force (as opposed to the facts of the incident, such as the time the incident occurred). The speakers would like a mechanism for the public to contribute anonymously. The Advisory Group discussed the challenges of verifying or validating reports from anonymous sources and questioned who would be responsible for reconciling differing accounts of the same incident and eliminating duplicative reports. In terms of the appropriate time and way to request public contributions, the speakers stressed the importance of

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publicizing that a third party, neutral entity is collecting information from the public, and making the information available in multiple ways. The speakers and Advisory Group members discussed the pros and cons associated with soliciting information at the scene of the incident, as well as making reporting forms available online. While a form distributed at the scene of an incident would only go to those who were there, it may get lost in the heat of the moment. Online forms could present barriers to those without reliable internet access, such as unhoused individuals. Martina Morris raised the possibility of the Office of Independent Investigations soliciting information from the public after force incidents.