

“Cops on the street need data; sometimes their safety depends on it. And what they need is data that are easy to digest, accurate, and timely.” - Chief William Brooks, Norwood Massachusetts Police Department

Chapter 13. Data and Reporting

Introduction of the Issue

Data is both a byproduct of policing and a necessary tool. Law enforcement data has been collected since 1929 with the establishment of the Uniform Crime Reporting (UCR) program. Through the early years of collecting crime data, law enforcement professionals focused on their ability to speak authoritatively on the severity and types of crimes that occurred within their jurisdictions.¹ The need to share vital information about crime trends has not changed much since 1929. Now in the twenty-first century, our nation has become a vast consumer of information in nearly all aspects of life and professional sectors. Law enforcement has shifted from taking a reactive stance (i.e., moving from call to call) to a proactive position, such as using data to help reduce crime in their communities.

The use of law enforcement data has seen a significant evolution from the early days of capturing basic crime counts to now engaging in rigorous research practice through evidence-based policing (EBP). Data collection is no longer just aggregate counts and now includes incident-based data, which provide detailed and granular information that allow data users to better assess crime reduction strategies. In addition to the analytical flexibility that incident-level data provides, standardized incident-level data provide a platform for law enforcement and other criminal justice professionals to maintain both transparency with and accountability to the community members they serve.

The federal government relies on federal, state, county, tribal, and local law enforcement agencies to enter the data accurately. Law enforcement agencies striving to implement EBP strategies will be thwarted if the data analyzed are incomplete, inaccurate, or otherwise unreliable. Even when data have been accurately collected, people may misunderstand or misinterpret it if the context or baseline is unclear in reporting. The same data can be used to both defend and refute the same hypothesis. As such, the all government agencies must continue their due diligence in collecting and reporting data that are reliable and objective.

The commission focused on global issues and recommendations with regard to federal criminal justice data, data collection and EBP. Specifically, the commission was tasked with—

- reviewing current federal data collections as they relate to crime, the criminal justice system, and law enforcement;
- evaluating methods on how the data are being collected and used, and to also identify potential gaps within these collections; and
- reviewing EBP, including promising practices and ways EBP can help advance policing.

Issues and recommendations involving data that pertain specifically to other topics are addressed within those chapters.

¹ Committee on Uniform Crime Records, International Association of Chiefs of Police. (1929.) Uniform Crime Reporting: A complete Manual for Police. New York, NY.

13.1 Federal Data

Background

The executive branch of the U.S. government includes thirteen principal statistical agencies whose primary responsibility is to collect essential statistical information for public use. These 13 principal statistical agencies receive approximately 40 percent of the overall funding for federal statistical activities.² Additionally, 94 federal agencies in the executive branch conduct statistical activities in conjunction with another program mission, such as enforcing laws or providing services.³ Only about a quarter of these agencies collect data related to the criminal justice system. Since 1979, the Bureau of Justice Statistics (BJS) has served as the principal statistical agency for the Department of Justice (DOJ).

There is not one central system to collect criminal justice data within the federal government. The Office of Information and Regulatory Affairs (OIRA) within the Office of Management and Budget (OMB) coordinates the decentralized federal statistical system. Within DOJ, a number of agencies engage in statistical data collection (figure 1). The methodology, size, and scope of these data collections vary widely. BJS oversees 53 percent of federal criminal justice data collections⁴ within DOJ, followed by the Federal Bureau of Investigation (FBI; 15 percent), Office of Juvenile Justice and Delinquency Prevention (OJJDP; 10 percent), and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF; 6 percent). Eleven other DOJ agencies oversee the remaining 16 percent of federal criminal justice data collections (see appendix #).

[Insert Figure 1]

Three-quarters (75 percent) of federal criminal justice data collections are conducted within DOJ (table 1). Non-DOJ federal agencies are therefore responsible for 25 percent of criminal justice data collections, including the Centers for Disease Control and Prevention (CDC), U.S. Census Bureau, Administrative Office of the U.S. Courts, and Bureau of Labor Statistics (BLS). The data collected by these agencies are not contained within a singular collection or criminal justice area. Currently, more than 100 separate data collections capture various criminal justice data across the federal government (see appendix #).

[Insert table 1]

About 33 percent of federal data collections focus on crime related issues (table 1). However, the most prominent data collections involving the measurement of crime come from two major data sources: the FBI's Uniform Crime Reporting (UCR) program and BJS's National Crime Victimization Survey (NCVS). The FBI's UCR program has existed since 1930, when the Summary Reporting System (SRS) was created. The UCR still serves as the primary data collection for crime reported to police. In 1988, the FBI created the National Incident Based Reporting System (NIBRS) to move from aggregate crime counts to detailed incident-level crime information;⁵ however, conversion from SRS to NIBRS has been slow. This slow

² Office of Management and Budget. (2018). Statistical Programs of the United States Government: Fiscal Year 2018. Retrieved from: <https://www.whitehouse.gov/wp-content/uploads/2018/05/statistical-programs-2018.pdf>

³ Ibid.

⁴ For this chapter, the terms federal criminal justice data collections and justice-related data collections are used interchangeably and include only statistical data collections where the primary objective is to collect new or existing data in order to provide statistical results. These collections are covered under the Paperwork Reduction Act. It does not include performance measurement data collected through grants, cooperative agreements, and other funding mechanisms.

⁵ Wormeli, P. (2018). Criminal Justice Statistics: An Evolution. *Criminology and Public Policy* 17(2), 483-496.

adoption rate led to the development of the National Crime Statistics Exchange (NCS-X) program in 2012.⁶ Through the NCS-X program, BJS is assisting the FBI to produce nationally representative NIBRS crime statistics and provide funding to local law enforcement agencies and states to convert to NIBRS. Between fiscal year 2015 and 2019, BJS has awarded \$118.5 million of the \$135 million the FBI has set aside to state and local agencies. Also during this time, BJS awarded an additional \$19.4 million on technical assistance and estimation work.⁷ The NCS-X work is focused on 400 scientifically-selected agencies that would allow for national NIBRS estimates.⁸ However, the FBI's goal is to have all 18,000 law enforcement agencies in the United States reporting crime to NIBRS by 2021. As of April 2020, 51 percent of law enforcement agencies in the United States were reporting to NIBRS.⁹ Based on state-reported agency commitments, the FBI forecasts that 68 percent of law enforcement agencies will be submitting to NIBRS by January 1, 2021, accounting for a 78 percent population coverage.¹⁰

The NCVS is the other core measure of crime collected by DOJ, and it serves as the primary source of crime not reported to police. The NCVS is a residential survey of victims and captures both reported and unreported crime. NCVS estimates have largely only been available at the national level. However, BJS is currently undergoing an extensive redesign of the survey to produce subnational estimates. The NCVS also collects supplemental data for stalking, identity theft, and police-public contacts¹¹.

Beyond crime data, BJS and the FBI collect a variety of data related to law enforcement. The FBI captures data on law enforcement officers killed and assaulted, personnel counts, and use of force. BJS collects data on characteristics of law enforcement agencies, such as personnel, policies, procedures, equipment, technology, and functions. BJS also has data on law enforcement training academies and for specific types of law enforcement agencies (e.g., local police, sheriffs' offices, campus police, and tribal law enforcement).

In addition to criminal victimization, BJS collects most of the correctional data for the federal government, the majority of which is collected at the state and local level. The Federal Bureau of Prisons (BOP), the federal correctional agency, collects its own data, however; it also provides much of its data to BJS for statistical reporting. BJS also is the only federal government agency that collects data from state and local courts. The U.S. Courts, U.S. Attorneys Offices (USAO), and U.S. Sentencing Commission only collect federal case data.

Data produced by the federal government are largely descriptive. These data answer the questions of "how much?" (e.g., the number of law enforcement officers) or "how prevalent?" (e.g., the percentage of persons who had contact with police). However, two other elements are necessary to provide an important foundation to inform and evaluate public policies: key statistics produced by federal statistical agencies and underlying data that are publicly available. Researchers rely on data from federal statistical

⁶ Strom, K. & Smith, E. (2017). The Future of Crime Data: The Case for the National Incident-Based Reporting System (NIBRS) as a Primary Data Source for Policy Evaluation and Crime Analysis. *Criminology and Public Policy*, 16(4), 1027-1048.

⁷ Erica Smith, BJS Unit Chief Law Enforcement Incident Based Statistics, email communication with federal program manager, May 4, 2020.

⁸ Strom, K. & Smith, E. (2017). The Future of Crime Data: The Case for the National Incident-Based Reporting System (NIBRS) as a Primary Data Source for Policy Evaluation and Crime Analysis. *Criminology and Public Policy*, 16(4), 1027-1048.

⁹ Amy Blasher, FBI CJIS Unit Chief, email communication with Data and Reporting Working Group, May 7, 2020.

¹⁰ Criminal Justice Information Services Advisory Policy Board. December 2018.

¹¹ National Research Council. (2009). Ensuring the Quality, Credibility, and Relevance of U.S. Justice Statistics. Washington, DC: The National Academies Press. <https://doi.org/10.17226/12671>

agencies for policy analysis and other social science research to examine critical criminal justice issues. Data often used in research to focus on the “how” and “why” of various outcomes, which form the basis of evidence-based policy making, including evidence-based policing. The same data used to produce descriptive statistics in federal statistical agencies can also be used to evaluate programs. Federal award recipients often carry out these evaluation studies, often integrating the data collected by federal statistical agencies into more rigorous studies.¹²

Current State of the Issue

While BJS collects the majority of criminal justice data, a number of other federal agencies also capture justice-related data. More than 30 federal agencies collect criminal justice data through over 100 data collections (see appendix #). One benefit of multiple agencies collecting data is that agencies with established access to certain types of subjects are better equipped to collect data from these agencies or persons. For example, the FBI has been collecting crime data from law enforcement agencies for 90 years with a well-established infrastructure to capture these data. It would take millions of dollars and years for another government agency to set up a similar frame to accomplish the same task. Additionally, the CDC is the primary collector of data on injury and death, which has an established series of data collections in hospitals. These collections provide access to data on injury and death involving law enforcement officers that may not be tracked through law enforcement agencies.

As expected, there are also a number of issues with a decentralized data collection. It is more difficult to identify the potential duplication of data collected. In addition, there is a lack of communication between federal agencies about the programs they implement. OIRA oversees and reviews all information collected from the public, but it relies on federal agencies to identify potential sources of duplication. Additionally, while OIRA may request that BJS or the FBI review data collection proposals from other agencies, these requests usually only involve data collected by another DOJ agency or a non-DOJ agency funded by a DOJ component.

Additionally, decentralization makes it difficult to identify gaps in the data being collected. A lack of clarity in what is being gathered across agencies and data collections makes it increasingly difficult to identify the knowledge gaps. The National Academies of Sciences (NAS) has extensively reviewed and identified gaps in both the evolution of crime data¹³ and BJS data collections;¹⁴ however, there has not been a systematic review of all criminal justice collections by the federal government. An exhaustive review of all data collections across the federal government was outside of the scope of the commission.

Another critical shortcoming is the lack of a central repository to access federal criminal justice data. The DOJ website has a web page with links to statistics available from DOJ agencies.¹⁵ While it serves as a good reference for DOJ data, accessing criminal justice data and reports from non-DOJ agencies requires visiting their websites. This is satisfactory if a person knows the data exist but the public may not be aware how many non-DOJ agencies collect criminal justice data. . This lack of a central repository makes

¹²National Academies of Sciences, Engineering, and Medicine. (2017). *Innovations in Federal Statistics: Combining Data Sources While Protecting Privacy*. Washington, DC: The National Academies Press. doi: 10.17226/24652.

¹³ National Academies of Sciences, Engineering, and Medicine. (2016). *Modernizing Crime Statistics: Report 1: Defining and Classifying Crime*. Washington, DC: The National Academies Press; National Academies of Sciences, Engineering, and Medicine. (2018). *Modernizing Crime Statistics: Report 2: New Systems for Measuring Crime*. Washington, DC: The National Academies Press. Retrieved from: <https://www.nap.edu/initiative/panel-on-modernizing-the-nations-crime-statistics>

¹⁴ National Research Council. (2009). *Ensuring the Quality, Credibility, and Relevance of U.S. Justice Statistics*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/12671>

¹⁵ See <https://www.justice.gov/doj/statistics-available-department-justice>

it difficult for consumers to find the data they need and reduces the number of persons accessing the data and reports.

The recommendations offer practical ways to address these issues due to the decentralization of federal criminal justice data.

13.1.1 The president should direct the Office of Management and Budget to conduct a one-time review of criminal justice data collections across the government to identify duplication of data collection.

The collection of criminal justice statistics is highly decentralized in the federal government. More than 30 agencies collect data pertaining to criminal justice issues.¹⁶ Certain topics, such as victimization, have data that are collected through multiple studies by multiple organizations. For example, BJS collects information on victims of intimate partner violence through their NCVS regardless of whether the violence was reported to law enforcement.¹⁷ Information on victims of intimate partner violence can also be obtained from the CDC's National Intimate Partner and Sexual Violence Survey.¹⁸

The Paperwork Reduction Act (PRA) of 1995 gives OMB the authority over data collected for statistical purposes. While OMB is charged with making sure these collections do not overlap, the agency that submits the information collection request (ICR) for OMB approval is responsible for "describing efforts to identify duplication."¹⁹ If the agency that submitted the ICR is unaware of existing data collection efforts, then this section will not be adequately addressed. Additionally, the OMB OIRA desk officer may not be aware of similar collections performed by other agencies. As such, duplications of data collection could still occur across agencies. To ensure the federal collection of criminal justice data does not unduly burden non-federal entities, the government must be able to identify duplications of data collection efforts. An evaluation and report by OMB would identify overlap in efforts and help guide resource distributions going forward.

13.1.2 The president should direct the Office of Management and Budget to seek guidance from the Bureau of Justice Statistics when reviewing criminal justice data collections proposed by federal government agencies outside of the Department of Justice.

To both prevent duplication of efforts and ensure that one agency within DOJ oversees justice-related collections, OMB should have BJS review criminal justice-related data collections that are submitted for review under the PRA. Currently, OMB seeks input from BJS on justice-related collections by DOJ components; this recommendation would extend coverage to all federal criminal justice data collections. As a result, OMB, with the assistance of BJS, would identify potential duplication of efforts, which would in turn reduce burden and save tax dollars.

DOJ should advise and oversee all justice-related data collections to reduce duplication. While other government agencies such as the CDC, BLS, and National Center for Educational Statistics (NCES) collect vital information to inform criminal justice issues, the lack of coordination across federal agencies can lead to duplication in data collected and funding. Because BJS is the principal federal statistical agency

¹⁶ See appendix #.

¹⁷ Bureau of Justice Statistics. (2013). Intimate Partner Violence: Attributes Of Victimization, 1993–2011. Retrieved from: <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=4801>

¹⁸ Centers for Disease Control and Prevention. (2018). National Intimate Partner and Sexual Violence Survey: 2015 Data Brief – Updated Release. Retrieved from: <https://www.cdc.gov/violenceprevention/pdf/2015data-brief508.pdf>

¹⁹ Office of Information and Regulatory Affairs. (2019). Creating a Supporting Statement Part A. Retrieved from: <https://pra.digital.gov/uploads/supporting-statement-a-instructions.pdf>

for DOJ, BJS has the knowledge to determine if proposed collections are conducted using appropriate research methods. Additionally, as outlined in BJS statute, 34 U.S.C. § 10132, BJS is authorized to “recommend national standards for justice statistics and for insuring the reliability and validity of justice statistics.”²⁰ Advising OMB on other justice-related data collections would better allow for national standards to be developed.

13.1.3 Congress should appropriate funding to the Bureau of Justice Statistics to develop a comprehensive web page that includes links to key criminal justice collections and available statistics across the federal government.

Previous committees have identified the need for a broader online collection of law enforcement data and the potential for BJS to catalog that data. In 2009, the National Research Council recommended that “BJS should strive to function as a clearinghouse of justice-related statistical information, including reference to data not directly collected by BJS.”²¹ Increased funding would allow BJS to balance its existing efforts, which are focused on its own data collections, with the expanded task of providing a centralized location for consumers to find criminal justice data collections from all federal agencies. Congress should provide funding to BJS for the specific project of providing and maintaining a web page that links to all federal criminal justice data collections to make that data more accessible and more useful to federal, state, and local law enforcement. Funding is necessary to provide staffing and information technology to thoroughly identify all federal criminal justice data collections and to ensure the web page is properly maintained. Federal, state, and local policymakers and law enforcement agencies would benefit from a centralized web page that links to criminal justice statistics across the federal government. Currently, no such web page exists. The commission reviewed numerous agency web pages to provide a comprehensive list of federal criminal justice data collections. Even still, the lack of standardization and access to data made it impossible for the commission to verify that all justice-related collections were accurately represented in appendix #.

A centralized web page within the DOJ would make finding justice-related statistics easier for consumers. As the principal federal statistical agency for DOJ and the leader in producing criminal justice data in the federal government, BJS should add this centralized web page to their website. BJS receives a number of information requests for criminal justice data from the public. In April 2020, BJS received 119 inquiries through AskBJS, with 36 requests (30 percent) requiring information on non-BJS data collections.²² It would be a natural fit for BJS to maintain this web page and be able to direct public information requests to one central location on the BJS website.

The BJS website focuses mainly on statistical collections conducted by BJS. These collections provide important nationwide information about court systems, correctional facilities, and law enforcement, but generally exclude data collected directly by other federal agencies. While BJS’s website has certain pages dedicated to data collected by other agencies such as NIBRS²³ and a compilation of data sources on law enforcement use of force,²⁴ these are exceptions to the norm. Likewise, the DOJ web page only

²⁰ 34 U.S.C. § 10132. Bureau of Justice Statistics. <https://www.law.cornell.edu/uscode/text/34/10132>

²¹ National Research Council. (2009). *Ensuring the Quality, Credibility, and Relevance of U.S. Justice Statistics*. Washington: National Academies Press. <https://doi.org/10.17226/12671> p.287

²² Stephanie Mueller, BJS AskBJS coordinator, email to the Data and Reporting Working Group, May 13, 2020.

²³ Bureau of Justice Statistics. (2020). Data Collection: National Incident-Based Reporting System (NIBRS). <https://www.bjs.gov/index.cfm?ty=dcdetail&iid=301>

²⁴ Bureau of Justice Statistics. (2020). Use of Force. <https://www.bjs.gov/index.cfm?ty=tp&tid=84>

provides links to DOJ agencies, such as the FBI, ATF, and USAO,²⁵ but omits data from federal agencies outside the DOJ, such as the CDC, BLS, and U.S. Census Bureau.

13.1.4 Congress should provide funding to the Bureau of Justice Statistics for the National Academies of Sciences to conduct an analysis that identifies gaps in criminal justice data collected by the federal government.

Established by an act of Congress, the National Academies of Sciences, Engineering and Medicine (NAS) is an independent entity charged with providing objective advice to the nation on matters related to science and technology. NAS has conducted similar work in the past and would be in the best position to evaluate this issue. Building upon NAS's *Panel on Modernizing the Nation's Crime Statistics* and the *Panel to Review the Programs of the Bureau of Justice Statistics*, NAS should evaluate and identify data collection gaps across all federal agencies that are engaged in collecting criminal justice data. The report should include gaps in data collected that pertain to law enforcement, courts, sentencing, and corrections.

While crime measurement has been assessed by NAS panels and presidential commissions in the past, it has not yet been fully addressed. Each of these panels and commissions have provided their unique contribution; however, areas remain that they were unable to fully address given their limited charges and scope. The work of the 1967 President's Commission on Law Enforcement and the Administration of Justice focused on street crime, but crime has evolved over the past 50 years to include cybercrime, human trafficking, and international organized crime.²⁶ Although the FBI has expanded its NIBRS collection to include cybercrime, human trafficking, and new offenses specific to federal agencies, gaps still exist. Current crime measures do not adequately capture crimes by and against businesses, organizations, and governments, nor do they capture environmental crimes.²⁷ According to NAS's *Panel on Modernizing the Nation's Crime Statistics*, numerous examples of crimes exist that do not come to the attention of law enforcement or traditional victimization studies.²⁸ For example, organized retail loss and cybercrime are often not shared with law enforcement because this information is treated as proprietary, and companies are reluctant to report these events that are clearly crimes.

While the majority of federal data collections focus on crime, it is only one topic area in the criminal justice system. Data related to law enforcement, courts, and corrections need to be thoroughly evaluated to identify what is not being collected and what should be. BJS's data collections were reviewed by a 2009 NAS panel;²⁹ while some of these recommendations have been implemented, not all have. This panel identified data gaps in BJS's criminal justice portfolio but also noted that stagnant funding and staffing levels have made it impossible for BJS to meet these demands.³⁰ Furthermore, the report did not take into account criminal justice data collected by other federal agencies.

²⁵ Department of Justice. (2020). Statistics Available from the Department of Justice. <https://www.justice.gov/doj/statistics-available-department-justice>

²⁶ Wormeli, P. (2018). Criminal Justice Statistics: An Evolution. *Criminology & Public Policy* 17(2), 483-496.

²⁷ Lauritsen, J. and Cork, D. (2017). Expanding our understanding of crime: The National Academies report on the future of crime statistics and measurement. *Criminology & Public Policy* 16(4), 1075-1098.

²⁸ National Academies of Sciences, Engineering, and Medicine. (2016). *Modernizing Crime Statistics: Report 1: Defining and Classifying Crime*. Washington, DC: The National Academies Press.

²⁹ National Research Council. (2009). *Ensuring the Quality, Credibility, and Relevance of U.S. Justice Statistics*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/12671>

³⁰ Ibid.

13.2 Data Collection and Reporting Methods

Background

The 1967 U.S. President's Commission on Law Enforcement and Administration of Justice (Johnson commission) noted that the greatest obstacle to the work of the commission was the lack of data.³¹ The Johnson commission recommended the development of improved systems to collect data that would inform all aspects of the criminal justice system. The report relied on UCR data but noted that the data misrepresented the true amount of crime because of the public's reluctance to report on certain types of crime. The commission did not limit their criticism to the inadequacies in crime reporting. They also identified that published data about criminal justice were lacking, stating "much of the data are incomplete, inconsistent, and inaccurate."³²

In the 50 years since the Johnson commission report, the federal government has made great strides to improve data collection and reporting. The creation of BJS a decade after the Johnson commission report greatly expanded justice-related data collection and statistical reporting for DOJ. BJS is now responsible for a broad portfolio of statistics and reports that address all aspects of the criminal justice system.³³ In addition, the FBI has adopted agile methods to improve and continually enhance its capabilities for data collection and publications. The FBI leverages its current technical networks and strong relationships with federal, state, local, and tribal agencies to collect and publish crime and law enforcement data to benefit the nation.

Federal data collection and reporting would not be possible without the cooperation of states, counties, local, and tribal agencies. The federal government collects data through three primary methods: structured administrative records retrieval, unstructured records retrieval, and self-report methods.

Structured record retrieval includes data that are already formatted in a database that can be easily processed and accessed. Most data sharing platforms use this format.³⁴ With structured record retrieval, agencies upload their databases, which can then be easily downloaded by another entity. Similarly, agencies can send database extracts for downloading. An example, of this type of data includes the criminal history records obtained by BJS from the FBI (through a data-sharing agreement). SRS, NIBRS, and the FBI's National Use-of-Force Data Collection are also considered structured data.

Unstructured record retrieval includes data that are not contained in a predefined database. They are usually text-heavy, or may include video, audio, and images. One technique to capture unstructured data is web scraping, which involves searching massive amounts of text on predefined terms to find incidents or events. BJS uses web scraping to count arrest-related deaths.³⁵

Self-report methods include surveys, questionnaires, or polls in which respondents answer to a question and fill in the most appropriate response. All survey methods are considered self-report, regardless of the method used (e.g., computer assisted telephone interviews, in-person, paper, or web). Most BJS data collections are based on self-reported data, such as the NCVS and Law Enforcement Management and Administrative Statistics survey.

³¹ U.S. President's Commission on Law Enforcement and Administration of Justice. 1967. *The Challenge of Crime in a Free Society*. Washington, DC: U.S. Government Printing Office. <https://www.ncjrs.gov/pdffiles1/nij/42.pdf>

³² Ibid. p.266

³³ Wormeli, P. (2018). Criminal Justice Statistics: An Evolution. *Criminology & Public Policy* 17(2), 483-496.

³⁴ Enterprise Big Data Framework. (2019). Data Types: Structured vs. Unstructured Data. <https://www.bigdataframework.org/data-types-structured-vs-unstructured-data/>

³⁵ Bureau of Justice Statistics. (2019). Arrest-Related Deaths Program: Pilot Study of Redesigned Survey Methodology. NCJ 252675. <https://www.bjs.gov/content/pub/pdf/ardppsrsm.pdf>

Similarly, state, county, tribal, and local criminal justice agencies collect a myriad of data. Data sharing and reporting may be the most important aspect of data collection. There is little need to collect data if it will not be used. Law enforcement agencies collect data daily and use these data internally to help inform operations, policies, and procedures. The benefits of sharing and reporting data outweigh the negatives. Agencies may be concerned about privacy issues, but data can be shared and reported so that sensitive information is not released. Sharing data with other agencies assists with investigations. Additionally, reporting data to the public can help build police–community relations and increase transparency and public trust. Researchers can also use these data to build evidence-based policing practices.³⁶

Data collection and sharing among all criminal justice agencies is essential for day-to-day operations. Data reporting at all levels of government is necessary for maintaining transparency, informing policy, and understanding the current state of the criminal justice system.

Current State of the Issue

There are three primary issues with data collection and reporting: mandatory reporting, standardization, and balancing timeliness, accessibility, and accuracy in reporting. These issues have an impact on all levels of government and its ability to provide reliable justice-related statistics.

The federal government does not have the authority to make data collection from states, counties, tribal, or local agencies mandatory. Federal agencies are only mandated to comply with federal data requests from the principal statistical agencies. Though the government is unable to mandate reporting, it can build in funding penalties. The most wide reaching federal funding source for states and local law enforcement agencies is the Edward Byrne Justice Assistance Grants (JAG) program. Currently, failing to report data for the Prison Rape Elimination Act and the Sex Offender Registration and Notification Act result in penalties to the JAG award. However, these penalties can only affect state awards. If a local agency fails to report to the state, then only the state is penalized.³⁷ There is no mechanism for penalizing the local awards under the current JAG formula.

Although the federal government cannot mandate participation, most respondents comply with data requests. BJS survey collections typically have a response rate of between 80 percent and 90 percent.³⁸ Additionally, 91 percent of law enforcement agencies report to the FBI’s UCR program.³⁹ Crime reporting to the FBI is successful because the FBI has been collecting these data from agencies for 90 years, and as of 2018, 43 states have legislation mandating local agencies to report crime data to the states.⁴⁰ While crime reporting to the UCR is high, only 51% of law enforcement agencies report via NIBRS, which has been in existence since 1988. NIBRS requires a significant system conversion from submitting monthly crime counts to providing detailed incident-level case data. This slow adoption rate led to the development of NCS-X program in 2012, which provides funding to select law enforcement

³⁶ National Police Foundation (2020). 5 things you need to know about open data in policing. <https://www.policefoundation.org/5-things-you-need-to-know-about-open-data-in-policing/>

³⁷ Cooper, A. (2016). Justice Assistance Grant Program, 2016. Washington, DC: U.S. Department of Justice. NCJ 250157. <https://www.bjs.gov/content/pub/pdf/jagp16.pdf>

³⁸ National Research Council. (2009). *Ensuring the Quality, Credibility, and Relevance of U.S. Justice Statistics*. Washington: National Academies Press. <https://doi.org/10.17226/12671>

³⁹ Trudy Ford, FBI CJIS Section Chief, email communication to Data and Reporting Working Group Chair, Chief William Brooks, February 28, 2020.

⁴⁰ National Academies of Sciences, Engineering, and Medicine. (2018). *Modernizing Crime Statistics: Report 2: New Systems for Measuring Crime*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/25035>

agencies and states to convert to NIBRS.⁴¹ In addition to NCS-X, the FBI offers data integration support as well as providing technical assistance on NIBRS data specifications and reporting requirements. Since the implementation of these additional programs, there has been a 46 percent increase in agencies that report to NIBRS (from 6,835 agencies in 2012 to 10,011 agencies in 2020).⁴²

The second issue that plagues data collection and reporting across all levels of government is the lack of standardization in the data being collected. This is largely due to the decentralized record management systems (RMS) kept by criminal justice agencies. Currently, law enforcement agencies engage with private vendors to purchase or lease RMS, which results in agencies using various systems. RMS vendors treat the software as proprietary, thereby making it difficult for separate systems to communicate with each other. Multiple RMS systems lead to lack of data uniformity and query capabilities. Officers can query their own agency systems and separate federal and state systems, but often cannot access the RMS of neighboring departments. In cases where access is granted to the systems, they are not integrated, which means that separate queries must be run in each system. These software issues make it difficult for criminal justice agencies to share data with each other and nearly impossible to share data in real-time.

Multiple RMS systems also contributes to a lack of standardization in the data that are being collected. The FBI has developed standard definitions for reporting crime and use of force across law enforcement agencies to ensure the same data are being collected. Within local agency RMS solutions, data to support NIBRS are either directly captured by a RMS programed to NIBRS specifications or through backend data export functions. Most data exchanges between the local agency and state occurs through a batch export from an RMS which is then imported to a state repository and finally submitted to the FBI UCR repository. Some states are starting to use transactional web services to exchange data. For example, Minnesota is considered a leader in using this new business model amongst agencies within the state and to the FBI UCR Program (see *Minnesota's Transition to NIBRS*).⁴³ Even with some standardization, a lack of training on data entry and quality can result in data that are error prone and meaningless.

TEXTBOX: Minnesota's Transition to NIBRS

In 2012, Minnesota's Bureau of Criminal Apprehension (BCA) began looking into solutions to address a lack of consistency in law enforcement data collection and reporting as a result of agencies using different RMS solutions and definitions. As such, BCA sought to update their state repository and decided to upgrade to allow for statewide NIBRS submissions. In October 2013, BCA began transitioning its SRS system to NIBRS, and by 2017 it had developed a hybrid system to accept both SRS and NIBRS submissions.⁴⁴

BCA used the National Information Exchange Model (NIEM) to develop its NIBRS-compliant system. NIEM "facilitates information-sharing between agencies by standardizing methodology and semantics,

⁴¹ Strom, K. & Smith, E. (2017). The Future of Crime Data: The Case for the National Incident-Based Reporting System (NIBRS) as a Primary Data Source for Policy Evaluation and Crime Analysis. *Criminology & Public Policy*, 16(4), 1027-1048.

⁴² Amy Blasher, FBI CJIS Unit Chief, email with Data and Reporting Working Group, May 13, 2020.

⁴³ Federal Bureau of Investigation. (2017). Going NIBRS: Two States Share Their Stories: Minnesota's Transition to NIBRS (Part 1 of 2). <https://www.fbi.gov/services/cjis/cjis-link/going-nibrs-part-1-minnesota-transition>

⁴⁴ Ibid.

resulting in greater informational compatibility.”⁴⁵ NIEM allows for interagency information sharing throughout the state when agencies have disparate systems. The Extensible Markup Language (XML) format allowed agencies to submit to the state and for the state to submit to the FBI. After testing and working closely with the FBI, the BCA received NIBRS certification in August 2016.⁴⁶ The BCA opted to customize their system to capture more incident-related data than NIBRS requires. For example, NIBRS collects up to three drug types per incident, but BCA collects an unlimited number. This modification requires Minnesota to generate both NIBRS-compliant data and expanded data for state reporting.

To assist individual agencies with converting to NIBRS, the BCA developed a detailed set of specifications for the RMS vendors. Additionally, BCA provided law enforcement agencies and RMS vendors a guide that maps state offense categories to the UCR codes. This key is available through a web interface so RMS vendors can easily incorporate it into an agency’s system. Minnesota plans to discontinue SRS reporting by the end of 2020. Currently, 53% of law enforcement agencies in Minnesota report to NIBRS, and the remaining agencies are in process of converting to NIBRS.⁴⁷

Another issue is that only a few RMS solutions have the capability to process the data and produce meaningful output for reporting and analysis. Agencies may be able to collect data but are often unable to pull the data out easily for analysis, making it difficult for criminal justice agencies to report on their data in a meaningful way. Larger agencies with analytical staff are better able to collate and analyze data. Many of these agencies have also been successful in releasing data and reports to the public, which promotes transparency. States that collect and compile data from local agencies can bridge the gap and help provide reporting and analysis. When states and local agencies do not have the capacity for reporting, sharing their data with the federal government allows these data to be analyzed and reported.

The final issue with data reporting and collecting pertains to the balance between timeliness, accessibility, and accuracy in data reporting. These three factors directly affect both data collection and reporting, but this section focuses on reporting. There is a balance between reporting data in a timely and accessible manner and still making sure the data are valid, reliable, and accurate. Timeliness refers to the speed at which data is made readily available to others either through the release of raw data or a statistical product, such as tables or reports.⁴⁸ The less timely data are, the less useful data become. All government agencies must be timely in releasing data or reports to the public and other agencies. Timeliness and accessibility promote transparency.

Accessibility refers to the how easily available the data are.⁴⁹ Data reporting occurs in a variety of formats, such as summary reports, tables and figures, data analysis tools, and raw data. Data can be made readily available through an agency’s website or through another vendor. For example, datasets collected by BJS, FBI, OJJDP, and NIJ award recipients are made publicly available for download through the University of Michigan’s National Archive of Criminal Justice Data.⁵⁰ Persons who may not have the

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Patti Zafke, BCA Product Manager, “Minnesota’s Transition to NIBRS” (PowerPoint Presentation, Data and Reporting Working Group, Teleconference, May 14, 2020).

⁴⁸ Dr. Kevin Scott, Chief Law Enforcement Statistics Unit, BJS, “Data Reporting and Data Quality” (PowerPoint Presentation, Data and Reporting Working Group, Teleconference, March 26, 2020).

⁴⁹ Ibid.

⁵⁰ The Regents of the University of Michigan. (2020). About NACJD.

<https://www.icpsr.umich.edu/icpsrweb/content/NACJD/about.html>

software or expertise to use raw data often rely on agencies to analyze and report out statistical findings. This can either be accomplished by providing analytical tools on the website so persons can produce customized tables and figures or through publishing static reports, tables, or figures. The method that agencies use to make data accessible can affect how long it takes to release the data. Further, if data are provided in a customized data tool, steps must be made to make certain that the customized results are accurate and reliable.

The importance of timelines does not outweigh accuracy. Data have to be reliable and accurate before being released to the public. Data reporting should be nonpartisan, reliable, and unbiased. Politicians, the media, and criminal justice agencies can release data that lacks content or a meaningful denominator. Raw data regarding stops, arrests, use of force, criminal events, or crime rate increases and decreases are most meaningful when their context is clear. The same values hold true for the federal government. The principal federal statistical agencies are guided by four principles: relevance to policy issues, credibility among data users, trust among data providers, and independence from political and other undue external influence.⁵¹ All four of these principles ensure that the data collected from respondents by the federal government and the statistics reported out are accurate and unbiased.

The recommendations offer practical ways to address these issues related to data collection and reporting.

13.2.1 States should provide a technology solution that will allow all law enforcement agencies to be connected for real-time data retrieval.

There are almost 18,000 state and local law enforcement agencies in the United States,⁵² and they use a myriad of records management systems (RMS). These RMS or law enforcement data collection systems are mostly commercial systems developed by private vendors. Little to no consistency exists in RMS within states, or even within counties. In counties with multiple cities and a sheriff's office, it is common for each agency to have its own RMS platform that is not interfaced with other agencies' RMS. This means agencies in the same county, and certainly in the same state, do not have direct and immediate access to other agencies' offense, incident, and criminal intelligence records. Different and unintegrated RMS solutions across agencies hinder effective data sharing, crime solving, and managing officer safety issues.

The implementation of NIEM standards has assisted the progress toward integrating law enforcement RMS.⁵³ While some areas have been successful at integrating data across law enforcement jurisdictions, the majority have not. As such, states should provide a solution to allow for law enforcement RMS to be fully interoperable across the state. The solution for this depends on current infrastructure in the state and available funding. Criminal Justice Intersection recommendation 10.5.5 complements this recommendation by expanding data interoperability across law enforcement agencies to all components of the criminal justice system.

[CROSS REFERENCE INTERSECTION OF CRIMINAL JUSTICE PERSONNEL]

One potential solution is for the state to adopt one RMS vendor to provide services for the all law enforcement agencies within the state. For example, the Rhode Island Police Chiefs Association has

⁵¹ National Academies of Sciences, Engineering, and Medicine. (2017). Principles and Practices for a Federal Statistical Agency: Sixth Edition. Washington, DC: The National Academies Press. <https://doi.org/10.17226/24810>

⁵² Banks, D., Hendrix, J., Hickman, M., and Kyckelhahn, T. (2016). National Sources of Law Enforcement Employment Data. NCJ 249681. <https://www.bjs.gov/content/pub/pdf/nsleed.pdf>

⁵³ National Information Exchange Model (NIEM). About NIEM. <https://www.niem.gov/about-niem>

worked to migrate to one RMS statewide. Currently, every law enforcement agency in Rhode Island uses the same RMS vendor except Providence and New Shoreham. Due to limitations with the current statewide system, all agencies within Rhode Island will move to the RMS vendor for Providence police department. By 2021, all Rhode Island law enforcement agencies will use the same RMS platform.⁵⁴

Another solution is for the state to provide an interface that allows RMS systems to communicate and exchange information. The State of New Jersey has accomplished this through the creation of NJ-DEx. New Jersey does not allow for a single RMS vendor to be dictated to local agencies; therefore, the state needed to consider a standards-based approach to exchange information.⁵⁵ New Jersey used the Global Justice XML Data Model (GJXDM), which allows for the secure exchange of information at all levels of government, and then incorporated NIEM, which provides common vocabulary to enable information exchange across different organizations.⁵⁶ As part of NJ-DEx, each data exchange entity creates an extract and data-sharing model as part of the RMS that conforms to state specifications. These data are then shared through the FBI's Law Enforcement National Data Exchange (N-DEx).⁵⁷

13.2.2 Law enforcement officers should receive academy and in-service training on data entry and data quality.

Individual officers are tasked with compiling information as part of their daily routine. This information forms the basis key data on crime incidents, calls for service, use of force, arrests, and more. Officers should internalize the importance of data collection and data quality throughout their careers. Officer training should emphasize how accurate and complete data entry can directly aid an officer's daily police work. Omitted data can hamper an investigator's attempt to gather information on a suspect or crime pattern, and errors such as name and street misspellings can have the same effect. Alternatively, reliable data may present new and beneficial opportunities for law enforcement. For instance, in suburban and urban areas where police departments in many municipalities operate closely, accurate data recording can be critical in allowing cross-department investigations and collaborations, leading to improved policing outcomes.

There is no evidence that demonstrates data entry and quality is regularly included in academy training. The Census of Law Enforcement Training Academies only asks academies to report on the number of training hours for report writing and computers or information systems. In 2013, almost all academies (99 percent) provide training on report writing, with an average of 25 hours required per recruit; however, the data do not identify what is included in this instruction.⁵⁸ Evidence suggests that this topic is covered through in-service training. For example, the FBI provides training to law enforcement agencies on data collection procedures for the UCR program collections.⁵⁹

The next generation of police officers should be taught the importance of sound data recording and entry. If information is inaccurate or missing when entered, it will be in the same state when extracted.

⁵⁴ Steven Pare, Public Safety Commissioner at City of Providence, email communication with Data and Reporting Working Group Chair, Chief William Brooks, April 23, 2020.

⁵⁵ National Information Exchange Model (2009). New Jersey Data Exchange: NIEM-GJXDM for New Jersey Law Enforcement Information Sharing. <https://www.niem.gov/about-niem/success-stories/new-jersey-data-exchange-nj-dex>

⁵⁶ National Information Exchange Model (NIEM). About NIEM. <https://www.niem.gov/about-niem>

⁵⁷ National Information Exchange Model (2009). New Jersey Data Exchange: NIEM-GJXDM for New Jersey Law Enforcement Information Sharing. <https://www.niem.gov/about-niem/success-stories/new-jersey-data-exchange-nj-dex>

⁵⁸ Reaves, B. (2016). State and Local Law Enforcement Training Academies, 2013. NCJ 249784. <https://www.bjs.gov/content/pub/pdf/slleta13.pdf>

⁵⁹ Federal Bureau of Investigation. Data Quality Guidelines. <https://ucr.fbi.gov/data-quality-guidelines-new>

They should learn the benefits of accurate data recording, both for immediate police work and for longer-term trends. They should also recognize the goals of data collection, so that they and their departments can think critically about how their existing reporting mechanisms can be improved or modified, particularly in light of new technology. To assist with these efforts, COPS, BJA, the Federal Law Enforcement Training Center (FLETC), the FBI National Academy, the International Association of Chiefs of Police (IACP), and the International Association of Directors of Law Enforcement Standards and Training (IADLEST) should coordinate to develop curriculum and standards.

13.2.3 States should enact legislation that requires criminal justice agencies to collect standardized criminal justice data for reporting to the state and federal governments. At a minimum, the legislation should require all law enforcement agencies within the state to report to the FBI's National Incident Based Reporting System (NIBRS) and National Use-of-Force Data Collection. The legislation should also include the collection of key data elements from courts and corrections on a person from arrest to release. The legislation should include funding appropriations for the collection and reporting of these data.

Since RMS systems are decentralized and vary widely across law enforcement agencies, data fields should be standardized so they can be collated at the state level. States and agencies that have converted to NIBRS will have standardized crime data that will be collated at the state and federal levels. However, law enforcement agencies also need to collect other key criminal justice data, such as use of force.

While most state and local agencies report their crime data based on SRS or NIBRS specifications, such reporting is not required because the federal government cannot mandate it under federal law. However, states can mandate that local agencies report to the state. At least 43 states have legislation that requires local law enforcement agencies to report crime data to the state.⁶⁰ For decades, U.S. law enforcement agencies reported crime data to the FBI under the SRS of the UCR Program. Effective January 1, 2021, all agencies will report under the NIBRS as opposed to summary reporting through the SRS. However, as of April 2020, only 51 percent of law enforcement agencies in the United States were reporting to NIBRS.⁶¹ States should mandate NIBRS reporting so these data can be shared with the federal government and participating agencies for a comprehensive look at crime in the nation.

The lack of required reporting in all 50 states creates data voids and does not ensure that data users have a full and accurate view of crime in America. The same holds true for use-of-force reporting. The FBI's National Use-of-Force Data Collection was developed to fill this void, but agencies are not required to submit their use of force statistics. As of April 2020, 40 percent of agencies were reporting to the National Use-of-Force Data Collection.⁶² To provide accurate statistics on law enforcement use of force, states should mandate that all law enforcement agencies report to the FBI's National Use-of-Force Data Collection.⁶³ Agencies benefit from reporting use of force as it increases transparency, which can build community trust.

[CROSS REFERENCE RESPECT FOR LAW ENFORCEMENT]

⁶⁰ National Academies of Sciences, Engineering, and Medicine. (2018). *Modernizing Crime Statistics: Report 2: New Systems for Measuring Crime*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/25035>

⁶¹ Amy Blasher, FBI CJIS Unit Chief, email communication with Data and Reporting Working Group, May 7, 2020.

⁶² Amy Blasher, FBI CJIS Unit Chief, email communication with Data and Reporting Working Group, April 22, 2020.

⁶³ This recommendation is also supported by the NAACP Legal Defense and Educational Fund, Inc., American Civil Liberties Union, and Justice Roundtable. These agencies provided public comments for consideration to the Commission.

Data from law enforcement agencies are important to analyze crime, but data from county jails and the courts are equally important to understand the origins of crime, crime trends, and the effectiveness of the criminal justice system. Standardizing the collection of electronic criminal history, court disposition, and corrections data will enable the criminal justice practitioners to study the full impact of crime within our society. Florida enacted legislation in 2018 for all counties in the state to collect over 100 data elements tracking a person from arrest to release. All states should adopt similar legislation (see *Tracking persons from arrest to release: A lesson from Florida*).

TEXTBOX: Tracking persons from arrest to release: A lesson from Florida

On March 30, 2018, Florida Governor Rick Scott approved Senate Bill 1392 to go into effect on July 1, 2018, as Chapter 2018-127.⁶⁴ “Promoted as a bipartisan transparency measure, the new system will gather data on all future cases across 67 counties, fully anonymized to protect identity, and track recidivism rates following incarceration to show the public how people cycle through prisons.”⁶⁵ The legislation requires every county in Florida to collect data on persons from time of arrest to release or transfer to the state Department of Corrections to the Florida Department of Law Enforcement (FDLE). Prior to the passage of the bill, data collection efforts in Florida counties varied by agency and were independent. By providing common definitions of terms, the legislation provides statewide standards to improve consistency in data collection and reporting, which ensures that the data for each county are comparable.⁶⁶

The legislation was developed with guidance from Measures for Justice (MFJ), a nonprofit that collaborates with counties to track persons throughout the criminal justice system.⁶⁷ The data elements outlined in the legislation reflect the same elements that MFJ has advised other states to track. MFJ developed and tested their first draft measures in Wisconsin through funding by BJA. The measures were first piloted in Milwaukee and expanded to the entire state. Due to the success of the pilot, MFJ received additional funding to implement the measures in other states.⁶⁸

Florida data are collected on more than 100 measures at multiple points in the criminal justice system and submitted to the FDLE monthly.⁶⁹ FDLE is required to publish the data and make it available to the public. The following data must be collected:

County detention facilities are required to report administrative facility information to include maximum capacity, the total jail population at year end, budget, the daily cost to house an inmate, revenue generated by the housing of federal inmates, and the number of staff assigned to supervise inmates. Inmate information required for the report includes admission type, inmate demographics, population of inmates based on type of admission, county or state

⁶⁴ The Florida Senate. (2018). CS/CS/SB 1392: Criminal Justice. <https://www.flsenate.gov/Session/Bill/2018/1392> ; Laws of Florida (Chapter 2018-127). Retrieved from: <http://laws.flrules.org/2018/127>

⁶⁵ Chen, M. (2018, March 27). Our systems for tracking the criminal justice systems are broken. The Nation. <https://www.thenation.com/article/archive/our-systems-for-tracking-the-criminal-justice-system-are-broken/>

⁶⁶ Council of State Governments. (2018). Landmark Florida legislation sets new standard for data collection and transparency. Retrieved from: <https://csgjusticecenter.org/landmark-florida-legislation-sets-new-standard-for-data-collection-and-transparency/>

⁶⁷ Measures for Justice. (2020). *Background*. <https://measuresforjustice.org/about/overview#background>

⁶⁸ Ibid.

⁶⁹ Laws of Florida (Chapter 2018-127). Retrieved from: <http://laws.flrules.org/2018/127>

sentences, and flag designations. These flag designations include sex offender, gang affiliation, domestic violence, habitual offender, and pretrial release violations.

Clerk of courts are required to report information pertaining to the defendant and their case status. This information includes but is not limited to pretrial release status within 24 hours of arrest, bail modification and payments, data related to court dates, and final disposition information.

State attorney's offices are required to report information pertaining to a defendant's case, victim information, annual felony or misdemeanor caseload, the number of attorneys in each prosecutor's office, charges referred by law enforcement each year, the types of illegal drug cases prosecuted, and the number of cases that are filed as no information by the prosecutor.

Public defender's offices are required to report information pertaining to the annual felony/ or misdemeanor case load. They are also required to report the number of full-time, part-time, and contract attorneys.

The Florida Department of Corrections is required to report information pertaining to each inmate. This information includes inmate demographics, type of conviction, flag designations; length of sentence, tentative release date and corresponding gain time, and disciplinary action and probation or parole information, including revocations.

The legislation provided funding to help counties collect and report data. The bill included \$1,750,000 appropriation for the development of a state repository, which allows for separate systems to connect for reporting. The state repository also allows for user-friendly statistical reporting and publicly available data. In addition to the state repository, monetary incentives were provided to counties to ensure participation.⁷⁰ FDLE was required to have an online state repository for the data by January 1, 2020, but this has yet to be launched.⁷¹

The key to any effective legislation lies with the ability to enforce it. State legislation should require all law enforcement agencies to report to NIBRS and the National Use-of-Force Data Collection; enable the collection of key data elements from courts and corrections on a person from arrest to release; ensure the existence of a clear compliance strategy; and provide funding appropriations to ensure the collection and reporting of these data.

13.2.4 Federal law enforcement agencies should report to the FBI's National Incident Based Reporting System (NIBRS) and National Use-of-Force Data Collection.

Congress enacted the Uniform Federal Crime Reporting Act (UFCRA) of 1988 to ensure federal participation in crime data collections.⁷² However, few federal agencies comply because of the lack of enforcement or a clear implementation strategy. Currently, only 6 of 114 eligible federal agencies (5 percent) submit NIBRS data.⁷³ Federal agencies face challenges that may hinder that process, such as

⁷⁰ Council of State Governments. 2018. Landmark Florida legislation sets new standard for data collection and transparency. Retrieved from: <https://csgjusticecenter.org/landmark-florida-legislation-sets-new-standard-for-data-collection-and-transparency/>

⁷¹ Robert Gualtieri, Sheriff at Pinellas County Sheriff's Office, email communication with Data and Reporting Working Group, May 11, 2020.

⁷² 34 U.S.C. § 41303 (2012)

⁷³ Amy Blasher, FBI CJIS Unit Chief, email communication with Data and Reporting Working Group, May 13, 2020.

funding and unique case management systems that are unlike state and local agencies incident-based records management systems.

To gain additional federal agency participation, the FBI has implemented strategies to inform federal agencies of the importance of reporting crime statistics to the FBI's UCR program. The inclusion of federal crime data with data from state, local, and tribal law enforcement agencies will provide a comprehensive view of crime in the United States while affording greater transparency and accountability.

In October 2017, the attorney general sent a memorandum to federal agencies as a reminder of the mandate to adhere to UFCRA. In January 2020, the FBI director issued a memorandum to federal agencies, communicating the importance of UFCRA compliance. Additionally, the FBI created a mechanism for federal agencies that would report smaller amounts of incidents to do so. The NIBRS Collection Application (NCA) is a fully functional NIBRS data submission tool that resides on the Law Enforcement Enterprise Portal. The NCA will allow federal and tribal agencies that submit low quantities of NIBRS incidents the ability to report at no cost. In summer 2020, the NCA allowed another 45 federal agencies to report NIBRS, bringing the total percentage of federal NIBRS reporting agencies to 45 percent.⁷⁴

Participation in the FBI's National Use-of-Force Data Collection is not mandated for any agency type, as there is no federal legislation to mandate reporting for federal agencies. The FBI has encouraged federal agencies to participate, but few have complied. Currently, 29 federal agencies (26 percent) report their incidents.⁷⁵ National estimates on use of force are hindered without the participation of federal law enforcement agencies. Approximately 10% of law enforcement officers in the U.S. work in federal agencies.⁷⁶

13.2.5 States should enact legislation that requires law enforcement and correctional agencies to collect and report data to the state in accordance with the Death in Custody Reporting Act (DCRA). The states should provide these data to the Department of Justice for national reporting.

The Death in Custody Reporting Act (DCRA) was originally passed by Congress in 2000 (P.L. 106–297) and reauthorized in 2014 as the Death in Custody Reporting Act of 2013 (P.L. 113–242). DCRA helps DOJ collect data from states and federal agencies on the number of individuals who died in law enforcement and correctional custody for national reporting. Specifically, DCRA requires states and federal law enforcement agencies to report to DOJ “the death of any person who is detained, under arrest, or is in the process of being arrested, is en route to be incarcerated, or is incarcerated at a municipal or county jail, state prison, state-run boot camp prison, boot camp prison that is contracted out by the state, any state or local contract facility, or other local or state correctional facility (including any juvenile facility).”⁷⁷ Data to be collected include deceased demographics, date, time and location of death, name of the involved law enforcement agency, and a description of the circumstances of death.

Unfortunately, a number of technical problems with DCRA have stalled its full implementation. After DCRA was authorized in 2000, BJS took the lead in collecting these data. BJS developed the Mortality in

⁷⁴ Ibid.

⁷⁵ Ibid.

⁷⁶ Reaves, B. (2012). Federal Law Enforcement Officers, 2008. <https://www.bjs.gov/content/pub/pdf/fleo08.pdf> ; Reaves, B. (2011). Census of State and Local Law Enforcement Agencies, 2008. <https://www.bjs.gov/content/pub/pdf/cslla08.pdf>

⁷⁷ Death in Custody Reporting Act of 2013. Public Law 113-242, December 18, 2014. <https://www.congress.gov/113/plaws/publ242/PLAW-113publ242.pdf>

Correctional Institutions (MCI) in 2000 for jails and state prisons in 2001. The MCI has an excellent response rate; an average of 98% of jails and 100% of state prisons have reported to MCI since its inception.⁷⁸ In 2003, BJS also developed the Arrest-Related Deaths (ARD) program to capture data on persons who died while in the process of arrest. After the 2009 ARD collection, BJS conducted an assessment of the methodology and found that the “data collection likely did not capture all reportable deaths in the process of arrest. Therefore, BJS determined that the ARD data did not meet BJS data quality standards, and in March 2014, BJS suspended data collection and publication of the ARD data until further notice.”⁷⁹

A further complication with the collection of DCRA data occurred with the 2014 reauthorization. The 2000 DCRA did not include a penalty. The 2013 DCRA authorizes the attorney general to withhold up to 10% of JAG program funds from states that do not comply. (There is no penalty for federal agencies.) As a principal statistical agency, BJS is only allowed to collect data for statistical reporting purposes. Data have to be voluntarily collected and without payment or penalty. Therefore, BJS was no longer able to collect MCI or ARD data for state and local agencies, but it does collect these data for federal agencies under the Federal Law Enforcement Agency Deaths in Custody Reporting Program (FDCRP).⁸⁰ In 2016, the responsibility for collecting DCRA for state and local agencies was transferred to BJA. The Office of Justice Programs chose BJA as the data collection agent because they administer the JAG program.⁸¹ BJA proposal development and approval has led to delays in collecting DCRA data; however, they began DCRA data collection for October 1, 2019, data in January 2020.⁸² Due to overlap with BJA’s DCRA collection, BJS’s MCI collection will cease in 2020 for local jails and state prisons.

Adherence to the legislation is important for all government agencies.⁸³ While the legislation includes a penalty, the JAG penalty is applied to states and does not affect local agencies. To ensure states are 100% compliant, they should pass legislation requiring law enforcement and correctional agencies to report DCRA. This will ensure states will not receive a penalty for non-reporting.

13.2.6 The Office of Management and Budget should provide oversight of federal statistical collections to ensure timely and accessible reporting of federal criminal justice data. States should provide oversight to local governments to ensure timely and accessible reporting of criminal justice data.

For data to be useful, they need to be provided in a timely and accessible manner while still maintaining accuracy. This holds true across all levels of government. The federal government relies on receiving data from state and local governments, and states rely on obtaining data from local governments. If local agencies are delayed in reporting or sharing their data, then this leads to additional delays for state and federal reporting. Therefore, local agencies should adhere to state deadlines on data submissions.

Federal, state, and local agencies should report data to the public. This is standard practice for the federal government. However, it varies for state and local governments. Data reports should be current and made electronically available if a state or local agency has a website. Dissemination of data and

⁷⁸ Bureau of Justice Statistics. (2020). Data Collection: Mortality In Correctional Institutions (MCI) (Formerly Deaths In Custody Reporting Program (DCRP)). <https://www.bjs.gov/index.cfm?ty=dcdetail&iid=243>

⁷⁹ Bureau of Justice Statistics. (2020). Arrest-Related Deaths. <https://www.bjs.gov/index.cfm?ty=tp&tid=82>

⁸⁰ Bureau of Justice Statistics. (2018). Federal Law Enforcement Agency Deaths in Custody Reporting Program, 2018-2021 https://bjs.gov/content/pub/pdf/fleadcrp1821_sol.pdf

⁸¹ Office of the Inspector General, U.S. Department of Justice. (2018). Review of the Department of Justice’s Implementation of the Death in Custody Reporting Act of 2013. <https://oig.justice.gov/reports/2018/e1901.pdf>

⁸² Ibid.

⁸³ This recommendation is also supported by ACLU, Amnesty International, NAACP LDF, and The Justice Roundtable. These agencies provided public comments for consideration to the Commission.

information should be conducted through a variety of formats. Reports, tables, and figures are easier for the general public to interpret. Incident-level datasets allow researchers and other data users to conduct statistical analyses. Data visualization tools on agency websites allow for expanded accessibility of data due to simple inputs that produce customized statistical products. Examples of data visualization tools include the FBI's Crime Data Explorer⁸⁴ and the CDC's WISQARS Fatal Injury Data Visualization.⁸⁵

The same holds true for federal data and reports. Under PRA, all federal criminal justice data collections fall under OMB's review. One of the purposes of PRA is "to ensure the greatest possible public benefit from and maximize the utility of information created, collected, maintain, used, shared and disseminated by or for the Federal Government."⁸⁶ Not all data collected by the federal government can be released. Data collected by the 13 principal statistical agencies falls under the Confidential Information Protection and Statistical Efficiency Act (CIPSEA). CIPSEA protects the confidentiality of information obtained by the public for statistical purposes. Due to CIPSEA, BJS is not obligated to release identifying information on respondents.⁸⁷ Data collected under PRA and not subject to CIPSEA should be made public in a timely and accessible manner. The commission recommends that federal statistical reports or datasets should be released to the public within two years of a data collection's end date.

While data must be timely and accessible, it must also be accurate, reliable, and valid. Data needs to be thoroughly examined for accuracy, reliability, and validity before it is reported. Federal criminal justice data is often delayed due to the diligence in ensuring that the data collected is accurate and reliable. This requirement should not be superseded by timeliness or accessibility. In addition, reported data need to have appropriate context. Numbers are not statistics. Statistics interpret and summarize data, and they must adhere to stringent standards.⁸⁸ Raw data regarding stops, arrests, criminal events, or crime rates are most meaningful when their context is clear. For example, the number of persons killed by police in a given year is most useful when the number of police stops or encounters is also included.

13.2.7 Congress should change the position of the director of Bureau of Justice Statistics from a presidential appointee to a career senior executive service position to ensure data collected and reported by the principal federal statistical agency in the Department of Justice is nonpartisan.

One of the four fundamental principles for federal statistical agencies is independence from political and other undue external influence in producing, developing, and disseminating statistics. For an agency head, independence and protection from undue political influences can be strengthened by the person's appointment. The two methods that increase independences are departmental appointment of a career civil servant (i.e., career senior executive service) and appointment by the president with Senate confirmation for a fixed term as long as the fixed term does not align with the presidential term.⁸⁹

Eight of the 13 principal federal statistical agencies have career senior executive service (SES) agency heads. Of the other five agencies, three are presidential appointees with Senate confirmation.⁹⁰ In 2012,

⁸⁴ Federal Bureau of Investigation. (2020). Crime Data Explorer. <https://crime-data-explorer.fr.cloud.gov/>

⁸⁵ Centers for Disease Control and Prevention. (2020). WISQARS Explore Fatal Injury Data Visualization Tool. <https://wisqars-viz.cdc.gov:8006/explore-data/home>

⁸⁶ Public law 104-13. <https://www.congress.gov/104/plaws/publ13/PLAW-104publ13.pdf>

⁸⁷ 44 USC 3501. <https://www.eia.gov/cipsea/cipsea.pdf>

⁸⁸ Dr. Jeffrey Sedgwick, Executive Director Justice Research and Statistics Association, "Presentation to the Data and Reporting Working Group, President's Commission on Law Enforcement and the Administration of Justice" (PowerPoint Presentation, Data and Reporting Working Group, Teleconference, May 7, 2020).

⁸⁹ National Academies of Sciences, Engineering, and Medicine. (2017). *Principles and Practices for a Federal Statistical Agency: Sixth Edition*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/24810>

⁹⁰ Office of Management and Budget. (2018). *Statistical Programs of the United States Government*. Washington,

Senate confirmation for the remaining two agencies (BJS and NCES) was removed. Among those agencies with presidential appointees, only the BJS director does not have a fixed term. The term of the BJS director is currently “at the will of the president.”⁹¹

While it has been recommended that Senate confirmation for the BJS director be reinstated,^{92, 93} this requirement was originally removed due to the significant delays in receiving Senate confirmation. Previous BJS directors had served for months, even years, before receiving Senate confirmation. This position is already hindered by delays when the administration changes, as it is not seen as a senior-level position and is instead rather midlevel, with four layers of topline leadership (i.e., the assistant attorney general for the Office of Justice Programs, the associate attorney general, the deputy attorney general, and the attorney general, which are all Senate-confirmed).⁹⁴ While other government agencies may have similar deep layers of leadership, the other principal statistical agencies have fewer than four layers of Senate-confirmed leadership.⁹⁵ It can take months before a BJS director is appointed because the more-senior positions take precedent. For example, the current BJS director was appointed by the president a year after the 2016 general election.⁹⁶ This leads to a gap in leadership that coincides with the presidential cycle and interrupts the production of vital justice-related statistics.

The importance of the position of the BJS director should not be overlooked. The director has final authority for all cooperative agreements, contracts, and grants awarded by BJS. Additionally, the director is “responsible for the integrity of data and statistics and shall protect against improper or illegal use or disclosure.”⁹⁷ As the producer of the majority of justice-related statistics for the federal government, BJS needs to maintain its ability to provide statistics that are accurate and reliable on a number of issues that are prone to debate, such as incarceration, hate crimes, and immigration. This is impossible if the director can be influenced by those that put them into this position. The only way to guarantee that the BJS director is free from political influence is to change the appointment from a presidential appointment to a career SES. As Senator Jim DeMint (R-SC) stated in his argument to require Senate approval for the BJS director of BJS, “Statistics are only as valuable as the reputation of the statistician, and that is what this position is.”⁹⁸

D.C.: Executive Office of the President.

https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/assets/information_and_regulatory_affairs/statistical-programs-2018.pdf

⁹¹ Greenfeld, L., Sabol, W., Lynch, J., Sedgwick, J., and Nussbaum, B. (2017, May 1). Letter to the Honorable Jefferson B. Sessions, Attorney General of the United States. https://www.amstat.org/asa/files/pdfs/POL-2017_%20BJS_PASC.pdf

⁹² Ibid.

⁹³ National Academies of Sciences, Engineering, and Medicine. (2017). *Principles and Practices for a Federal Statistical Agency: Sixth Edition*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/24810>

⁹⁴ Pierson, S. (2011, June 30). Senate Rejects Amendment to Keep Senate Confirmation of BJS Director. <https://community.amstat.org/browse/blogs/blogviewer?BlogKey=9f3e62b5-ab33-4728-be2e-ee281e180cd1>

⁹⁵ National Academies of Sciences, Engineering, and Medicine. (2017). *Principles and Practices for a Federal Statistical Agency: Sixth Edition*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/24810>

⁹⁶ Consortium of Social Science Associations. (2017, November 28). Jeffrey H. Anderson appointed BJS director. <https://www.cossa.org/2017/11/28/jeffrey-h-anderson-appointed-bjs-director/>

⁹⁷ 34 U.S. Code Sec. 10132. Bureau of Justice Statistics. <https://www.law.cornell.edu/uscode/text/34/10132>

⁹⁸ Pierson, S. (2011, June 30). Senate Rejects Amendment to Keep Senate Confirmation of BJS Director. <https://community.amstat.org/browse/blogs/blogviewer?BlogKey=9f3e62b5-ab33-4728-be2e-ee281e180cd1>

13.3 Evidence-Based Policing

Background

In 1998, Lawrence Sherman coined the term evidence-based policing (EBP) with the basic principle that “police practices should be based on scientific evidence about what works best.”⁹⁹ EBP intends to make policing as effective and efficient as possible.¹⁰⁰ EBP helps determine what works, what doesn’t, and how to move policing into the realm of professionalism through valid, robust, and scientific evaluation. Over the past three decades, American policing has slowly moved in the direction of EBP; however, implementation of EBP as a practice of operations, policy, and strategy development in policing has failed to reach mainstream acceptance.

For decades, policing as an industry has reached for the ring of professionalism, attempting to be recognized in the same fashion as medical doctors, attorneys, and engineers. Yet, the integration of EBP and acceptance of science within policing is only now becoming mainstream. Weisburd and Neyroud (2011) proposed that science and policing would create a generation of police scientists that are firmly rooted in evidence-based practices that would fundamentally change how police at every level accomplish their jobs.¹⁰¹

Policies and practices that are based on scientific evidence can add another layer of professionalism to policing. Stone and Travis (2011) wrote about the struggles of police executives striving to achieve a new professionalism. The authors outlined four essential principles for executives to accomplish the new professionalism: accountability, legitimacy, innovation, and national coherence.¹⁰² They further proposed that professionalism would come from implementing community policing. Using their same logic, the commission proposes that EBP can professionalize policing in the public eye, but more importantly in the eyes of every officer, deputy, and trooper. The blending of science and policing adds to the credibility, legitimacy, and professionalism that already exists in modern-day policing, while also enhancing both community trust and engagement through the transparency of valid evaluation.

TEXTBOX Quote:

“As a reminder, these are the bottom-line outcomes of policing: reducing serious crime, holding offenders to account, maintaining safety and order, reassuring the public, providing quality services, using force and authority fairly and effectively, and using financial resources fairly, efficiently, and effectively. An evidence-based law enforcement agency will collect data so that it knows where it stands in relation to each of these important outcomes.” Gary Cordner, 2020¹⁰³

EBP is an approach used to identify effective solutions to many of the problems faced by police departments. It is not one-size-fits-all but instead is adaptable to the types of issues police commonly

⁹⁹ Sherman, L. (1998). Evidence-Based Policing, *Ideas in American Policing*. Washington D.C.: Police Foundation. p. 2.

¹⁰⁰ Cordner, G. (2020). *Evidence-based Policing in 45 Small Bytes*. Washington D.C.: National Institute of Justice.

¹⁰¹ Weisburd, D., and Neyroud, P. (2011). Police Science: Towards a New Paradigm. *New Perspectives in Policing*, 1-23.

¹⁰² Stone, C., and Travis, J. (2011). Toward a New Professionalism in Policing. *New Perspectives in Policing*, 1-26.

¹⁰³ Cordner, G. (2020). *Evidence-based Policing in 45 Small Bytes*. Washington D.C.: National Institute of Justice. p.

handle. EBP effectively helps determine appropriate policies by combining research with experience rather than relying on gut instinct or intuition. Good evidence-based practice will optimize effectiveness and benefits, while simultaneously being aware of and measuring potential harm. While EBP emphasizes the use of scientific evidence, organizational evidence (data pertaining to the agency), professional evidence (pooled officer experience), and stakeholder evidence (groups that are likely to be impacted by the research) should also be considered in order to develop policy and put it into practice.¹⁰⁴ EBP does not diminish experience or professional judgment; instead, it enhances those valuable qualities with outcomes that can be measured and reinforced with data and analysis.

EBP is a philosophy, a way of policing that is infused with evaluative metrics to determine the efficacy of programs and strategies. It is the use of what works based on scientific evidence, and complements intelligence-led policing and problem-oriented policing by providing an evidentiary foundation on which these two strategies are based.¹⁰⁵ EBP can be implemented regardless of agency size. Finally, and perhaps most importantly, EBP can be used to identify ineffective programs and strategies that may actually increase harm.¹⁰⁶

Current State of the Issue

Resistance to EBP continues to exist in policing practice today. EBP represents organizational change within the American policing industry which also requires fundamental culture change. Change is difficult for a variety of reasons; however, as Lawrence Sherman points out, “the most evidence-based explanation, at least in other fields, seems that opposition to change stems from *fear of the unknown*.”¹⁰⁷ Resistance to EBP may not be resistance to science, but opposition to a cultural shift that threatens the status quo or the intuitive skill set of the experienced police officer. A common misconception is that EBP ignores or replaces experience; on the contrary, EBP works best when conducted by those who have both policing and research experience¹⁰⁸ or when law enforcement agencies partner with academic researchers.¹⁰⁹ EBP requires that police officers at every level possess a fundamental knowledge in research and evaluation. These two components form the foundation of determining what is evidence-based.

There is a large body of evaluation and research in policing but police departments have been slow to adopt the translation of this research into practice.¹¹⁰ Rigorous research projects are costly and time consuming, and outcomes can be difficult to understand. Strained budgets can also negatively affect an agency’s ability to staff analysts. Law enforcement agencies can be resistant to outside research partners that are often necessary to help with evaluations. These academic researchers publish results in journals that are not accessible and easily digestible to practitioners, which contributes to the resistance.

The primary reason for the slow uptake is the limited number of law enforcement practices that have been systematically evaluated. Agencies are more apt to pick what is most commonly being done. The

¹⁰⁴ Ratcliffe, J. (2018). *Reducing Crime: A Companion for Police Leaders*. New York, NY: Routledge.

¹⁰⁵ Ibid.

¹⁰⁶ Dr. Jerry Ratcliffe, Professor, Temple University, “Evidence-based Policing” (PowerPoint Presentation, Data and Reporting Working Group, Teleconference, April 23, 2020).

¹⁰⁷ Sherman, L. (2015). A Tipping Point for “Totally Evidenced Policing”: Ten Ideas for Building an Evidenced-Based Police Agency. *International Criminal Justice Review*. 25(1), 11-29. (quote is on p. 13)

¹⁰⁸ Ratcliffe, J. (2018). *Reducing Crime: A Companion for Police Leaders*. New York, NY: Routledge.

¹⁰⁹ Lum, C. (2009). *Translating police research into practice*. Washington, DC: Police Foundation.

¹¹⁰ Lum, C., Telep, C., Koper, C. and Grieco, J. (2012). Receptivity to Research in Policing. *Justice Research and Policy* 14(1), 61-95.

benefits of EBP include research knowledge and increase in academic-practitioner partnerships (see *Progress in policing involves academia: The Philadelphia Foot Patrol Experiment*), technological advancements, improved police-citizen relations, and decreased crime.¹¹¹

TEXTBOX: Progress in policing involves academia: The Philadelphia Foot Patrol Experiment

From the first day of a modern police force in 1829 London, police officers have walked the beat. Yet with the invention of the patrol car and the radio, foot patrol was largely replaced by motorized rapid response. Walking a beat was relegated to a community policing tactic, popular with the public but generally not considered viable for crime-fighting. This was reinforced when the Newark, New Jersey, police department collaborated with researcher George Kelling and found that the public appreciated foot patrol officers, but their presence had no impact on crime.¹¹²

That all changed when Charles Ramsey became Philadelphia’s police commissioner in 2008. Ramsey had an idea that, guided with precision crime mapping tools, foot patrols focused closely on the highest crime blocks and corners of the city could have an impact on violence. With 240 officers graduating from the Philadelphia Police Academy in 2009, there was an opportunity to test his idea.¹¹³

Ramsey enrolled local researcher Jerry Ratcliffe to help design the Philadelphia Foot Patrol Experiment.¹¹⁴ The police department identified 120 violent crime hot spots across the city, then randomly selected half of them for foot patrol. The other hot spots received vehicle response policing as usual. Rookie officers, fresh from the academy, patrolled each hot spot in two pairs, covering Tuesday to Sunday morning from in two shifts: 10am to 6pm and 6pm to 2am. The experiment ran over the summer of 2009, and the results changed our thinking about foot patrol.

At the end of the summer, the foot patrol officers had reduced violent crime by 23 percent.¹¹⁵ The Philadelphia police department’s desire to experiment and learn—supported by a rigorous approach to evidence-based policing—demonstrated that foot patrol can have a direct impact on shootings and robberies. As a result, the department received the 2010 IACP Excellence in Law Enforcement Research Award for the Philadelphia Foot Patrol Experiment.¹¹⁶

To implement policies, practices, and strategies that are proven to be efficient and effective without causing harm, testing and evaluation are crucial. Creating evidence to determine the worth of what police are doing on a daily basis is the essence of EPB. Examples of what works in policing based on the evidence include—

- hot spot policing

¹¹¹ Lum, C. (2009). *Translating police research into practice*. Washington, DC: Police Foundation.

¹¹² Pate, A. and Kelling, G. (1981). *The Newark Foot Patrol Experiment*. Washington, DC: Police Foundation. Retrieved from: https://www.policefoundation.org/publication/the-newark-foot-patrol-experiment/?gclid=EAlalQobChMlrKSv46GL6QIVip-fCh1jxA2uEAAYASAAEgKOEpd_BwE

¹¹³ Ratcliffe, J. (2018). *Reducing Crime: A Companion for Police Leaders*. New York, NY: Routledge.

¹¹⁴ Ratcliffe, J. H., Taniguchi, T., Groff, E.R., and Wood, J. (2011) The Philadelphia Foot Patrol Experiment: A randomized controlled trial of police patrol effectiveness in violent crime hotspots. *Criminology*, 49(3), 795-831.

¹¹⁵ Ratcliffe, J. (2020). *The Philadelphia Foot Patrol Experiment*. Retrieved from: <https://www.jratcliffe.net/philadelphia-foot-patrol-experiment>

¹¹⁶ Ibid.

- focused deterrence
- problem-oriented policing¹¹⁷

Understanding what works and why it works may provide an avenue for increased interest and acceptance of EBP. A growing body of police practitioners, or graduate-level police officers who conduct research in collaboration with academic partners or on their own, appear to be gaining in popularity, as seen with the National Institute of Justice’s (NIJ) Law Enforcement Advancing Data and Science (LEADS) Scholars program.¹¹⁸ It is important to build capacity at the executive level of policing in a basic understanding of research design, bias, and other statistical principles. It is just as essential to imprint EBP at the beginning of the youngest staff members’ careers. Familiarity and exposure to EBP through education could be one potential catalyst to overcoming resistance. Legitimizing EBP through education legitimizes policing, much like medical providers, as professionals who target, test, and track policy and strategy for effectiveness and harm.

These recommendations offer practical ways for law enforcement agencies to adopt EBP.

13.3.1 Law enforcement agencies should adopt evidence-based policing for the development and implementation of internal and external practices, policies, procedures, and strategies.

Sherman (1998) coined the term evidence-based policing (EBP) with the basic principle that “police practices should be based on scientific evidence about what works best.”¹¹⁹ The U.K. College of Policing further described “in an evidence-based policing approach, police officers and staff create, review, and use the best available evidence to inform and challenge policies, practices, and decisions.”¹²⁰ EBP is not data collection. Instead, it is the application of data analysis to increase efficiency and effectiveness while avoiding community harm.

EPB does not replace experience in policing. It supplements and enhances experience with evidence to challenge assumptions and improve process and policy strategically to achieve better outcomes organizationally. As noted by Sherman (2020), “everything police agencies decide, from recruitment to assignments to discipline and dismissal, can be supported by better evidence.”¹²¹ Protocols, policies, and strategies backed by science and research in areas like managing physical evidence and eyewitness identification can help investigators avoid arrests of innocent people, which could result in wrongful convictions.¹²² (See *Evidence-based policing: Improved eyewitness identification procedures*). Additionally, evidence-based practices using psychological testing during the hiring and selection phases have long been established.¹²³ Science cannot solve all of policing’s problems, but data and analysis,

¹¹⁷ Telep, C, Bottema, A (2020). Adopt Evidence-Based Policing, in *Transforming the Police: in Thirteen Key Reforms*, ed. McGuire, E and Katz, C., Long Grove, IL., Waveland Press, 14-17.

¹¹⁸ National Institute of Justice. (2020). NIJ’s Law Enforcement Advancing Data and Science Scholars Program for Law Enforcement Officers. <https://nij.ojp.gov/funding/nij-and-iacps-law-enforcement-advancing-data-and-science-leads-scholarships-law-enforcement>

¹¹⁹ Sherman, L. (1998). Evidence-Based Policing, *Ideas in American Policing*. Washington D.C.: Police Foundation. p. 2.

¹²⁰ UK College of Policing. (2020). *What is Evidence-based Policing?* London, UK.

<https://whatworks.college.police.uk/About/Pages/What-is-EBP.aspx>

¹²¹ Sherman, Lawrence. (2020). Evidence-Based Policing and Fatal Police Shootings: Promise, Problems, and Prospects., *The ANNALS of the American Academy of Political and Social Science*, 687(1), 8-26

¹²² National Research Council. (2014). Identifying the Culprit: Assessing Eyewitness Identification. Washington, DC: The National Academies Press. <https://doi.org/10.17226/18891>

¹²³ Lough, J. and Ryan, M. (2004). Psychological profiling of Australian police officers: An examination of post-selection performance. *International Journal of Police Science and Management*, 7(1), 15-23; Lough, J. and Ryan,

which are the core of EBP, can provide the most logical and rational approach for police agencies moving forward.

TEXTBOX: Evidence-based policing: Improved eyewitness identification procedures

Data from hundreds of exonerations of defendants who served time for crimes they did not commit have revealed that certain investigative practices likely put those people in jeopardy. Law enforcement officers have learned from those mistakes, most notably through eyewitness identification. During the eyewitness identification process, law enforcement officers ask a witness to match their memory of the offender's face to the stimulus of a photographic array or lineup. Misidentifications were responsible for approximately 70 percent of exonerations where cases were overturned based on DNA.¹²⁴ In most cases, investigators undoubtedly thought they were using sound practices and the witnesses were well-meaning, but errors still occurred.

The National Research Council (2014) identified changes police could make that would reduce the likelihood of honest mistakes by witnesses:

- developing and using standardized witness instructions
- implementing double-blind lineup and photo array procedures
- documenting witness confidence judgements
- videotaping the witness identification process¹²⁵

They also recommended that all law enforcement officers be trained in eyewitness identification procedures, and that the training should incorporate the other recommendations. While some police departments have incorporated these changes, many have not.

Wells et al. (2020) expounded on the recommendations of the NRC report and advocated for five additional improvements based on scientific research:

- conducting a pre-identification interview of the witness to document their description of the culprit
- identifying the need for evidence-based suspicion, which considers witness viewing conditions and attention paid to the offender
- adhering to guidelines for the selection of lineup fillers
- avoiding conducting more than one identification attempt with the same witness and suspect based at least in part on the risk of memory-source error

M. (2005). Psychological profiling of Australian police officers: A longitudinal examination of post-selection performance. *International Journal of Police Science and Management*, 8(2), 143-152; Alpert, G. (1991). Hiring and promoting police officers in small departments: The role of psychological testing. *Criminal Law Bulletin*, 27(3), 261-269.

¹²⁴ Wells, G. L., Kovera, M. B., Douglass, A. B., Brewer, N., Meissner, C. A., and Wixted, J. T. (2020). Policy and procedure recommendations for the collection and preservation of eyewitness identification evidence. *Law and Human Behavior*, 44(1), 3-36. <http://dx.doi.org/10.1037/lhb0000359>

¹²⁵ National Research Council. (2014). *Identifying the Culprit: Assessing Eyewitness Identification*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/18891>.

- cautioning the use of one-on-one show-ups (presenting only the suspect photo and no fillers)¹²⁶

Evidence-based findings from numerous research experiments and exonerations have informed law enforcement on better investigation practices, which increase confidence in their findings and reduce the likelihood of error.

EBP provides an avenue for the long sought after title of “professional” among the police. Blending empirical, scientific research and experience provides the foundation to make the transition from policing as a craft to policing as a profession. Additionally, EBP provides legitimate, measurable change in how policing can and should evolve and transform internal and external expectations.

13.3.2 Congress should provide funding to create an Institute of Evidence-Based Policing to provide and set standards for evidenced-based policing education and training for law enforcement officers.

Law enforcement agencies should invest in the education of police personnel, both sworn and professional staff, to provide the essential level of expertise or proficiency in the components of EBP to those expected to use it. Additionally, any investment in the education of police staff will enhance the efficacy with which they fulfill their duties. Modeled after the U.K. College of Policing, the Institute of Evidence-Based Policing (EBP) would have three primary functions: developing research and providing infrastructure for improving EBP, setting education standards about EBP for law enforcement officers, and drawing on EBP to help set standards in law enforcement for agencies and officers.

The Institute of EBP would also employ a national curriculum within a university setting to offer either (1) an executive master’s degree in the discipline of EBP or criminology with an emphasis on EBP or (2) a certification program in the discipline of EBP that provides for a series of classes appropriate for basic EBP knowledge and application. The executive master’s degree provides police staff at the executive level a part-time, combined online and residential program of study that concludes with a capstone or research thesis final and results in a master’s degree. The certification program, designed for line-level staff such as officers, detectives, sergeant, and analysts, provides a professional certification at the conclusion of the series, and possibly credits for an undergraduate degree.

Funding would be in the form of grants to develop the two programs, ideally administered through the Office of Community Oriented Policing Services (COPS) or Bureau of Justice Assistance (BJA) in conjunction with one or more accredited universities and subject matter experts. Dedicated annual funding would be used to offer a combination of tuition assistance, scholarships, and small grants that could be coordinated in partnership with COPS, BJA, and NIJ to ensure equity in participation for small, medium, and large agencies. Curriculum development and standards would be created through a coordinated effort between COPS, BJA, the FLETC, the FBI National Academy, the Police Foundation, the Police Executive Research Forum, IACP, and IADLEST.

13.3.3 Law enforcement officers should receive academy training on evidence-based policing and demonstrate proficiency in evidenced-based policing for promotion-related testing. Additionally, law enforcement officers and civilian analysts should receive regular in-service training on evidence-based policing.

Although the concept of EBP was introduced nearly 30 years ago, most line-level law enforcement officers are unfamiliar with it and have never been trained about how it might help them do their jobs

¹²⁶ Wells, G. L., Kovera, M. B., Douglass, A. B., Brewer, N., Meissner, C. A., and Wixted, J. T. (2020). Policy and procedure recommendations for the collection and preservation of eyewitness identification evidence. *Law and Human Behavior*, 44(1), 3-36. <http://dx.doi.org/10.1037/lhb0000359>

more effectively. The state Police Officer Standards and Training (POST) can assist in implementing a practical and immediately operational national standards in basic academy and in-service trainings. Curriculum development and standards should be created through a coordinated effort between COPS, BJA, the FLETC, the FBI National Academy, the Police Foundation, the Police Executive Research Forum, IACP, and IADLEST. Training curriculum should ensure that material at every level is evidence-based, including certification and proficiency skills.

Academy training should include a practical introduction of EBP, such as research design and basic analyses. This training should build a foundation of knowledge and appreciation for the value of research and evaluation. In addition to academy training, officers should receive regular in-service training on EBP. As an example, the sworn officer requirements may require the following:

- an introductory course of at least two hours in EBP at the academy (through state POST)
- in-service training of at least one hour annually
- an 8–16 hour course in EBP for newly promoted first-line supervisors (through state POST)
- EBP courses that cover basic statistics, research design, bias, internal validity, and other pertinent topics

Law enforcement agencies should ensure that civilian analysts have training and experience in EBP topics such as basic statistics and research design. These staff should be offered in-service training opportunities to maintain and enhance their skills. These opportunities can occur in conjunction with in-service training for sworn staff.

The purpose here is two-fold: to provide subject familiarity and enhanced decision-making skills to new staff and supervisors and to show the officers and analysts that they are capable of conducting their own research. EBP is evolving and it is important for staff to maintain currency on what works as based on rigorous evaluation.

First-line supervisors (e.g., corporals and sergeants) should receive in-depth training in evidence-based policing prior to or immediately after a promotion, and that training and education should continue at every level of promotion in every agency. Candidates for promotion should be able to demonstrate knowledge of the fundamental principles of EBP and how they might be able to apply it in a practical scenario. Ideally, they should also be able to demonstrate how they have applied EBP in their careers. Likewise, EBP proficiency should become a testing and selection criteria for communities that are selecting chief executives.

13.3.4 Congress should provide funding to the National Institute of Justice to create a complete electronic repository of evidenced-based policing projects, policies, and practices available to all law enforcement via a website and app.

A central electronic repository of EBP projects and completed research would simplify the process of searching for existing evidence on what works in crime reduction and policing policy. Currently, this information can be found in various locations:

- NIJ Crime Solutions www.crimesolutions.gov/programs.aspx
- The Campbell Collaboration www.campbellcollaboration.org
- Center for Evidence-based Crime Policy, Evidence-Based Policing Matrix <http://cebcop.org/evidence-based-policing/the-matrix>
- The Center for Problem-Oriented Policing www.popcenter.org

- The UK College of Policing Crime Reduction Toolkit <http://whatworks.college.police.uk/toolkit/>

Centralizing this information into one searchable repository through the NIJ website would not only assist police executives in finding and using EBP research and projects, but would also provide a useful tool for researchers in conducting meta-analysis or literature reviews. The same website should provide a portal for police staff to search and access academic journals and periodicals. As outlined by Sherman, the repository could be organized around the “Three Ts”: targeting, testing, and tracking.¹²⁷

The repository should feature an interactive webpage that would allow a person to input key terms in order to find EBP research and practices. For example, if the agency had a burglary issue in a specific neighborhood, they could go to the website and input crime type, property type, and other characteristics to obtain programs and tactics that could help address the burglary problem. Funding should allow NIJ to ensure the repository is kept up-to-date.

13.3.5 Congress should provide funding to the Bureau of Justice Assistance for the establishment of an evidenced-based policing division to offer technical assistance to agencies that adopt evidenced-based policing as a fundamental shift in organizational effectiveness.

BJA is uniquely positioned to immediately establish an Evidence-Based Policing Center to help law enforcement agencies establish EBP as a standard of strategy and policy development in all areas of policing. BJA has established training and technical assistance capabilities as well as funding mechanisms. This can occur in a variety of approaches, including—

- funding opportunities through grants or stipends to law enforcement agencies that want to explore evidence-based approaches from mentor or training agencies identified by BJA
- funding and technical support specific to practitioner- led evaluations and research
- providing academic or practitioner subject matter experts for direct guidance and training
- providing peer-review for practitioner-led EBP projects and publication assistance
- assisting with the establishment of research and analysis sections within agencies that focus on EBP
- providing assistance to state POST entities that implement recommendation 13.3.3.

Appendix A: List of Federal Data Collections

(see Excel Workbook)

¹²⁷ Sherman, L. (2015). A Tipping Point for “Totally Evidenced Policing”: Ten Ideas for Building an Evidenced-Based Police Agency. *International Criminal Justice Review*. 25(1), 11-29.