POLICE AND DATA COLLECTION

WHY LOUISIANA NEEDS REFORM

SPLC Southern Poverty Law Center

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The Southern Poverty Law Center, based in Montgomery, Ala., is a nonprofit civil rights organization founded in 1971 and dedicated to fighting hate and bigotry, and to seeking justice for the most vulnerable members of society.

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CONTENTS

EMERGENCY
911

123

Executive Summary

If Louisiana were a country, it would have the second-highest incarceration rate in the world, behind only Oklahoma.[1] In 2017, the state Legislature enacted long-overdue sentencing reforms to reduce the number of people in prison. Though laudable and necessary, the 2017 legislation is expected to reduce Louisiana's prison population by at most 10 percent.[2] It is therefore only the first of many reforms that are needed to shrink Louisiana's bloated prisons.

Sentencing occurs at the end of the criminal justice process, after the accused individual has been apprehended and adjudicated. Policing occurs at the beginning of the process. An officer's decision of whom to stop, cite, and arrest is the gateway to the rest of the system.

Yet Louisianans know shockingly little about police activities in the state – even when compared to other parts of the criminal justice system. The Louisiana Department of Public Safety and Corrections, for example, publishes quarterly updates on all prisoners placed under its jurisdiction, including their sex, race, convictions, and information about their physical and mental health.[3]

In contrast, police departments and sheriffs' offices are not required to report the number of people they stop, search, and arrest – or, even more concerning, how many times they use force each year.[4] Law enforcement agencies are also not required to report how many complaints they receive annually, the disposition of these complaints, or how many officers are disciplined or terminated for misconduct.[5] Because law enforcement agencies are not required to report on any of these indicators, it is impossible to know if policing has a disproportionate impact on certain populations, such as people of color, people with disabilities, or people who identify as lesbian, gay, bisexual, transgender, queer, or questioning. For fiscal year 2017-2018, the Louisiana Legislature allocated more than $377 million to support the state's law enforcement agencies.[6] Yet their activities remain shielded from public scrutiny.

The case of Lakitha Wright illustrates the need for better data on policing. In May 2018, a Louisiana state judge awarded damages to Wright stemming from an incident in April 2012, when Iberia Parish Sheriff's Office deputies pushed Wright, who was eight months pregnant at the time, over a porch railing, threw her to the ground, and pepper-sprayed her.[7] It is possible that law enforcement officers have used force against other pregnant women in the past several years, but no data are publicly available to determine the prevalence of such incidents.[8]

The Legislature has tried to mandate data collection in the past, but the SPLC's investigation of this effort reveals that it has largely been a failure. A 2001 statute requires law enforcement agencies either to adopt a written policy against racial profiling *or* to submit data on traffic citations to the Louisiana Department of Public Safety and Corrections. After surveying Louisiana's 331 law enforcement agencies, the SPLC determined that approximately two-thirds may be able to claim an exemption from data collection based on their possible adoption of an anti-profiling policy. Of the remaining third of agencies (109) that have no anti-profiling policy and are therefore required to submit data, all but two have failed to comply with the law for the past 18 years.

Without better data, Louisiana will not be able to evaluate whether or how its law enforcement officers contribute to the state's astronomical incarceration rate and what reforms should be prioritized. Police will not be able to improve their performance or refute criticisms that their practices unfairly target certain groups or that misconduct persists across an entire department. And communities will remain in the dark about how public servants who are licensed to use force carry out their duties.

State lawmakers must pass legislation requiring comprehensive data collection and reporting by *all* law enforcement agencies, and agencies should also take the initiative to collect and publish more data on their activities.

The Importance of Data for Good Governance and Effective Policing

Data permeate almost all aspects of modern life. Drivers avoid traffic jams by relying on mobile navigation apps that aggregate data from millions of motorists. Parents often select schools for their children based on data regarding the schools' average test scores, graduation rates, and college admission rates. Dating apps match people based on their common interests, preferences, and proximity.

Good governance is just as dependent on data. Governments constantly collect, analyze, and disseminate data to keep the public informed about everything from economic trends to the projected paths of hurricanes, from comparisons of student loan options to the spread of infectious diseases. If government policies are not data-driven, it is hard for government to be effective.

It is no surprise, then, that data are just as important to policing as they are to the rest of daily life. Data help police identify crime trends, allocate resources to address these trends, and assess the effectiveness of training and operational planning. Providing public access to data also increases transparency and helps build trust with the communities served by law enforcement, which is important for developing collaborative solutions to reduce crime. As Jim Bueermann, president of the Police Foundation and a former chief of the Redlands Police Department in California, has explained, "Releasing open data is more than a gesture of trust on behalf of law enforcement agencies; it is a shrewd use of resources and a means of enlisting communities to solve some of their most entrenched crime problems. As such, it can be a key component in the co-production of public safety and one that we must embrace."[9]

In contrast, when police do not make data available, this frustrates public accountability and effective police work. As a former FBI director put it in 2015 when responding to a question from a member of Congress about police uses of force, "[W]e can't have an informed discussion because we don't have data. People have data about who went to a movie last weekend or how many books were sold or how many cases of the flu walked into an emergency room, and I cannot tell you how many people were shot by police in the United States last month, last year, or anything about the demographics, and that's a very bad place to be."[10]

People from across the political spectrum support increased data collection and public reporting. One poll from 2015 found that 67% of California voters who identified as Republicans, 78% of voters who identified as independents, and 87% of voters who identified as Democrats favored requiring police departments to release the results of investigations into misconduct.[11] On the other side of the country, the Republican-majority Florida Legislature enacted a groundbreaking law in 2018 that will vastly increase the availability of public data on all aspects of the state's criminal justice system – from arrest to bail to sentencing to time spent in prison.[12] The House Judiciary Committee chairman, a Republican and former prosecutor, explained that, without data, Florida was "flying blind. We didn't have access to the data, because it was in so many different places, it was virtually unusable."[13] But with the new law, Florida will be able to establish "a more fair, accountable and transparent system."[14] Several other conservative-leaning states, including Kansas, Missouri, North Carolina, and Texas, have embraced data collection and mandated it for several police activities.[15]

Data Collection Enhances Public Safety and the Efficient Use of Police Resources

Over the past 25 years, police departments have increasingly relied on data to improve their performance – both to reduce crime and to preserve tax dollars – by using their resources more efficiently.

REDUCING CRIME. Recent studies have found that CompStat (a statistics and performance management system) and similar programs have played an important role in reducing crime in large cities since their introduction in the mid-1990s. The Brennan Center for Justice, in a report that contained significant input from experts at the Police Foundation, the Major Cities Chiefs Association, and the International Association of Chiefs of Police, found that CompStat-style programs were associated with 5% to 15% reductions in crime from 1994 through 2012 in large U.S. cities.[16] These programs track crime levels, locations, and times to help police departments evaluate whether their crime-fighting tactics are having an impact. (CompStat-style programs – which are at their core systems to collect and analyze information – should not be conflated with the

Data Collection Promotes Professional Police Work

Police face criticism across a range of issues, such as racial profiling (see the SPLC's *Racial Profiling in Louisiana: Unconstitutional and Counterproductive*), uses of force, and the deployment of officers who may exhibit warning signs that they are likely to commit misconduct. Data collection would enable police departments to determine whether problems are specific to certain officers or exist across the department; to identify and help officers at risk of misconduct; and, where possible, to credibly refute outside criticisms.[19]

RACIAL PROFILING. Data collection on traffic and pedestrian stops would reveal whether officers are stopping, searching, citing, and arresting people of color at rates significantly different from their presence in the local

"I cannot tell you how many people were shot by police in the United States last month ... and that's a very bad place to be."
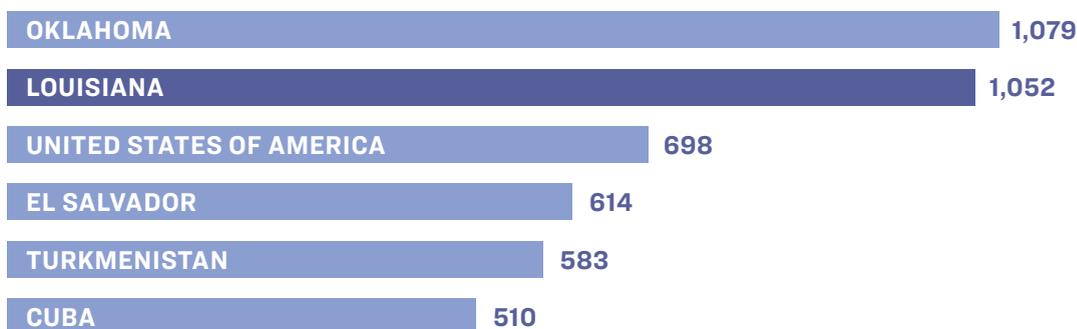
specific tactics departments direct officers to use in the field, such as arresting people for low-level crimes or conducting widespread stops and frisks of pedestrians.)[17]

EFFICIENT USES OF DEPARTMENT RESOURCES. One example of efficiency comes from ongoing research into vehicle telematics, *i.e.,* the analysis of information about motor vehicles. Police departments are now using data to identify the amounts of allocated and unallocated patrol time for designated areas and what driving behaviors consume the most fuel so they can use these tax-payer-funded resources more efficiently.[18]

driving or pedestrian (or other benchmark) population.[20] For example, a study of traffic stops on the New Jersey Turnpike in 2005 found that black drivers comprised 30.8% of drivers who were stopped by the state police, even though they comprised only 19.2% of drivers observed to be going at least 15 miles per hour over the speed limit. This meant that black drivers going at least 15 mph over the speed limit were almost twice as likely as non-black drivers going at least 15 mph over the speed limit to be pulled over.[21] In contrast, a study of traffic stops by the Miami-Dade County Police

World Incarceration Rates

(if every U.S. state were a country)

OKLAHOMA	1,079
LOUISIANA	1,052
UNITED STATES OF AMERICA	698
EL SALVADOR	614
TURKMENISTAN	583
CUBA	510

Louisiana imprisons 1,052 out of every 100,000 people in the state. Until recently, it had the highest incarceration rate in the U.S. The U.S., in turn, has the highest incarceration rate in the world *and* the largest prison population, with nearly one-quarter of the world's prisoners.

Department in 2001 found that police did not stop black drivers disproportionately to the rates at which they were observed speeding, running red lights, and making illegal turns.[22]

EXCESSIVE FORCE. It is not uncommon to find that a small number of officers account for most of the uses of force associated with a department.[23] The Office of the Independent Police Monitor in New Orleans found that 90 officers – a mere 7.3% of the New Orleans Police Department's (NOPD) more than 1,200 officers – were responsible for *half* of the use-of-force encounters in 2016.[24] This sort of information is crucial for determining which officers are most in need of better training and which officers should be terminated. With these data, the NOPD has strong evidence to argue that the majority of officers are using force appropriately.

OFFICERS AT RISK OF MISCONDUCT. Officers who are experiencing fatigue or prolonged stress or who have recently witnessed traumatic events are much more likely to use force. For example, academic researchers found that Charlotte-Mecklenburg (N.C.) Police Department officers who had recently responded to several domestic violence or suicide calls were much more at risk of using unnecessary violence in a future interaction

with a member of the public.[25] If the data reveal an association between the types of calls an officer responds to and a subsequent use of force, police departments could institute policies to provide more time for officers under severe stress to recuperate before returning to the field.

Data Collection Facilitates Public Oversight

Data collection and dissemination are also essential to ensure that police promote public safety in a constitutional, safe, and equitable manner:

RACIAL PROFILING. Since traffic stops are by far the most common mode of contact between police and the public,[26] racial and ethnic discrimination in traffic stops may be a factor in the racial and ethnic disparities in Louisiana's arrest and incarceration rates. Across the country, researchers have found large racial disparities in the rates at which people are subjected to traffic and pedestrian stops.[27] And police often employ a lower standard, in comparison with white motorists, for suspecting that black and Latinx motorists are carrying contraband and subjecting them to pat-downs and searches.[28] More data would enable Louisianans to determine which police departments may be engaged in racially biased policing.[29]

The data we do have, however, strongly suggest that racial profiling occurs throughout Louisiana. For example, in 2016, **black people were 2.9 times as likely as white people** to be arrested for marijuana possession, according to the SPLC's analysis of Louisiana arrest data submitted to the FBI.[30] Yet widely cited federal survey data show that white and black people use marijuana at similar rates; indeed, black adults are *less likely* than white adults to use marijuana in the course of their lifetimes, and adults account for the vast majority of the reported arrests.[31]

USES OF FORCE AND MILITARIZATION. In 2017, Louisiana police killed at least 22 people – 19 by firearms, two by vehicles, and one by Taser.[32] Because this number was compiled from news reports, there may have been additional fatalities that were not counted.[33] When it comes to non-fatal uses of force, the public is even more in the dark. No data are available on the number of people who have experienced non-fatal canine bites, chokeholds, baton strikes, tasings, and shootings by police officers in Louisiana. We do know that several law enforcement agencies, including the Assumption Parish Sheriff's Office, the Rapides Parish Sheriff's Office, and the Louisiana State Police, have engaged in violent SWAT raids that have resulted in people being injured.[34] But we lack comprehensive information on how many such raids occur statewide and whether they result in discoveries of drugs or weapons large enough to justify these violent actions. In other cities, executions of "no knock" search warrants often result in paltry discoveries of contraband.[35] At least 24 Louisiana law enforcement agencies have received mine-resistant, ambush-protected vehicles built for the U.S. military's use to withstand roadside bombs in Iraq, but we lack information on how these agencies are using this equipment.[36]

COMPLAINTS. Louisiana law enforcement agencies have no legal obligation to track or respond to complaints they receive about officers' alleged misconduct. We therefore know little about what Louisianans see as the most problematic aspects of their law enforcement

agencies' performance, which types of conduct engender the most frequent complaints, and whether agencies act on the complaints by investigating incidents and, as necessary, disciplining the officers involved.[37] The Citizens Police Data Project, which has mapped people's complaints against Chicago Police Department officers and tracked corresponding disciplinary measures, provides a model for what Louisiana could do if agencies collected and reported data on complaints.[38]

OFFICER MISCONDUCT AND DISCIPLINE. Since 2007, at least 51 Louisiana police officers who have been terminated for misconduct or resigned in lieu of termination have been rehired by other departments in the state.[39] In July 2007, the NOPD fired Jake Schnapp Jr. after it found that he had "knowingly and intentionally" withheld information from a police report about a use of force that resulted in a person suffering two black eyes and a bruised rib.[40] But Schnapp proceeded to find employment with the Plaquemines Parish Sheriff's Office, which later fired him in 2013.[41] As of December 2017, Schnapp was a deputy in the St. Charles Parish Sheriff's Office, where he has been put on probation at least once for making an inappropriate comment to a colleague.[42] One of the causes of the firing-rehiring cycle is that Louisiana has not decertified a single officer for misconduct since 2007.[43]

In 2017, the Louisiana Legislature mandated that police departments report all terminations, resignations in lieu of termination, and final judgments in civil rights and criminal cases against officers to a state-run database.[44] However, other than certification and training records, the contents of this database are shielded from public disclosure.[45] The Legislature needs to open the database to the public.[46]

ALLOCATING POLICE RESOURCES TOWARD SERIOUS CRIMES. As noted above, police departments are starting to use data to deploy their resources more efficiently. However, one of the most important areas for improvement in this regard is shifting resources from minor to more serious crimes. Across the country, most police officers spend very little time

Data collection would enable police departments to determine whether problems are specific to certain officers or exist across the department; to identify and help officers at risk of misconduct; and, where possible, to credibly refute outside criticisms.

investigating serious crimes such as homicide, rape, armed burglary, and robbery.[47] Instead, most officers spend most of their time patrolling, which results in citations and arrests for low-level crimes such as traffic violations, drug possession, and public intoxication.[48] The time spent patrolling instead of investigating serious crimes may help explain why most serious crimes go unsolved; police nationwide "cleared" only 45.6% of violent crimes and 18.3% of property crimes by arrest or exceptional means in 2016.[49] Louisiana police should be required to report data on how many serious crimes they solve ("clearance rates") and how many stops and arrests they make for low-level crimes.[50] This would enable the public to determine whether police should be devoting more resources to solving serious crimes rather than arresting people for low-level violations that feed the state's bloated prison system.[51]

For example, after learning that NOPD officers spent an average of six hours on a marijuana-possession arrest, the City Council passed an ordinance in 2016 authorizing police to issue a summons for all marijuana possession offenses.[52] (In 2010, the City Council authorized summonses for first but not subsequent offenses).[53] That way, officers could avoid the time and paperwork involved in making custodial arrests.[54] As a result of the ordinance, arrests for marijuana possession declined from 71% of instances in which police suspected a person possessed the drug in the 2011-2014 period to only 1% of instances in the 2016-2017 period.[55] In support of the ordinance, one councilmember explained, "We shouldn't be hunting rabbits while lions and tigers are running around in the streets."[56]

UNDERSERVED COMMUNITIES. Poor communities of color are simultaneously over-policed and underserved by police. For example, using *Washington Post* data on New Orleans homicides from 2010 to 2017, the SPLC determined that the NOPD made arrests in only 34% of cases involving black victims, but made arrests in 48% of cases involving white victims.[57] It is possible that homicides involving black victims are harder cases to solve, but it might also be a problem of the NOPD unintentionally under-valuing black lives by failing to devote sufficient resources to solve these cases.[58] To illustrate this, consider the New York Police Department's 40th Precinct, a predominantly black and Latinx area in the South Bronx whose residents are mostly low-income. The 40th Precinct had the highest murder rate in New York City in 2015 but the fewest number of detectives per violent crime assigned to it.[59]

Another way in which low-income communities are often underserved is response times to calls for assistance. In Flint, Michigan, an economically troubled, majority-black city, the average response time for the highest-priority 911 calls had risen to 58 minutes by September 2017.[60] Data on all of these indicators – rates of crime clearance disaggregated by the race of the victim and the method of clearance (e.g., by arrest or other means), geographic allocation of officers, and response times to emergency calls – would shed light on whether Louisiana law enforcement serves all communities equally.

Louisiana's Only Law on Data Collection

In 2001, as the issue of racial profiling was gaining national attention,[61] the Louisiana Legislature passed a law requiring all multi-officer police departments and sheriffs' offices to collect data on traffic stops.[62] Specifically, agencies without anti-profiling policies must collect data on:

- The number of persons stopped for traffic violations.
- Race, gender, age, and state of residence of such persons.
- The nature of the alleged traffic violation that resulted in the stop.
- Whether a warrant or citation was issued, an arrest made, or a search conducted as a result of the stop.
- If a search was conducted, the type of search and the legal basis for that search, and whether contraband was discovered and property was seized.[63]

Although agencies are supposed to collect these data for all traffic *stops*, the law requires that they report data to the Department of Public Safety and Corrections (DPS&C) only for traffic *citations*, on a quarterly basis.[64] For its part, DPS&C must publish annual reports analyzing the traffic-citation data.[65]

However, this data-collection law contains a major loophole: All law enforcement agencies that have "adopted a written policy against racial profiling" are exempt from collecting and reporting data.[66] At the same time, the law contains no requirements for what qualifies as a "written policy against racial profiling," so agencies are left to determine for themselves what qualifies as an adequate policy. The law does not even explicitly require agencies to make their anti-profiling policies public.

The SPLC's Investigation into Louisiana's Data Collection Law

To determine the extent of compliance with the state's data collection law, the SPLC surveyed all 331 of Louisiana's multi-officer law enforcement agencies.[67]

Agencies were first asked whether they had adopted a "written policy against racial profiling." The survey response rate was 94%, with 310 agencies responding.[68] The agencies that did not produce a policy were then asked whether they had been collecting and reporting the required data to the Department of Public Safety and Corrections.

Here are the results:

- 201 agencies sent documents in response to our public records request for "written policies your department has adopted regarding racial profiling."

However, many of these agencies sent documents that have little, if anything, to do with racial profiling. Three agencies sent their policies on workplace harassment, three sent a "courtesy" policy requiring officers to refrain from "voicing any bias or prejudice concerning race," one sent an equal employment opportunity policy, and one sent a summary of training hours.[69] These eight documents did not even mention "racial profiling" or similar terms.

Still other agencies sent documents that do little more than restate their existing obligations under the law. The Amite Police

Department, for example, sent us a one-sentence policy: "Amite City Police Department's policy is to follow all local, state and federal laws regarding all investigations including racial profiling." Ten other agencies also sent us policies that similarly spent only a single sentence discussing what role race should play in officer decision-making.[70] One of these was the Gretna Police Department, which expressly disclaimed any obligation to collect data because it sent us its mission statement, code of ethics, and policies on arrests and workplace harassment. But the only mentions of race in these documents occur in the workplace harassment policy (which is wholly unrelated to racial profiling) and the arrest policy's single-sentence statement, "It is the policy of the Gretna Police Department to treat all individuals equally and fairly without regard to race, religion, sex, nationality or handicap" – which again merely restates the department's existing legal obligations under federal and state law. Moreover, this statement fails to provide any information on what racial profiling is and what specific conduct is prohibited.

By leaving to agencies the decision of what qualifies as a "written policy against racial profiling," the law gives agencies complete discretion to exempt themselves from the law's data-collection requirements. This loophole defeats the law's purpose, which is to improve how agencies function by giving agencies and the public access to data on police activities. After all, adopting a policy against racial profiling is no guarantee that officers will avoid impermissibly relying on race or ethnicity in choosing whom to stop.[71]

⊘ **109 agencies have no policy on racial profiling and are therefore required to collect and report traffic citation data to DPS&C. Yet only two agencies – fewer than 2% – could furnish records indicating possible compliance with the data-collection requirements.**

Of the 109 agencies with no policy on racial profiling, 87 agencies responded to a second inquiry. Eighty-five were unable to produce records demonstrating that they submit all required traffic citation data to DPS&C.[72] Two agencies – the Forest Hill and Grosse Tete police departments, both policing jurisdictions of fewer than 1,000 people – do submit copies of traffic citations to the Office of Motor Vehicles, which is housed within DPS&C.[73] However, their purpose in submitting citations appears to be to enable DPS&C to suspend or revoke driver's licenses and verify that the state is receiving its share of traffic citation revenue. The Legislature envisioned that it would be the Traffic Records Section, housed within a different office of DPS&C, that would collect and analyze the traffic citation data.[74] Therefore, any compliance by the Forest Hill and Grosse Tete police departments with the 2001 data collection statute is likely by happenstance.

⊘ **The Department of Public Safety and Corrections has never written an annual report on traffic citation data, despite the law's requirement that it do so. The department claims that no Louisiana law enforcement agency has ever submitted the data they are required to submit.[75]**

The law's data collection requirements are insufficient to cover the wide range of activities police perform, and the law contains no mechanism to ensure that agencies fulfill their responsibilities.

Beyond the loophole for agencies that have adopted anti-profiling policies, the law exhibits many other problems. First, it covers only traffic stops, so agency-level information on all other types of police activities, such as pedestrian stops, uses of force, arrests, and complaints, remains unavailable to the public. As mentioned above, many other states, including conservative ones like North Carolina and Texas, have instituted mandatory data collection across the spectrum of police activities,[76] but Louisiana remains in the dark as to what its police are doing. Second, because agencies are required to forward only data on traffic *citations* to DPS&C, any analysis produced by DPS&C would not reveal whether there are racial disparities in how officers use their discretion *not*

to issue tickets to motorists they stop.[77] Lastly, the law does not penalize agencies for failing to collect and submit data or penalize DPS&C for failing to produce reports (even reports noting that no data were submitted), so the public lacks a mechanism to ensure that agencies follow the law. The law must be overhauled to require comprehensive data collection, eliminate the loophole for agencies that claim to have adopted anti-profiling policies, and provide public penalties and private remedies when agencies fail to fulfill their responsibilities.

Increasing the Capacity of Law Enforcement to Collect Data on Policing

Louisiana law enforcement agencies already have the tools to collect and report much more data than they presently do, since pen and paper are capable of recording many items of interest when it comes to policing. However, recording everything by hand or manual data entry into a computer would be prohibitively costly for most Louisiana law enforcement agencies. Therefore, over the long term, additional changes are necessary to enhance these agencies' capacity to collect, sort, and aggregate data on their activities.

STANDARDIZING INFORMATION COLLECTION. The Louisiana Commission on Law Enforcement and Administration of Criminal Justice should develop standardized forms for all law enforcement officers to use when recording traffic and pedestrian stops and uses of force. For pedestrian stops, these forms should include a space for officers to write, in narrative form, the basis for the reasonable suspicion that led to the stop.[78] Agencies should periodically extract data from these forms for tabulation and analysis.

UPDATING TECHNOLOGY. Body-worn and dashboard-mounted cameras capture a wealth of useful data about police encounters, but less-expensive technology would still go a long way toward improving data collection. An important and relatively inexpensive upgrade would be installing computer-aided dispatch (CAD) systems in all patrol vehicles. CAD systems collect officer-inputted data for automatic transfer to records management systems, which can generate incident reports and summary data within minutes.[79] Yet despite the availability of this technology for more than 50 years,[80] even the state's best-funded law enforcement agencies, such as the Louisiana State Police, lack computer technology to track patrol vehicles and record information on traffic stops and accidents.[81] Federal funding is available to state and local agencies to purchase equipment that would assist with data collection.[82] Agencies should avail themselves of such funding resources and also consider pooling funds to purchase and share this technology across departments.

CONSOLIDATING SMALL POLICE DEPARTMENTS. One barrier to better data collection is the small size of many of Louisiana's municipal police departments. More than 50% of Louisiana law enforcement agencies employ fewer than 10 officers; more than 70% employ fewer than 25; and fewer than 20% employ 50 or more officers.[83] Imagine the difficult trade-offs facing a police chief in charge of a small department. Should the department allocate personnel for actual police work (e.g., patrolling, answering calls for service, and investigating crimes)? Or should the department allocate personnel for the administrative work necessary to run the department and collect data (including compiling information from handwritten tickets and transmitting them on a regular basis to DPS&C)? Spend money on the

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latest equipment to facilitate data capture? Or spend money on officer salaries and training to attract qualified candidates and ensure they are well-prepared?[84]

Given these quandaries – which undermine data collection and also police work more generally – national policing experts have supported consolidation of police departments to achieve economies of scale in the provision of public safety services. For example, in St. Louis County, Missouri, where one-third of the county's 60 police departments had jurisdiction over areas of under one square mile in 2015, the Police Executive Research Forum recommended several "strategic consolidations" to improve the provision of police services.[85]

Some Louisiana municipalities have already figured out that they would be better off transferring law enforcement functions to parish sheriffs' offices. In 2015, after the Sorrento Police Department lost its liability insurance and faced negative media attention over several allegations of misconduct, the town council (with permission from the state Legislature) shuttered the department and entered into a contract with the Ascension Parish Sheriff's Office to provide police services.[86] To catalyze consolidation, the Louisiana Legislature should remove the Lawrason Act's requirement that municipalities first seek the Legislature's permission to undertake this reform.[87]

Recommendations

Given the inadequate statutory mandate for law enforcement agencies to gather data on their policing practices, and the lack of compliance with even the weak mandates that do exist, we recommend the following:

For the Louisiana Legislature

◉ Pass legislation requiring comprehensive data collection on police activities – including traffic and pedestrian stops, arrests, uses of force, complaints against officers, and administrative investigations into alleged misconduct – in addition to regular reporting to the Louisiana Commission on Law Enforcement and Administration of Criminal Justice (LCLE), publication of the data, and public penalties and private remedies for agencies' noncompliance with data collection and reporting requirements.

◉ At a minimum, data collection should always include demographic information (including race and ethnicity, age, and gender); the time and location of the encounter; and the outcome of the encounter (e.g., a verbal warning, citation, frisk or search, seizure of evidence, arrest, use of force, injuries, and fatalities). Data reporting should always disaggregate statistics of interest by demographic group.

◉ LCLE should develop standardized forms for police to report traffic and pedestrian stops and uses of force. LCLE should also publish annual reports that analyze the data for trends of interest – such as racial disparities in traffic and pedestrian stops, citations, arrests, and uses of force – and publish the raw data on its website to facilitate outside research.

◉ Public penalties for failure to collect data should include ineligibility for funding, equipment, and other assistance provided by or administered through the state (unless the assistance is specifically intended to facilitate data collection and reporting) as well as the imposition of civil fines. Connecticut and Missouri, for example, give state officials the discretion to withhold funds from noncompliant agencies. North Carolina requires the withholding of funds from noncompliant agencies. And Texas provides for the imposition of civil fines on noncompliant agencies.[88]

◉ Private remedies for failure to collect data should include the provision of a cause of action for civil rights organizations to sue noncompliant agencies for an injunction to mandate data collection, as Rhode Island has done.[89]

◉ Appropriate funding for computer-aided dispatch software and other technology to automate and facilitate data collection, tabulation, and analysis.

◉ Amend the Lawrason Act to remove the requirement that Lawrason Act municipalities employ their own chief of police; alternatively, amend the Act to authorize these municipalities to abolish the position of police chief and their police departments without first seeking the Legislature's dispensation. This reform would enable small municipalities to consolidate police departments (thereby freeing up administrative capacity to collect and organize data) or transfer policing functions to parish sheriffs' offices (nearly all of which already have adequate staff capacity to collect and organize data).

For Law Enforcement Agencies

◉ Collect and publish data on traffic and pedestrian stops, arrests, uses of force, complaints against officers, and administrative investigations into alleged misconduct, including data on the race and ethnicity of the people and officers involved, unless doing so would reveal personally identifiable information.

◉ Coordinate with other law enforcement agencies to pool resources or submit joint applications for federal funds to purchase equipment to enhance data collection capabilities.[90]

Endnotes

1   Peter Wagner & Wendy Sawyer, *States of Incarceration: The Global Context 2018*, Prison Pol'y Initiative (May 2018), https://www.prisonpolicy.org/global/2018.html; *Appendix: States of Incarceration: The Global Context 2018*, Prison Pol'y Initiative (May 2018), https://www.prisonpolicy.org/global/appendix_2018.html (showing that, as of December 31, 2016, Oklahoma's incarceration rate was 1,079 per 100,000 residents, whereas Louisiana's incarceration rate was 1,052 per 100,000 residents).

   Currently, nearly one in 100 Louisianans is behind bars. This statistic is the sum of the number of adults held under DOC jurisdiction as of December 2017 (33,739), the number of children held under Office of Juvenile Justice jurisdiction as of the first quarter of 2018 (796), and an estimate (methodology for calculation below) of the number of people held in parish and local jails (9,718), totaling 44,253 people incarcerated, divided by the July 2017 U.S. Census estimate for Louisiana's population (4,684,333), which yields 945 per 100,000 people incarcerated. *Briefing Book*, La. Dep't of Pub. Safety & Corr. 15 (Jan. 2018), http://www.doc.la.gov/media/1/Briefing%20Book/Jan%2018/full.bb.jan.18.pdf (33,739 adults under DOC jurisdiction as of Dec. 2017); Vera Inst. of Just. et al., *Louisiana Quarterly Juvenile Justice Indicators*, La. Off. of Juvenile Just., 2nd Q. 2018 (July 2018), https://ojj.la.gov/wp-content/uploads/2018/07/OJJ-Indicators-2018Q2.pdf (accessed July 28, 2018) (403 children held in secure care and 393 children held in non-secure care as of 1st quarter of 2018); *QuickFacts: Louisiana*, U.S. Census Bureau, https://www.census.gov/quickfacts/LA (accessed July 6, 2018) (July 2017 population estimate of 4,684,333).

   The estimate of the number of people held in parish and local jails (either serving misdemeanor sentences post-conviction or being detained pre-trial) was obtained by taking the difference between the total number of adults the federal Bureau of Justice Statistics reported were incarcerated in Louisiana as of December 31, 2016 (45,400) and the number of people held under DOC jurisdiction as of December 2016 (35,682). Danielle Kaeble & Mary Cowhig, *Correctional Populations in the United States, 2016*, U.S. Dep't of Just., Bureau of Just. Stat., NCJ 251211, at 11 app.tbl.1 (Apr. 2018), https://www.bjs.gov/content/pub/pdf/cpus16.pdf (45,400 incarcerated in Louisiana as of Dec. 31, 2016); *Briefing Book*, *supra*, at 6 (35,682 under DOC jurisdiction as of Dec. 2016).

2   *Louisiana's 2017 Criminal Justice Reforms: The Most Incarcerated State Changes Course*, Pew Charitable Trusts 1 (Mar. 2018), http://www.pewtrusts.org/-/media/assets/2018/03/pspp_louisianas_2017_criminal_justice_reforms.pdf.

3   *See, e.g.*, *Briefing Book*, *supra* note 1.

4   The FBI's Uniform Crime Reporting (UCR) program is voluntary, and this program records data only on crimes, arrests, and police officers killed and assaulted in the line of duty. *A Word About Data*, Uniform Crime Reporting, Fed. Bureau of Investigation (May 2017), https://ucr.fbi.gov/a-word-about-ucr-data; Alice Brennan, *Why Is the Greatest Nation in the World Shockingly Bad at Recording Crime Data?*, Fusion.TV (June 23, 2016), https://fusion.tv/story/302325/fbi-crime-data-reporting. Only slightly more than half of Louisiana law enforcement agencies report data to the UCR program. *Crime in Louisiana 2016*, La. Comm'n on Law Enf't & Admin. of Crim. Just. 11-17 (May 1, 2018), http://lcle.la.gov/programs/uploads/CIL_2016.pdf.

   Louisiana has no requirement that all law enforcement agencies report arrest data; rather, law enforcement agencies must report UCR data only if they wish to maintain eligibility for grants administered by the Louisiana Commission on Law Enforcement and Administration of Criminal Justice (LCLE). *See* La. Rev. Stat. Ann. § 15:1204.2(B)(1) (West 2018) (delegating to LCLE the authority to decide which Louisiana law enforcement agencies must report UCR data); La. Admin. Code Ann. tit. 22, pt. III, § 5501(A) (West 2018) (conditioning eligibility for grants administered by LCLE on a Louisiana law enforcement agency's participation in UCR reporting). Louisiana's rule is analogous to Congress' rule that local law enforcement agencies must report at least three years of UCR data within the past decade to maintain eligibility for the Edward Byrne Memorial Justice Assistance Grant Program, the largest source of federal funding for local law enforcement. 34 U.S.C. § 10156(e)(3) (conditions for receipt of Byrne Justice Assistance Grants); Gretta L. Goodwin, *DOJ Grants Management: Justice Has Made Progress Addressing GAO Recommendations: Testimony Before the*

Subcommittee on Government Operations, Committee on Oversight and Government Reform, House of Representatives, Gov't Accountability Off. 5 (July 14, 2016), https://www.gao.gov/assets/680/678440.pdf; (Byrne JAG Program is the largest source of federal funding for local law enforcement).

5   The only way the public even knows how many people die at the hands of police is through local press reports collected and summarized by national organizations. *See, e.g.*, *Fatal Force*, Wash. Post, http://wapo.st/police-shootings (fatal police shootings 2015 through present); *The Counted*, The Guardian, https://www.theguardian.com/us-news/ng-interactive/2015/jun/01/the-counted-police-killings-us-database (all police killings 2015-2016); *Shock Tactics: The Taser Cases*, Reuters, https://www.reuters.com/investigates/special-report/usa-taser-database (accessed Aug. 2, 2018) (fatal police tasings 2000 through July 2017); Peter Eisler et al., *How Reuters Tracked Fatalities and Taser Incidents*, Reuters (Aug. 22, 2017), https://reut.rs/2vl9fOY; D. Brian Burghart, *Fatal Encounters*, FatalEncounters.org, http://www.fatalencounters.org (all police killings 2000 through present); Samuel Sinyangwe, *Mapping Police Violence*, MappingPoliceViolence.org, https://mappingpoliceviolence.org (all police killings 2013 through present); *Killed by Police 2018*, KilledByPolice.net (June 1, 2018), http://www.killedbypolice.net/kbp2018; *see also* Duren Banks et al., *Arrest-Related Deaths Program Redesign Study, 2015-16: Preliminary Findings*, U.S. Dep't of Just., Bureau of Just. Stat., NCJ 250112 (Dec. 2016), https://www.bjs.gov/content/pub/pdf/ardprs1516pf.pdf.

6   This includes $319,193,352 allocated for the Office of State Police (including nearly $11 million in federal funding) and $58,387,650 allocated to the Louisiana Commission on Law Enforcement and Administration of Criminal Justice (including more than $46 million in federal funding), which distributes grants to parish and municipal law enforcement agencies. *State Budget: Fiscal Year 2017-2018*, La. Div. of Admin. 59, 98 (Sept. 29, 2017), http://www.doa.la.gov/opb/pub/FY18/StateBudgetFY18.pdf; La. Rev. Stat. Ann. § 15:1204(9) (West 2018) (authorizing the Commission to distribute federal and state funds to parish and local agencies).

7   Michael Kunzelman, *Judges Rules Iberia Parish Deputies Used Excessive Force, Throwing Pregnant Woman to Ground*, Acadiana Advocate (May 7, 2018), https://www.theadvocate.com/acadiana/news/courts/article_a43e6ea0-523b-11e8-b3ff-9bdff21b757c.html. The Iberia Parish Sheriff's Office has an abysmal track record for excessive force and other misconduct. *See, e.g.*, Michael Kunzelman, *Lawsuit: Deputies Planted Drugs, Beat Man After Bar Fight*, Chicago Trib. (July 2, 2018), http://www.chicagotribune.com/sns-bc-us--sheriff-sued-20180628-story.html ("Lawsuits against [Sheriff Louis] Ackal, his office and its deputies have resulted in more than $2.8 million in payments to plaintiffs in 29 cases since the sheriff took office a decade ago."); Nathaniel Rich, *The Preacher and the Sheriff*, N.Y. Times (Feb. 8, 2017), https://nyti.ms/2k1XAz7.

8   The media outlets and nonprofits dedicated to compiling uses of force have so far focused only on fatal encounters. See the sources cited in *supra* note 5.

9   *Law Enforcement Executive's Guide to Open Data: Supporting the Community in the Co-Production of Public Safety*, Police Found. 1 (2017), https://www.policefoundation.org/publication/law-enforcement-executives-guide-to-open-data.

10 *Oversight of the Federal Bureau of Investigation: Hearing Before the H. Comm. on the Judiciary*, 114th Cong. 30, Serial No. 114-55 (Oct. 22, 2015) (statement of James Comey, Director, Federal Bureau of Investigation), https://judiciary.house.gov/wp-content/uploads/2015/10/114-55_97262.pdf. For more statements by policing experts on the importance of data, see *IACP National Policy Summit on Community-Police Relations: Advancing a Culture of Cohesion and Community Trust*, Int'l Ass'n of Chiefs of Police 15 (Jan. 2015), http://www.theiacp.org/Portals/0/documents/pdfs/CommunityPoliceRelationsSummitReport_Jan15.pdf ("Transparency in all areas is key. Open, accessible reporting of statistics, arrest information, and any other law enforcement data is expected, even when the information provided does not paint the best picture."); Jon Swaine & Ciara McCarthy, *Young Black Men Again Faced Highest Rate of US Police Killings in 2016*, The Guardian (Jan. 8, 2017), https://www.theguardian.com/us-news/2017/

jan/08/the-counted-police-killings-2016-young-black-men (quoting Chuck Wexler, the executive director of the Police Executive Research Forum: "This data is so important. We have to capture the whole range of use of force by police, and we have to have a way to identify how we are doing."); *Final Report of the President's Task Force on 21st Century Policing*, Off. of Cmty. Oriented Policing Services 19 (May 2015), https://ric-zai-inc.com/Publications/cops-p311-pub.pdf ("Expanded research and data collection are . . . necessary to knowing what works and what does not work, which policing practices are effective and which ones have unintended consequences.").

11   Ben Tulchin et al., *California Statewide Survey Finds Voters Demand More Transparency in Police Misconduct Cases*, American Civil Liberties Union of Northern California 2 (Aug. 26, 2015), https://www.aclunc.org/sites/default/files/20150826-acluca_police_reform_poll_transparency.pdf.

12   Act of Mar. 30, 2018, 2018 Fla. Sess. Law. Serv. Ch. 2018-127 (West 2018), available at http://laws.flrules.org/2018/127.

13   Issie Lapowsky, *Florida Could Start a Criminal-Justice Data Revolution*, Wired (Mar. 13, 2018), https://www.wired.com/story/florida-criminal-justice-data-sharing.

14   Josh Salman, *'A Game-Changer': Florida House Passes Criminal Justice Reform Bill*, Sarasota Herald-Tribune (Feb. 22, 2018), http://www.heraldtribune.com/news/20180222/a-game-changer-florida-house-passes-criminal-justice-reform-bill.

15   *See, e.g.*, Kan. Stat. Ann. § 22-4610(d)(2) (West 2018) (data collection on bias-based profiling complaints); Mo. Ann. Stat. § 590.650(2) (West 2018) (same for traffic stops); *id.* § (6) (withholding state funds from noncompliant agencies); N.C. Gen. Stat. Ann. § 143B-903(a) (West 2018) (data collection on traffic stops); *id.* § (e) (withholding state funds from noncompliant agencies); Tex. Code Crim. Proc. Ann. art. 2.133(b) (West 2018) (data collection on traffic stops); *id.* art. 2.1385 (civil fines for failure to submit traffic stop data); *id.* art. 2.139 (data collection on officer-involved injuries and deaths); *id.* art. 2.13951 (civil fines for failure to submit data on officer-involved injuries and deaths).

16   Oliver Roeder et al., *What Caused the Crime Decline?*, Brennan Ctr. for Just. 4, 9-10 & tbl.4, 11, 65, 74-75 & tbl.6, 109 & tbl.9 (Feb. 12, 2015), https://www.brennancenter.org/sites/default/files/analysis/What_Caused_The_Crime_Decline.pdf. CompStat is a "performance management system" that enables the police to use data to inform their decision making. *COMPSTAT: Its Origins, Evolution, and Future in Law Enforcement Agencies*, Bureau of Just. Assistance, Police Exec. Res. Forum 2 (2013), https://www.bja.gov/Publications/PERF-Compstat.pdf. By providing real-time (or close to real-time) information on crime locations and times, CompStat helps police to assess whether their crime-fighting tactics are working. Prior to CompStat, according to an internal NYPD publication from 1996, "crime statistics often lagged events by months, and so did the sense of whether crime control initiatives had succeeded or failed. Now there is a daily turnaround in the 'Compstat' numbers, as crime statistics are called, and NYPD commanders watch weekly crime trends with the same hawk-like attention private corporations pay to profits and loss." *Id.* at 4 (quoting internal NYPD publication).

17   *Id.* at 9, 66-67. It is important not to conflate CompStat with police tactics such as "hot spots," "broken windows," or "stop-and-frisk" policing. CompStat is about information gathering and assessment. In contrast, "hot spots" policing instructs departments to deploy officers to the areas where they believe crime is most likely to occur. "Broken windows" policing and "stop-and-frisk" refer to what police should do out in the field. Broken windows directs police to arrest people for low-level crimes. Stop-and-frisk directs police to detain pedestrians and subject them to pat-downs of their outer clothing to determine whether they are carrying evidence of a crime. *Id.* at 9.

18   Greg Ridgeway, *Policing in the Era of Big Data*, 1 Annual Rev. of Criminology 401, 411-12 (2018), available at https://www.annualreviews.org/doi/pdf/10.1146/annurev-criminol-062217-114209.

19   For more on the role of data in exposing how policing problems often result from systemwide but correctable errors, see Andrew Guthrie Ferguson, *The Rise of Big Data Policing: Surveillance, Race, and the Future of Law Enforcement* (New York: New York Univ. Press, 2017), 162-65.

20   For an analysis of the benefits and drawbacks of different benchmarks, see Greg Ridgeway & John MacDonald, "Methods for Assessing Racially Biased Policing," in *Race, Ethnicity, and Policing: New and Essential Readings*, ed. Stephen K. Rice & Michael D. White (New York: New York Univ. Press, 2010), 180-204, and available at https://www.rand.org/content/dam/rand/pubs/reprints/2011/RAND_RP1427.pdf.

21   Joseph B. Kadane & John Lamberth, *Are Blacks Egregious Speeding Violators at Extraordinary Rates in New Jersey?*, 8 Law, Probability & Risk 139, 145-46 (2009).

22   Geoffrey P. Alpert et al., *Investigating Racial Profiling by the Miami-Dade Police Department: A Multimethod Approach*, 6 Criminology & Pub. Pol'y 25, 36, 41-43 & tbl.4 (2007). However, black drivers were much more likely than white or Hispanic drivers to be the subject of a record check and searches. *Id.* at 44-45 & tbl.6, 47-48.

23   *See, e.g.*, Ferguson, supra note 19, at 147.

24   *2016 Annual Report: Statistical Review of NOPD's Use of Force*, Off. of the Indep. Police Monitor, City of New Orleans 11, 35 (Mar. 31, 2017), http://nolaipm.gov/wp-content/uploads/2017/09/OIPM-2016-UOF-Stats-3-31-17-FINAL.pdf.

25   *Can Big Data Help Head Off Police Misconduct?*, Nat'l Pub. Radio (July 19, 2016, 10:15 AM ET), https://n.pr/2a2Hjsq; *see also* Michael Levonson & Matt Rocheleau, *245 State Police Troopers Earned More Than $200,000 Last Year*, Boston Globe (Mar. 12, 2018), https://www.bostonglobe.com/metro/2018/03/12/state-police-troopers-earned-more-than-last-year/1LM2sE7Z5OJLujXQv9ZXyK/story.html (discussing potential for officer fatigue to jeopardize public safety).

26   In 2011, the most recent year for which data are available, 85.3% of people who had involuntary contact with police (i.e., contact initiated by a police officer rather than a police officer responding to a call for service) experienced that contact through a traffic stop. Lynn Langton & Matthew Durose, *Police Behavior During Traffic and Street Stops, 2011*, U.S. Dep't of Just., Bureau of Just. Stat. NCJ 242937, at 15 app.1 (Oct. 27, 2016), http://www.bjs.gov/content/pub/pdf/pbtss11.pdf. This figure is the ratio of the estimated number of people who experienced a traffic stop (26,404,200) to the estimated number of people who had involuntary contact with police (30,954,800).

27   *See, e.g.*, Ian Ayres & Jonathan Borowsky, *A Study of Racially Disparate Outcomes in the Los Angeles Police Department* (Oct. 2008), https://www.aclusocal.org/sites/default/files/wp-content/uploads/2015/09/11837125-LAPD-Racial-Profiling-Report-ACLU.pdf; Frank R. Baumgartner, Derek A. Epp, and Kelsey Shoub, *Suspect Citizens: What 20 Million Traffic Stops Tell Us About Policing and Race* (Cambridge: Cambridge Univ. Press, 2018); Frank R. Baumgartner et al., *Targeting Young Men of Color for Search and Arrest During Traffic Stops: Evidence from North Carolina, 2002-2013*, 5 Politics, Groups, & Identities 107 (2017); Samuel R. Gross & Katherine Y. Barnes, *Road Work: Racial Profiling and Drug Interdiction on the Highway*, 101 Mich. L. Rev. 651 (2002); Matthew B. Ross et al., *State of Connecticut: Traffic Stop Data Analysis and Findings, 2015-16*, Cent. Conn. State U., Inst. for Mun. & Reg'l Pol'y (Nov. 2017), http://www.ctrp3.org/app/download/766619976/November+2017+Connecticut+Racial+Profiling+Report.pdf; Matthew B. Ross et al., *Traffic Stop Data Analysis and Findings, 2016*, Cent. Conn. State U., Inst. for Mun. & Reg'l Pol'y (Mar. 2018), http://www.dot.ri.gov/community/CCPRA/docs/2016_Rhode_Island_Traffic_Stop_Study.pdf; *CPD Traffic Stops and Resulting Searches in 2013*, American Civil Liberties Union of Illinois (Dec. 2014), https://www.aclu-il.org/sites/default/files/wp-content/uploads/2014/12/Report-re-CPD-traffic-stops-in-2013.pdf; *Picking Up the Pieces: A Minneapolis Case Study*, American Civil Liberties Union (May 28, 2015), https://www.aclu.org/issues/racial-justice/race-and-criminal-justice/picking-pieces.

28 *See, e.g.*, Camelia Simoiu et al., *The Problem of Infra-Marginality in Outcome Tests for Discrimination*, 11 Annals of Applied Stat. 1193, 1205-08 (2017). For an explanation of why "hit rates" for contraband can be misleading and a description of a more accurate test, see *Findings*, Stanford Open Policing Project (2017), https://openpolicing.stanford.edu/findings (accessed June 18, 2018).

29 *Final Report of the President's Task Force on 21st Century Policing*, *supra* note 10, at 24.

30 These figures were calculated using data from the following sources: *Uniform Crime Reporting Program Data: Arrests by Age, Sex, and Race, 2016 (ICPSR 37056)*, U.S. Dep't of Justice, Fed. Bureau of Investigation, available from Inter-Univ. Consortium for Pol. & Soc. Res. (June 28, 2018), https://doi.org/10.3886/ICPSR37056.v1 [hereinafter 2016 UCR Data] (5,431 white adults, 471 white juveniles, 8,275 black adults, and 641 black juveniles arrested for marijuana possession in 2016); *Sex by Age (Black or African American Alone)*, B01001B, American Community Survey 5-Year Estimates, U.S. Census Bureau, https://factfinder.census.gov/bkmk/table/1.0/en/ACS/16_5YR/B01001B/0400000US22 (accessed Aug. 3, 2018) (estimated 1,494,201 black Louisiana residents in 2016); *Sex by Age (White Alone)*, B01001A, American Community Survey 5-Year Estimates, U.S. Census Bureau, https://factfinder.census.gov/bkmk/table/1.0/en/ACS/16_5YR/B01001A/0400000US22 (accessed Aug. 3, 2018) (estimated 2,909,290 white Louisiana residents in 2016).

31 *Results from the 2016 National Survey on Drug Use and Health: Detailed Tables*, Substance Abuse & Mental Health Servs. Admin., Ctr. for Behavior Health Stat. & Quality, tbl.1.32B, (Sept. 7, 2017), https://www.samhsa.gov/data/sites/default/files/NSDUH-DetTabs-2016/NSDUH-Det-Tabs-2016.htm#tab1-32B (52.5% of white adults reported using marijuana during their lifetimes in 2016, compared to only 44.8% of black adults). Black youth (15.0%) are only slightly more likely than white youth (14.7%) to have used marijuana in their lifetimes. *Id.* The National Survey on Drug Use and Health contains the best available data on nationwide drug use and is considered to be a fairly reliable source for estimating marijuana use in particular. *See* Kathryn Casteel, *Data on Drug Use Is Disappearing Just When We Need It Most*, FiveThirtyEight (June 29, 2017), http://53eig.ht/2t-nPeKQ; Kristian Lum & William Isaac, *To Predict and Serve?*, Significance 17 (Oct. 2016), https://rss.onlinelibrary.wiley.com/doi/epdf/10.1111/j.1740-9713.2016.00960.x. For more on racial disparities in arrests for low-level crimes, see Paul Butler, *Chokehold: Policing Black Men* (New York: New Press, 2017), 61-64.

32 *MPV Dataset Download*, Mapping Police Violence, https://mapping-policeviolence.org/s/MPVDatasetDownload.xlsx (accessed Aug. 2, 2018). The death of Armando Frank on October 20, 2017, which Mapping Police Violence codes as a death by Taser, was probably a death by chokehold, according to newly released video footage. Ben Myers, *Video: Louisiana Man Dies After Officers Put Him in Choke Hold; Experts Disagree on Excessive Force or Not*, Acadiana Advocate (Aug. 2, 2018), https://www.theadvocate.com/acadiana/news/crime_police/article_4489ee48-95f3-11e8-b9f2-c3f1746e0adc.html.

33 For more on the scarcity of good data on fatal police encounters, see Franklin E. Zimring, *When Police Kill* (Cambridge: Harvard Univ. Press, 2017), 143-65.

34 *See, e.g.*, Joe Gyan Jr., *Decision Upheld: Louisiana Family Awarded $90K After SWAT 'No-Knock' Raid Conducted at Wrong House*, The Advocate (Dec. 27, 2017), http://www.theadvocate.com/baton_rouge/news/courts/article_0125554a-eb24-11e7-bde3-fb5814f58873.html; *Club Retro, L.L.C. v. Hilton*, 568 F.3d 181 (5th Cir. 2009); *see also* Kevin Sack, *Door-Busting Drug Raids Leave a Trail of Blood*, N.Y. Times (Mar. 18, 2017), https://nyti.ms/2nCuXev.

35 *War Comes Home: The Excessive Militarization of American Policing*, American Civil Liberties Union 33-34 (June 2014), https://www.aclu.org/sites/default/files/field_document/jus14-warcomeshome-text-rel1.pdf.

36 *LESO Property Transferred to Participating Agencies by State and Agency Name as of June 30, 2018*, Def. Logistics Agency, Law Enf't Support Off., http://www.dla.mil/DispositionServices/Offers/Reutilization/LawEnforcement/PublicInformation.aspx (accessed Aug. 2, 2018).

37 The New Orleans Police Department and the Office of the Independent

Police Monitor publish some data on complaints, but not enough to evaluate questions such as what proportion of complaints initiated by members of the public are about improper uses of force or other misconduct. *Cf. NOPD Misconduct Complaints*, City of New Orleans Open Data, https://data.nola.gov/Public-Safety-and-Preparedness/NOPD-Misconduct-Complaints/gz2m-ef5u (accessed Aug. 1, 2018); *2017 Annual Report: Complaints and Discipline*, Off. of the Ind. Police Monitor 14 fig. 7 (June 29, 2018), http://nolaipm.gov/wp-content/uploads/2018/06/FINAL_2017-Complaints-and-Discipline-6-29-18-2.pdf (showing combined allegations made by members of the public *and* NOPD officers).

38 *Citizens Police Data Project*, Invisible Inst., https://beta.cpdp.co (accessed Mar. 16, 2018).

39 Kimbriell Kelly et al., *Forced Out Over Sex, Drugs and Other Infractions, Fired Officers Work in Other Departments*, Wash. Post (Dec. 28, 2017), http://wapo.st/2zgVW3S.

40 *Id.*

41 *Id.*

42 *Id.*

43 *Id.*

44 Act of June 16, 2017, No. 272, § 1, 2017 La. Sess. Law Serv. 272 (West) (codified at La. Rev. Stat. Ann. §§ 15:1212(B)(4) (West 2018) (data to be collected), 1212.1(A) (mandatory data reporting by law enforcement agencies)).

45 *Id.* (codified at La. Rev. Stat. Ann. § 15:1212.1(F) (West 2018) (most contents non-public)).

46 For example, Philadelphia District Attorney Larry Krasner has released his office's "do not call" list of 29 officers whom prosecutors avoid calling as witnesses because these officers have committed serious misconduct, have been charged with lesser offenses, or have other legal conflicts. Though the list is by no means a comprehensive rendering of all Philadelphia police officers whose testimony could be unreliable, it is a good start. Mark Fazlollah & Craig R. McCoy, *List of 'Troubled' Philadelphia Police Filled With Inconsistencies*, Phila. Inquirer (Mar. 16, 2018), http://www.philly.com/philly/news/breaking/philadelphia-police-list-troubled-cops-inconsistencies-larry-krasner-seth-williams-20180316.html.

47 *See, e.g.*, Alex S. Vitale, *The End of Policing* (London: Verso, 2017), 31 ("Felony arrests of any kind are a rarity for uniformed officers, with most making no more than one a year. When a patrol officer actually apprehends a violent criminal in the act, it is a major moment in their career. The bulk of police officers work in patrol. They take reports, engage in random patrol, address parking and driving violations and noise complaints, issue tickets, and make misdemeanor arrests for drinking in public, possession of small amounts of drugs, or the vague 'disorderly conduct.' Officers I've shadowed on patrol describe their days as '99 percent boredom and 1 percent sheer terror' – and even that 1 percent is a bit of an exaggeration for most officers. Even detectives (who make up only about 15 percent of police forces) spend most of their time taking reports of crimes that they will never solve – and in many cases will never even investigate."); Geoffrey P. Alpert et al., *Policing: Continuity and Change* (Longrove, Ill.: Waveland Press, 2d ed. 2015), 15-16 ("A wide body of research suggests that police actually spend very little of their time engaged in crime-fighting behaviors. . . . [T]he overwhelming majority of police time is spent assisting citizens who have problems not related to crime."); *id.* at 16 ("Patrol is the largest component of policing, with nearly 70% of officers in the United States assigned to it."); Scott W. Phillips, *Police Discretion and Boredom: What Officers Do When There Is Nothing To Do*, 45 J. Contemp. Ethnography 580, 584 (2015) ("Crime fighting is the 'raison d'etre' of policing. Officers see themselves as protectors of the public, engaged in a fight between good and evil. . . . Yet police officers rarely engage in activity remotely close to this type of image. . . . [A]rrests are infrequent, with large city police officers making less than two violent-crime arrests, and three property-crime arrests, per year.").

48 *See, e.g.*, Vitale, *supra* note 47, at 31; Alpert et al., *supra* note 47, at 15-16; Phillips, *supra* note 47, at 586, 591 (recounting, as part of an ethnography of a small police department employing approximately 45 officers, "[T]raffic stops seem to be a method for doing something to break up the

work shift. The officers had spent time patrolling or possibly answered a call for service; when official duties slowed down, the traffic stop seemed to fill the void in activity. . . . The notion of making traffic stops as a way to reduce boredom while on patrol was echoed by several officers during telephone interviews."). A study of Baltimore Police Department officers from 1999 found that 81% of shift time was unassigned, i.e., not spent taking and responding to calls for service. Christine N. Famega et al., *Managing Police Patrol Times: The Role of Supervisor Directives*, 22 Just. Q. 540, 549 (2005). Nearly half of the activities officers performed during unassigned time were self-initiated vehicle patrols. *Id.* at 550, 551 tbl.3 (735 of 1,517 activities during unassigned time were vehicle patrols, with all but 32 of these patrols self-initiated by the officers rather than directed by supervisors).

49   *Table 17: Percent of Offenses Cleared by Arrest or Exceptional Means by Population Group, 2016*, 2016 Crime in the United States, Fed. Bureau of Investigation, https://ucr.fbi.gov/crime-in-the-u.s/2016/crime-in-the-u.s.-2016/tables/table-17 (accessed June 14, 2018); John Gramlich, *Most Violent and Property Crimes in the U.S. Go Unsolved*, Pew Research Ctr. (Mar. 1, 2017), http://pewrsr.ch/2mKD7R8 (similar findings from the FBI's 2015 UCR data).

50   As stated in *supra* note 4, Louisiana has no requirement that all law enforcement agencies report arrest data to the FBI's Uniform Crime Reporting program, and only slightly more than half of Louisiana agencies report arrest data to the UCR program.

51   For example, Bernard Noble, whose case made national headlines, was stopped by the NOPD in 2010 for riding his bike the wrong way down a street. Upon frisking Noble, the officer discovered fewer than three grams of marijuana. Noble spent seven years of a 13-year sentence in prison before being granted parole in February 2018. Matt Sledge, *13 Years? New Orleans Man Paroled From 'Incredibly Long' Sentence Over Marijuana Possession*, New Orleans Advocate (Feb. 20, 2018), http://www.theadvocate.com/new_orleans/news/courts/article_2a16588c-168a-11e8-b84c-1f79733f748d.html; *see also* Benjamin Mueller et al., *Surest Way To Face Marijuana Charges in New York: Be Black or Hispanic*, N.Y. Times (May 13, 2018), https://nyti.ms/2IdyUUX (regarding the frequency of marijuana arrests in low-income black and brown neighborhoods in New York City, "Several people asked why the police hound residents for small-time infractions like marijuana in more violent neighborhoods, but are slow to follow up about serious crimes.").

52   New Orleans Ordinance No. 26816, Mar. 17, 2016 (codified at Code of the City of New Orleans § 54-505); Kevin Litten, *NOPD Marijuana Arrests Plunged to 1 Percent After Ordinance Change*, NOLA.com (Mar. 28, 2018), http://s.nola.com/YanVZdm (six hours per marijuana arrest).

53   New Orleans Ordinance No. 24246, Dec. 16, 2010 (codified at Code of the City of New Orleans § 54-505).

54   New Orleans Ordinance No. 26816, *supra* note 52 ("WHEREAS, the New Orleans Police Department still spends numerous man hours per year performing arrests for marijuana related offenses; and WHEREAS, such manpower expenditures are not the best use of limited police resources in the current environment").

55   Marijuana Reform Ordinance Data, Slide 3, New Orleans City Council, Criminal Justice Committee Meeting, Mar. 27, 2018, http://cityofno.granicus.com/MetaViewer.php?view_id=3&clip_id=2938&meta_id=404589 (7,438 out of 10,448, or 71.2%, of police encounters regarding marijuana possession resulted in arrests 2011-2014); *id.* at Slides 7-8 (17 of 1,389, or 1.2%, of police encounters regarding marijuana possession resulted in arrests in June 2016 – May 2017); *see also* Litten, *supra* note 52.

56   Jeff Adelson, *New Orleans' New Pot Possession Ordinance Passes; No Jail Times, Instead Fines Now*, New Orleans Advocate (Mar. 19, 2016), http://www.theadvocate.com/new_orleans/news/politics/article_693f37b0-f1a9-5fe5-9cca-f4ab99d1b67b.html; *see also* Greg LaRose, *No Arrests for Pot Possession in New Orleans, Council Decides*, NOLA.com (Apr. 20, 2016), http://s.nola.com/EuaSnMG (explanation of the effect of the 2010 and 2016 ordinances).

57   The SPLC used data from *Murder With Impunity*, Wash. Post (June 6, 2018), https://github.com/washingtonpost/data-homicides (430 of 1,262 homicides with black victims cleared by arrest; 42 of 87 homicides with white victims cleared by arrest). For homicides between 2011 and 2017, the

Baton Rouge Police Department did not exhibit a statistically significant difference in clearance rates based on the race of the victim, using a significance level of .05. *Id.* (196 of 375 homicides with black victims cleared by arrest; 23 of 35 homicides with white victims cleared by arrest). For more data on homicide clearances, see *Uniform Crime Report for Homicides: 1965-2016*, Murder Accountability Project, http://www.murderdata.org/p/blog-page.html (accessed June 7, 2018).

58   A recently published study of a program introduced by the Boston Police Department in 2012 to increase the personnel and other resources dedicated to solving homicides found that the program was associated with a statistically significant increase in the odds that the police would make an arrest. This was so even for homicides that were considered more difficult to solve, such as cases involving black and Hispanic victims or victims with gunshot wounds, gang- and drug-related disputes, and outdoor (as opposed to indoor) killings. The program's elements included the assignment of additional detectives and investigators to the homicide unit; hiring an analyst to do real-time searches of databases; an updated 40 hours of training in crime scene response and investigation; the implementation of standardized protocols for gathering forensic evidence from crime scenes and assisting prosecutors with preparing grand-jury indictments; and the acquisition of advanced technology to reconstruct bullet trajectories. Anthony A. Braga & Desiree Dusseault, *Can Homicide Detective Improve Homicide Clearance Rates?* 64 Crime & Delinquency 283, 292-93, 304, 305 tbl.3 (2018).

59   Benjamin Mueller & Al Baker, *Rift Between Officers and Residents as Killings Persist in South Bronx*, N.Y. Times (Dec. 31, 2016), http://nyti.ms/2jVye66. Five weeks after *The New York Times* story, the NYPD assigned more detectives to the South Bronx, demonstrating the power of data and public knowledge to change how police operate. Benjamin Mueller & Al Baker, *Police To Strengthen Force in New York's Most Violent Borough*, N.Y. Times (Feb. 8, 2017), http://nyti.ms/2kQztI2. Another example comes from Los Angeles, where three-quarters of unsolved homicides between 1988 and 2004 (i.e., homicides that never resulted in a single arrest being made) occurred in one-quarter of the city, within the jurisdiction of the South and Central Bureaus, which serve predominantly low-income neighborhoods of color. Jill Leovy & Doug Smith, *Getting Away With Murder in South L.A.'s Killing Zone*, L.A. Times (Jan. 1, 2004), http://articles.latimes.com/2004/jan/01/local/me-unsolved1. For more on police indifference to communities suffering from high violent-crime levels, see Jeffrey Fagan & Daniel Richman, *Understanding Recent Spikes and Longer Trends in American Murders*, 117 Colum. L. Rev. 1235, 1278-84 (2017); Wesley Lowery et al., *Where Killings Go Unsolved*, Wash. Post (June 6, 2018), https://wapo.st/unsolved-murders; Wesley Lowery et al., *An Unequal Justice*, Wash. Post (July 25, 2018), http://wapo.st/black-homicides.

60   Dominic Adams, *Flint Police Response Times Approach 1 Hour for Most-Serious 911 Calls*, MLive.com (Sept. 7, 2017), http://s.mlive.com/SD-9JZHF. To its credit, the New Orleans Police Department publishes data on 911 response times. *The New Orleans Advocate* found that NOPD's average response time to emergency calls in 2016 was 16 minutes. Jim Mustian & Jeff Adelson, *NOPD Improved Response Times in 2016, But Effects of Depleted Force Still Widely Felt*, New Orleans Advocate (Jan. 2, 2017), https://www.theadvocate.com/new_orleans/news/crime_police/article_9eebabc4-d105-11e6-8023-7b24aa58be14.html; *see also Calls for Service 2016*, City of New Orleans Open Data, https://data.nola.gov/Public-Safety-and-Preparedness/Calls-for-Service-2016/wgrp-d3ma/data (accessed July 31, 2018).

61   The term "racial profiling" entered the national lexicon in the late 1990s as reports surfaced that police officers were disproportionately stopping motorists of color on New Jersey and Maryland highways. *See* Baumgartner, Epp, and Shoub, *supra* note 27, at 36 ("Racial profiling has of course been widely known in minority communities in the USA through long periods of history, but this particular aspect of it surged to the general public consciousness in the late-1990s. . . . We conducted a series of keyword searches of major national newspapers for different combinations of terms reflecting racial profiling and found an unmistakable pattern each time. The topic was virtually absent in the media during the period before the mid-1990s but by 1999 was generating large amounts of coverage."); James T. O'Reilly, *Police Traffic Stops and Racial Profiling: Resolving Management, Labor and Civil Rights Conflicts* (Springfield, Ill.: Charles C. Thomas, 2002), 49. In his first address to a joint session of Congress, President George W. Bush pledged to "end" racial profiling in the United States and directed Attorney General John Ashcroft to develop recommendations for how to address the problem. President George W. Bush, Address Before a Joint Session of the Congress on Administration Goals (Feb. 27, 2001), http://

www.presidency.ucsb.edu/ws/index.php?pid=29643; *see also* Memorandum on Racial Profiling, 1 Pub. Papers 147 (Feb. 28, 2001), https://www.gpo.gov/fdsys/pkg/PPP-2001-book1/pdf/PPP-2001-book1-doc-pg147.pdf; *Fact Sheet: Racial Profiling*, U.S. Dep't of Just. (June 17, 2003), https://www.justice.gov/archive/opa/pr/2003/June/racial_profiling_fact_sheet.pdf; *Guidance for Federal Law Enforcement Agencies Regarding the Use of Race, Ethnicity, Gender, National Origin, Religion, Sexual Orientation, or Gender Identity*, U.S. Dep't of Just. (Dec. 2014), https://www.justice.gov/sites/default/files/ag/pages/attachments/2014/12/08/use-of-race-policy.pdf.

62   Act of June 22, 2001, 2001 La. Sess. Law Serv. Act 645 (H.B. 1855) (West) (codified at La. Rev. Stat. Ann. § 32:398.10 (West 2018)).

63   Quoted from La. Rev. Stat. Ann. § 32:398.10 (A)(1)-(5) (West 2018). The reference to "warrant" in sub-section (4) is almost certainly a typo. It should say "warning," since police officers have no authority to issue warrants. The law also requires data collection on cellphone violations. *Id.* § (6)-(8).

64   *Id.* § (C).

65   *Id.* § (D).

66   *Id.* § (E).

67   The SPLC excluded from its survey agencies consisting only of an elected or appointed police chief, since the law exempts them from data-collection requirements. *Id.* §§ (A); 40:2402(3)(a). To determine the number of officers in an agency, the SPLC relied on publications by the Louisiana Commission on Law Enforcement and Administration of Criminal Justice, the Louisiana Association of Chiefs of Police, and phone calls and e-mail communications with select agencies. *Crime in Louisiana 2016*, *supra* note 4, at 56-60 tbls.25-27, 69 tbl.32, 72 tbl.34; *2016 Directory*, La. Ass'n of Chiefs of Police, https://lachiefs.org/wp-content/uploads/2016/11/LA-Directory_web.pdf (accessed June 18, 2018).

68   Twenty-one agencies never responded to our public records request, in violation of the Louisiana Public Records Law's three-day deadline for responding. La. Rev. Stat. Ann. § 44:32(D) (West 2018).

69   These were the Arcadia, Jeanerette, and Lake Providence police departments (workplace harassment); the Mansura, Moreauville, and Plaucheville police departments ("courtesy" policies); the Berwick Police Department (equal employment opportunity policy); and the Leesville Police Department (summary of training hours).

70   These were the police departments in Baskin, Bastrop, Eunice, Gonzales, Grand Coteau, Gretna, Henderson, and Jean Lafitte and the sheriffs' offices in Avoyelles and Winn Parishes.

71   For more analysis of the responses to the SPLC's survey on racial profiling policies, see *Racial Profiling in Louisiana: Unconstitutional and Counterproductive* (September 18, 2018)

72   The Orleans Parish Sheriff's Office and the Baton Rouge Community College Police Department do not collect or transmit the required data, but they also informed the SPLC that they do not conduct traffic stops.

73   Both agencies informed the SPLC that their officers do not conduct searches or make arrests, so there are no data on searches or arrests. *Cf.* La. Rev. Stat. Ann. § 32:398.10(A)(4)-(5) (West 2018). Since Louisiana's uniform traffic ticket and complaint form has fields for race, gender, age, state of residence, and the reason for the ticket, sending copies of citations would, in theory, be sufficient for Forest Hill and Grosse Tete to satisfy the data reporting requirement – assuming that the Office of Motor Vehicles is the proper addressee for the data-collection statute. *Cf. id.* § (1)-(3). Other law enforcement agencies also send copies of citations to the Office of Motor Vehicles, but if these agencies perform searches or arrests, the citations would be insufficient to report search and arrest data.
   In 2017, Forest Hill's population was 803 and Grosse Tete's was 638. *Community Facts*, U.S. Census Bureau, https://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml (accessed Aug. 2, 2018).

74   *See* Legislative Fiscal Office, *Fiscal Note: HB 1855*, La. Legislature (May 18, 2001), https://www.legis.la.gov/legis/ViewDocument.aspx?d=571243 (noting that the Traffic Record Section in the Office of State Police would

require $25,000 "to manage the collection and subsequent reporting to the legislature"). Now called the Traffic Records Unit, this unit is housed within the Louisiana State Police, which is a separate office from the Office of Motor Vehicles. *See Technical Support*, La. State Police, http://www.lsp.org/technical.html (accessed June 17, 2018).

75   E-mail from Faye Morrison, Assistant Secretary, La. Dep't of Pub. Safety & Corr., to Marian Messing (Oct. 30, 2017, 14:15 CST) (on file with SPLC); E-mail from Faye Morrison, Assistant Secretary, La. Dep't of Pub. Safety & Corr., to Marian Messing (Oct. 30, 2017, 15:51 CST) (on file with SPLC).

76   See the statutes cited in *supra* note 15.

77   For more on the discretion officers have during traffic and pedestrian stops, see Dean W. Carbado, *From Stopping Black People to Killing Black People: The Fourth Amendment Pathways to Police Violence*, 105 Cal. L. Rev. 125, 130, 151-162 (2017).

78   The NYPD changed its pedestrian stop form in the course of the stop-and-frisk lawsuit to require officers to provide a narrative description of their basis for reasonable suspicion. Recommendation Regarding Stop Report Form at 6-7, *Floyd v. City of New York*, No. 1:08-cv-01034-AT-HBP (S.D.N.Y. Mar. 23, 2016), ECF No. 526, https://ccrjustice.org/sites/default/files/attach/2016/03/Floyd%20Monitor%20Status%20Report%20-%20New%20UF250%203-23-16.pdf.

79   *See, e.g., Standard Functional Specifications for Law Enforcement Computer Aided Dispatch (CAD) Systems*, Int'l Ass'n of Chiefs of Police, Law Enf't Info. Tech. Standards Council 13, 15, A:4 (2009), http://www.theiacp.org/portals/0/pdfs/LawEnforcementCADSystems.pdf; *id.* at 23-24 (generating summary reports).

80   Tom McEwen et al., *Computer Aided Dispatch in Support of Community Policing*, Nat'l Inst. of Just. 1, 18 (July 2002), https://www.ncjrs.gov/pdffiles1/nij/grants/204025.pdf.

81   Jim Mustian, *Louisiana State Police Lack Basic Tool That Could Better Track Officers, Help Avert Scandals*, The Advocate (Jan. 20, 2018), http://www.theadvocate.com/baton_rouge/news/crime_police/article_6d5730e4-fc7c-11e7-8355-5393218f153d.html.

82   For example, Edward Byrne Memorial Justice Assistance Grants administered by the U.S. Department of Justice (DOJ) may be used to purchase CAD systems. In fiscal year 2016, the City of Opelousas received $37,298 to "purchase CAD software and in-car dashboard cameras . . . to enhance officer safety and police investigations, and increase essential law enforcement services," and the Tangipahoa Parish Sheriff's Office received $54,302 to purchase "desktop computers and computer services . . . to improve officer communications, computer assisted dispatch, and data sharing." *Equipment Upgrade Project*, Award No. 2016-DJ-BX-0851, U.S. Dep't of Just., Bureau of Just. Assistance, https://external.ojp.usdoj.gov/SelectorServer/awards/pdf/award/2016-DJ-BX-0851/2016-H3956-LA-DJ/2016 (accessed June 18, 2018); *Tangipahoa Parish Sheriff's Office Electronic Equipment Project*, Award No. 2016-DJ-BX-0010, U.S. Dep't of Just. Bureau of Just. Assistance, https://external.ojp.usdoj.gov/SelectorServer/awards/pdf/award/2016-DJ-BX-0010/2016-H2772-LA-DJ/2016 (accessed June 18, 2018).
   DOJ also administers the Body-Worn Camera Policy and Implementation Program, a fund designated specially to assist state and local law enforcement agencies with purchasing body-worn cameras. In fiscal year 2017, the Baton Rouge Police Department received $749,992 from this program. *Baton Rouge Police Department Body-Camera Policy and Implementation Program*, Award No. 2017-BC-BX-0056, U.S. Dep't of Just., Bureau of Just. Assistance, https://external.ojp.usdoj.gov/SelectorServer/awards/pdf/award/2017-BC-BX-0056/2017-H0333-LA-BC/2017 (accessed June 18, 2018).

83   The main data for these statistics come from the Louisiana Commission on Law Enforcement and Administration of Criminal Justice. *See Crime in Louisiana 2016*, *supra* note 4, at 56-60 tbls.25-27, 69 tbl.32, 72 tbl.34. The SPLC supplemented these data with data from the Louisiana Association of Chiefs of Police, *2016 Directory*, *supra* note 67, and phone and e-mail communications with select agencies.

84   *See, e.g.*, Patrick Smith, *What Happens When Suburban Police Departments Don't Have Enough Money?*, Nat'l Pub. Radio (Jan. 22, 2018), https://n.pr/2F3eLLh.

85   *Overcoming the Challenges and Creating a Regional Approach to Policing in St. Louis City and County*, Police Exec. Res. Forum 2, 7, 17, 53, 62-69, 71 (Apr. 30, 2015), http://www.policeforum.org/assets/stlouis.pdf. In researching policing in St. Louis County, the Police Executive Research Forum (PERF) lamented how the "lack of records standardization across departments meant that it is difficult and time-consuming to obtain even the most basic information about police departments, such as budget figures, salary scales, and even the number of officers who are employed by an agency." *Id.* at 15. Even worse, PERF found that the fragmentation of police departments led to "confusion and distrust among residents," thwarted the formation of "effective law enforcement partnerships" between agencies, caused "inefficiencies and uneven delivery of police services," and enabled officers terminated by one agency to easily move to another agency in a "muni shuffle." *Id.* at 46-47, 53, 71. As a result, PERF recommended three sets of mergers to enhance efficiency and eliminate some of the worst practices that were occurring, including departments focusing their resources on writing tickets as a way to generate municipal revenue. *Id.* at 62-69.

86   Kate Stevens, *It's Official: Sorrento Town Council Dissolves Troubled Police Department*, The Advocate (May 20, 2015), http://www.theadvocate.com/baton_rouge/news/article_297cec2c-cddd-561c-9935-77f17f6f1bb9.html. Twelve other municipalities have received permission from the state legislature to abolish their police departments and transfer police functions to another agency. These municipalities are Napoleonville, Jamestown, Castor, Shongaloo, Grand Cane, McNary, Longstreet, Sikes, Lisbon, Bienville, Goldonna, and Stonewall. La. Rev. Stat. Ann. § 33:381(C) (West 2018). For examples around the country of small law enforcement agencies shutting down or merging, see Jess Bidgood, *Massachusetts Town Loses Its Entire Police Force As All 4 Members Quit*, N.Y. Times (July 31, 2018), https://nyti.ms/2OOSTEL.

87   The Legislature has authorized the creation of the positions of municipal police chiefs (both elected and appointed) and the creation of municipal police departments, and therefore the Legislature retains the power to amend how these positions and departments can be created and abolished. La. Rev. Stat. Ann. § 33:381(A)-(B) (West 2018) (municipal police chief); *id.* § 362 (municipal police departments).

88   Conn. Gen. Stat. Ann. § 54-1m(g) (West 2018) (Secretary of the Office of Policy and Management has discretion to withhold state funds for failure to report traffic stop data and complaints); Mo. Ann. Stat. § 590.650 (West 2018) (governor has discretion to withhold state funds for failure to report traffic stop data); N.C. Gen. Stat. Ann. § 143B-903(e) (West 2018) (mandatory withholding of all state funding for failure to submit traffic stop data); Tex. Code Crim. Proc. Ann. art. 2.1385(a)-(b) (West 2018) (mandatory civil fines for "intentionally" failing to submit traffic stop data); *id.* art. 2.13951(b)-(c) (mandatory civil fines for failure to submit data on officer-involved injuries and deaths).

89   R.I. Gen. Laws Ann. § 31-21.1-7 (West 2018) (cause of action for civil rights organizations to sue agencies that fail to report data on traffic stops and racial profiling complaints).

90   The President's Task Force on 21st Century Policing called for federal funding to provide an incentive to small police departments to merge or at the very least pool services. *Final Report of the President's Task Force on 21st Century Policing*, *supra* note 10, at 28-29. Nationwide, almost 30% of police departments employ fewer than five officers; almost 73% employ fewer than 25 officers. These figures were calculated from information presented in *id.* at 29 tbl.1. The Byrne Justice Assistance Grant program requires joint applications in certain situations. *See* 34 U.S.C. § 10156(d)(4).

ACKNOWLEDGMENTS