

# POLICY 11

## Data Collection

### PURPOSE

Guide law enforcement agencies (LEAs or Agencies) in collecting data that informs them of interactions with youth, including for policy and training purposes. In addition, as discussed in more detail in [Policy 12: Trans-](#)

[parency and Accountability](#), LEAs should publicly post data on the reasons for and the frequency of law enforcement interactions with youth, to promote better understanding and to encourage public involvement.

### POLICY

The first part of this policy promotes the regular and routine collection of accurate juvenile incident and arrest information using the standard National Incident Based Reporting System (NIBRS). To better understand the context of law enforcement interactions with youth, this policy directs agencies to create a records management system that includes:

- Data for all arrests of youth, including data on uses of force with youth;
- Calls for service involving youth;
- Calls for service to youth-serving organizations and facilities, including but not limited to schools and detention centers;

- Complaints by and on behalf of youth involved in officer-youth interactions; and
- Documenting of data on reported or observed youth characteristics, where available, including age (or approximation), race, ethnicity, gender, disability, and limited English proficiency (LEP).

The policy also requires agencies to make data publicly available on their website.

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# REASONS FOR YOUTH SPECIFIC POLICIES

## Why Policies to Collect Data on Youth Interactions with Law Enforcement are Important

- Law enforcement officer contact with youth is not uniformly collected, routinely documented, or shared with local, state, and federal agencies. This is true for all aspects of law enforcement contacts with youth, starting with investigatory stops and ending with arrest. While most agencies collect and share arrest data, some states do not collect or make public LEA agency data. The absence of data hampers LEAs from evaluating, using, and making publicly available accurate information about the scope, nature, and outcomes of law enforcement interactions with youth.
- The U.S. Department of Justice adopted NIBRS, as of January 1, 2021, as the sole system for data collection by the Bureau of Justice Statistics of the U.S. Department of Justice;
  - In 2021, the FBI expected only 75% of states will have transitioned to NIBRS; only 38 states have formally adopted the National Information Based Reporting Act (NIBRA) reauthorized in 2021.
- LEAs do not always create or use informational feedback loops with other stakeholders of the juvenile legal system (prosecutors, probation, the juvenile court), which could provide critical information on the validity of arrests and court referrals.
- By collecting data, LEAs and the public are better positioned to determine trends:
  - in officers' contact with youth including race, ethnicity, age, gender, disability, LEP as well as the location of the contact,
  - in officers' use of alternatives to arrest including warnings, stationhouse adjustments, and diversion program referrals,
  - in data on charges and arrests,
  - in the responses of prosecutors and juvenile courts to LEA charging, referral and arrest decisions,
  - in community complaints regarding treatment of youth,
  - in officers' use of force and restraints.
- By collecting and analyzing this data, LEAs will be able to analyze the effectiveness of their use of arrest and alternatives to arrest, and signs indicating bias and disparities in law enforcement responses to youth. This information will also help LEAs avail themselves of opportunities to access programming and funding opportunities to respond to identified issues.

Data collection policies for interactions in schools are contained in [Policy 10: Law Enforcement Interactions With Students](#).

# DEFINITIONS

## AGENCY

This law enforcement agency.

## NATIONAL INCIDENT BASED REPORTING SYSTEMS (NIBRS)

As of January 1, 2021, the NIBRS is the national standard for law enforcement crime data reporting in the United States. The NIBRS approach is to collect more context and data around crimes to generate reliable information for use in law enforcement administration, operation, and management.<sup>1</sup> NIBRS collects data from individual law enforcement agencies on Group A and Group B offenses.

## NIBRS GROUP A OFFENSES DATA COLLECTION

These groupings of offenses, which are more serious offenses, require agencies to collect information on the arrest and the context of the incident. A full listing of each offense is available.<sup>2</sup> According to the U.S. Department of Justice Manual, under the NIBRS system, “LEAs report data on each offense and arrest within 28 offense categories made up of 71 specific crimes called Group A offenses. For each of the Group A offenses coming to their attention, the LEA collects administrative, offense, property, victim, offender, and arrestee information.” Law enforcement agencies (LEAs) report both incidents and arrests for crimes against property and crimes against persons.

## NIBRS GROUP B OFFENSES DATA COLLECTION

For Group B, only arrest data is required to be collected and reported to the NIBRS system. Group B offenses tend to be minor in nature, such as Curfew, Loitering, Vagrancy Violations, Disorderly Conduct, Driving Under the Influence, etc. However, local law enforcement agencies may independently choose to collect additional incident data.

1. “By design, LEAs generate NIBRS data as a by-product of their respective records management systems (RMSs). Therefore, an LEA builds its system to suit its own individual needs, including all information required for administration and operation, then forwards only the data required by NIBRS to the FBI UCR Program. As more agencies report via NIBRS, the data collected will provide a clearer assessment of the nation’s crime experience.” Criminal Justice Information Services Division Uniform Crime Reporting Program 2021.1 *National Incident-Based Reporting System User Manual Document* Date: 04/15/2021, Criminal Justice Information Services Division Global Law Enforcement Support Section Crime Statistics Management. [https://bjs.ojp.gov/sites/g/files/xyckuh236/files/sarble/data\\_common/nibrs-user-manual-2021-1041521.pdf](https://bjs.ojp.gov/sites/g/files/xyckuh236/files/sarble/data_common/nibrs-user-manual-2021-1041521.pdf)
2. The Office of Justice Programs’ User Manual offers a full listing of the crimes for each Group here; [https://bjs.ojp.gov/sites/g/files/xyckuh236/files/sarble/data\\_common/nibrs-user-manual-2021-1041521.pdf](https://bjs.ojp.gov/sites/g/files/xyckuh236/files/sarble/data_common/nibrs-user-manual-2021-1041521.pdf)

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# PROCEDURE

## I. Data Collection

The Agency will organize its record management system to collect the following data on youth-related arrests, incidents, and calls for service, as well as officers' encounters with and responses to youth. This data will be annually published, without identifying information about youth, on the Agency's website.

### A. Data on Calls for Service Involving Youth

1. The Agency will collect aggregate data on calls for service regarding youth from the following locations:

residences, commercial locations, public areas (e.g. parks), schools and programs serving youth, including group homes, detention and other locked facilities serving youth.

### B. Data Collected Regarding *Non-Arrest* Interactions with Youth

1. Data to be collected by officers include the number of:
  - a. Investigatory stops,
  - b. Weapons pat downs,
  - c. Searches.
2. Data on such interactions should include collection of the officer's observation and perception of the youth's:
  - a. Age,
  - b. Gender,
  - c. Ethnicity and/or race,
  - d. Perceived or known disability.<sup>3</sup>
3. Incident data to be collected shall include:
  - a. How interaction with youth was initiated,
  - b. Location of incident,
  - c. Whether other youth were present,
  - d. How the interaction ended,

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<sup>3</sup> More information about recognizing indicators of disability is provided in section II of [Policy 8: Policing of Youth with Disabilities, Experiencing Mental Health Crises, or Impaired By Drugs or Alcohol](#).

- e. Whether the interaction resulted in the youth being issued a citation, referred to diversion or informal resolution.

**C. Data Collected Regarding Arrested Youth**

1. Data to be collected
  - a. Investigatory stop,
  - b. Weapons pat down.
  - c. Search.
2. Data on incidents related to an arrest of a youth should include youth's:
  - a. Age,
  - b. Gender,
  - c. Ethnicity and/or race,
  - d. English language proficiency,
  - e. Perceived or known disability.
3. Rationale for the Interaction:
  - a. Reasons for investigatory stop,
  - b. The charge,
4. The charge or basis for arrest.

**D. Data on the Disposition of Arrest of Youth**

To ascertain the effectiveness of its arrest actions, the Agency will collect data on how arrests and court referrals are treated by the prosecutor and the juvenile court:

1. Prosecutor's Treatment of Arrest/Referrals:
  - a. Arrests/referrals are rejected by prosecutor because:
    - Probable cause was lacking,
    - Youth was referred to diversion or informal resolution,
    - Failure to meet the elements of the charge,
    - *Miranda* warning deemed insufficient,
    - Case hinges on testimony of officer who is on "no testify list" (due to prior lying/charges).

2. Court treatment/outcome of Arrest/Court Referrals

a. Number of cases dismissed within one year of arrest by reason:

- Youth is found incompetent to stand trial,
- Youth is referred to diversion or informal resolution,
- Failure to meet the elements of the charge,
- *Miranda* warning deemed insufficient,
- Insufficient evidence,
- Youth is acquitted, found not-culpable/delinquent.

b. Number of cases resulting in:

- Probation,
- Incarceration,
- Other disposition.

3. Disaggregation of Data by Youth Characteristics

Where possible, data collected from Prosecutors and Juvenile Courts should be disaggregated by the following characteristics, when provided to the Agency:

- a. Age,
- b. Gender,
- c. Ethnicity and/or race,
- d. English language proficiency,
- e. Perceived or known disability.

**E. Documentation of Officer Use of Restraints and/or Force with Youth**

It is assumed that pursuant to the Agency's existing use of force policies, officers are mandated to document any use of restraint and force.

1. Officers will collect data on the following in each instance where use of restraints and/or force occurred with youth:

a. The kind(s) of restraint(s) used:

- Mechanical (e.g. handcuffs/flexicuffs),
- Physical,
- Chemical (e.g. OC spray),

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- b. The number of times less-lethal weapons, including conducted electronic weapons, extended range impact weapons, or impact weapons were used in a single incident with a youth,
  - c. Frequency of use of firearms by officers, including, but not limited to unholstering, pointing, and firing,
  - d. Actions or circumstances that led to the use of force, including at least:
    - Whether the officer perceived a weapon,
    - Whether the youth had a weapon, and
    - If a weapon was identified, what kind of weapon was in the youth's possession.
  - e. Whether the youth was handcuffed/flexicuffed or restrained during or after force was used,
  - f. Whether the youth or the officer was injured during the use of force,
  - g. Whether the youth and/or the officer received medical attention,
  - h. Whether the youth was charged and if so, what the charge was.
2. The Agency will collect data on officers' use of restraints and use of force with youth to include:
    - a. Characteristics of the youth on whom restraints and/or force was used (see I.B.2 for inclusive list),
    - b. The names and ranks of officers who used restraints and/or force with youth,
    - c. The number of officers present at the scene when use of restraints and/or force was used,
    - d. The location at which the restraints and/or the use of force was made,
    - e. The time of day restraints and/or force was used,
    - f. Whether, and what specific, charges resulted against the youth.
  3. The Agency will collect data on internal investigations involving officer use of restraints and/or force with youth, to include:
    - a. The total number of investigations involving officer use of restraints and/or force with youth in a calendar year,
    - b. Characteristics of the youth on whom restraints and/or force was used (see I.B.2 for inclusive list) in matters addressed by internal investigations,

- c. The names and ranks of officers who used restraints and/or force with youth in matters addressed by internal investigations,
- d. The basis for the internal investigation,
- e. The results of the internal investigation.

**F. Legal Actions Against Officers Initiated on Behalf of Youth**

1. The Agency will collect aggregate information about:
  - a. legal actions filed on behalf of youth against officers,
  - b. the claims set forth in these actions (e.g. unreasonable and excessive use of force, violation of civil rights),
  - c. the number of suits pending, resolved, settled, or dismissed against each officer.
2. On an annual basis at minimum, on a date identified to the public, the Agency will publish the status of those legal actions against officers including:
  - a. actions that settled,
  - b. actions proceeded to trial or were adjudicated, including the result,
  - c. actions where monetary damages were paid,
  - d. actions where policy or procedural changes were required.

**G. Data Aggregation and Disaggregation**

To determine trends in law enforcement interactions with youth, the Agency will: aggregate and disaggregate its data by the following factors:

1. For youth non-arrest interactions, the data must be capable of disaggregation by:
  - a. Type(s) of the interaction, as set forth in Section I.B.1,
  - b. Characteristics of youth and interaction, as set forth in Section I.B.2,
2. For youth arrests, the data must be capable of disaggregation by:
  - a. Type(s) of the interaction, as set forth in Section I.B.1,
  - b. Characteristics of the youth, as set forth in Section I.B.2,
  - c. Officers' name (for internal use).



3. For use of restraints and/or force, the data must be disaggregated by:
  - a. Characteristics of the youth set forth in Section I.B.2,
  - b. Type of restraint, as set forth in Section I.E.1.(a-c),
  - c. Type of force, including any force described in Section I.D.1.c and I.D.1.e, and Section IV of [Policy 5: Use of Force with Youth](#).
  - d. Officer’s name (for internal use).

#### **H. Data Analysis and Publication**

1. The Agency will gather, analyze, and annually make public on the Agency’s website, data on all investigatory, search and seizure, custodial interrogations, and arrests as set forth in Sections I.A.1 and I.B.1 of this policy and disaggregated as set forth in Section I.G. above. The Agency will give prior notice to the public on the date this data will be published on the Agency’s website.
2. On an annual basis, the Agency will publicly post any changes in policy or procedure based on its review of the information gathered pursuant to this policy, accompanied by a statement in plain language of the reason for the change.
3. Annually, the Agency will publicly post data on its website documenting:
  - the number of complaints received about policing of youth disaggregated by the age, race, ethnicity, national origin, gender, disability, of the youth involved in the complaint, as well as the location of the incident,
  - resolution of complaints by the Agency,
  - changes in policy or procedure based on the complaint(s) accompanied by a statement in plain language of the reason for the change.<sup>4</sup>

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4. Additional information about the publication of data, and the complaint process, is provided in [Policy 12: Transparency and Accountability](#).