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Using Data to Ensure Equity

Timothy M. O'Brien, CPA

Government auditing can have a deep and lasting impact on a city as a result of the auditors' assessment of weaknesses and drawing attention to inefficiencies or inequitable policies. As Denver's Auditor, I issue recommendations with the support of my audit teams based on our assessments to effect positive change. Over the past year, I have worked with the Denver Police Department ("Department") to encourage that kind of change on behalf of Denver's diverse community.

Since taking office, one of my initiatives to improve the city is to work with the Department to improve how they interact with members of the community. My office released an audit in January 2016 that found several opportunities for the Department to use data to assess its effectiveness in community policing activities. Based on the results of the audit, I felt collecting and analyzing demographic data on all self-initiated stops could help identify if officers treat everyone equitably. This protocol would benefit the Department and the citizens. Some police officials pushed back on the findings throughout the audit process. However, both the Chief of Police and I believe the auditing work, the Department's efforts and the subsequent changes will be good for the community in the long run.
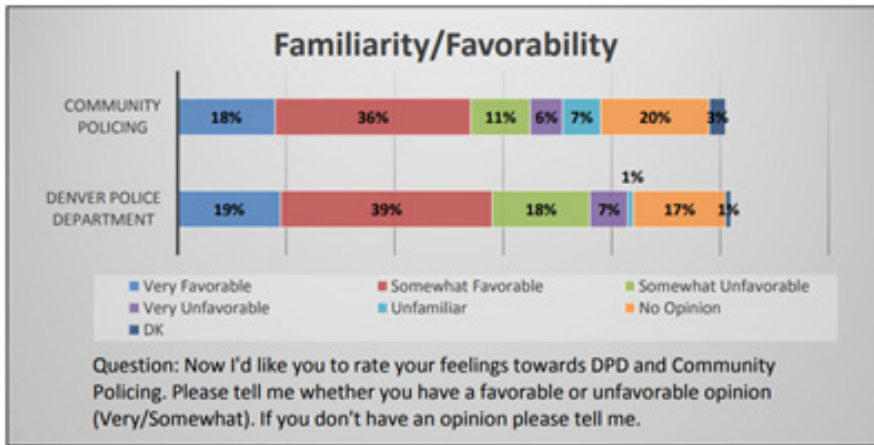
Audit Finds Gaps in Data Collection Lead to Less Transparency in Policing

Our initial audit examined the Department's "biased-policing policies" [1] and whether self-initiated stops were conducted consistently, equitably and

efficiently. Our audit found officers do not always capture demographic data when carrying out self-initiated actions, unless the contact leads to citation, arrest or a formal street check. My audit team found that without tracking data from all interactions, the Department could not prove whether self-initiated stops are carried out fairly, effectively and in compliance with established biased-policing policies.

Community policing, with its emphasis on partnerships and problem solving, necessitates increased interaction between police and community members. Community policing promotes the use of positive interactions with police and community members to proactively address the immediate conditions that give rise to public safety issues. One way the Department does this is by having designated Community Resource Officers provide assistance in neighbor disputes, public nuisances, and fraud and crime prevention. The Department is working to take a more proactive, community-driven approach to policing. According to a 2015 survey from RBI Strategies & Research, as requested by my

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[1] The Department's "biased-policing policy" is an internal policy which prohibits officers from making law enforcement decisions based on race, ethnicity, national origin, religion, gender, gender identity or sexual orientation. The policy is part of the Department's operations manual.

Familiarity/Favorability

	Very Favorable	Somewhat Favorable	Somewhat Unfavorable	Very Unfavorable	Unfamiliar	No Opinion	DK
COMMUNITY POLICING	18%	36%	11%	6%	7%	20%	3%
DENVER POLICE DEPARTMENT	19%	39%	18%	7%	1%	17%	1%

Question: Now I'd like you to rate your feelings towards DPD and Community Policing. Please tell me whether you have a favorable or unfavorable opinion (Very/Somewhat). If you don't have an opinion please tell me.

Source: RBI Strategies & Research Survey Research: Class II Police Procedures in Denver, July 14, 2015.

office, more than 50 percent of Denver citizens have favorable or somewhat favorable feelings toward the department and its community policing activities. [2]

The survey also shows a respondent's previous interactions with police might play a role with some unfavorable ratings. Among those respondents who had been stopped by police more than once in the past five years, favorability was significantly lower.

Denver Police Actively Work to Build Strong Community Relationships

The Department has had policies to build community relationships and avoid bias in policing activities for since 2002. The biased-policing policy prohibits officers from making law enforcement decisions based on race, ethnicity, national origin, religion, gender, gender identity or sexual orientation. The department's community-oriented policing philosophy is widely regarded among law enforcement professionals and researchers. However, I believe there is no way to prove that these policies work and that the Department executes them equitably without the supporting evidence of data and consistent reporting. In the survey from RBI Strategies & Research, 31 percent indicated that racial profiling is "a big problem" and 36 percent believe it is "a problem, but not a big one." [2] Using data could be a way for the police department to change this perception in the community.
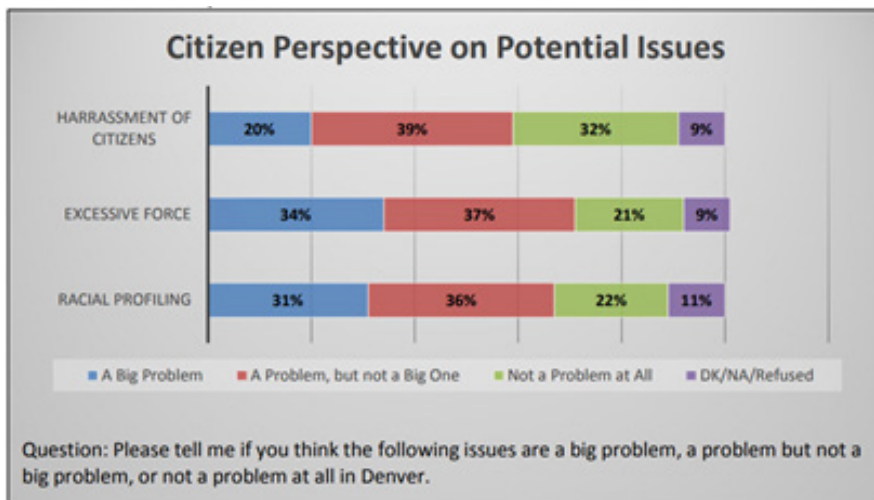
Citizen Perspective on Potential Issues

	A Big Problem	A Problem, but not a Big One	Not a Problem at All	DK/NA/Refused
HARRASSMENT OF CITIZENS	20%	39%	32%	9%
EXCESSIVE FORCE	34%	37%	21%	9%
RACIAL PROFILING	31%	36%	22%	11%

Question: Please tell me if you think the following issues are a big problem, a problem but not a big problem, or not a problem at all in Denver.

Source: RBI Strategies & Research Survey Research: Class II Police Procedures in Denver, July 14, 2015.

The Department indicated that it is a data-driven agency that focuses on crime prevention and crime reduction through various strategies and tactics. Despite demonstrated proficiency with the use of data to drive strategy and measure policy and program effectiveness, officers were collecting limited demographic data during self-initiated actions.

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[2] RBI Strategies & Research Survey Research: Class II Police Procedures in Denver, July 14, 2015.

Police Should Collect Demographic Data to Ensure Equity

Based on these findings in the audit, my team made three recommendations. First, we recommended the use of a self-assessment tool for community policing efforts. A federal grant program called the Community Oriented Policing Service ("COPS") created the Community Policing Self-Assessment Tool ("Tool") for many departments receiving grants. The Department is not a grant recipient and so it does not currently use the Tool. We recommended the department use it or something similar to help provide a measurement system for agencies to track policing efforts over time.

The audit also recommended an update to the biased-policing policy to include an annual assessment of demographic data and a recommendation to collect demographic data for all pedestrian and traffic self-initiated contact.

Police Reject Data Collection Recommendations

The Department only accepted the first audit recommendation to start using a self-assessment tool. In the agency's response to the second recommendation, the Department disagreed with the collection of demographic data because it is too intrusive and might turn interactions with police officers into negative encounters. The agency also indicated that demographic data collection was not an efficient use of resources and budget for the thousands of self-initiated stops they do each year.

However, about eight months later, the Department made a public announcement that they would change course and start collecting racial and other demographic data on individuals as the audit recommended. My recommendations were echoed by a number of local organizations concerned about racial profiling and the Department indicated it would listen to the feedback from the community. At the time I applauded the Department for taking the step despite the challenges and concerns associated with the efforts.

However, I was disappointed to see the results of the follow-up report in September of this year, which showed that the Department had not completed any of the recommendations from the audit, including the one they initially agreed to complete.

At the time of the follow-up, the Department said it had not moved forward with the self-assessment survey tool, but that it had conducted other surveys to get input from staff. My audit team was unable to get a copy of survey results, so we could not assess whether the recommendation had been met in spirit or intent. The Department felt it had complied with the recommendation by reaching out to staff at COPS and discussing the Tool, but ultimately decided not to use the Tool in an effort to avoid survey fatigue.

The Department had also not moved forward with collecting demographic data on all stops as they said they would. We found the Department had communicated with members of the community and other leaders about ways to obtain personal information from residents. There was no plan in place for implementing any changes or to begin collecting personal data from individuals; however, during 2001 to 2003, The Department did actually collect personal data on all traffic stops. The policy was based on a state mandate that has since been repealed. Officers used a contact card to collect information including race, ethnicity, age and gender.

DENVER POLICE DEPARTMENT CITIZEN CONTACT DATA SHEET		

1. Date of Stop
2. Time of Stop – Approximate time stop was initiated (within a 3 hour block)
3. Precinct of Stop – Location, **not** car assignment
4. Race Identifiable – Could the officer detect the race of the person contacted prior to the stop
5. Contact Type – Contact sheets for passengers are not required unless identification is obtained, or that person is questioned and/or searched.
6. Age of Person Stopped
7. Race/Ethnicity – This is determined by the officer's observation, not from asking the person.
8. Gender
9. Lives in City – Is the person a resident of the City & County of Denver?
10. Lives in Precinct – Does the person reside in the precinct of the contact: OR an adjacent precinct?
11. Reason for Stop (Mark all that apply) – *Personal Observation* – Action taken based on the observations and knowledge of the officer. *Received Information* – Action taken based on information received from outside sources. Contacts for which this form is completed are based on a minimum of reasonable suspicion.
12. Action Taken (Mark all that apply) – All actions performed by the officer during the contact.
13. Search (Mark all that apply) – Indicates if a search occurred, including a *Cursory/Pat Down* (Frisk), **and if so** which search type
14. Contraband Seized – Includes evidence, contraband, illegal weapons, drugs, etc.
15. Duration of Stop – Total time of contact at the scene, **does not include time spent transporting a prisoner to jail and processing.**
16. Sheriff's Dept. Employee – Indicates the form was completed by a Deputy acting either on- or off-duty
17. Off-Duty – Indicates whether the contact occurred while the officer was off-duty or working secondary employment.

Source: University of Colorado at Denver 1st Annual Report. Denver Police Department Contact Card Data Analysis, June 1, 2001 through May 31, 2002. Released October 2002.

Working Together to Improve Community Policing

After extensive coverage in the media, the Department responded that there were plans in place to improve community accountability and to collect the age, race and gender of people who are stopped by officers. The Department also said it plans to start sending data to an outside nonprofit for analysis. It will be a year before the agency gets any results back.

I support the Department's efforts to respond to community feedback and collect more data to ensure equity. However, until we see the hard facts supported by data as recommended, I cannot report that Denver Police is accomplishing its admirable mission to improve relationships throughout the city and keep people safe through community interactions.

While I commend the police on their overall efforts to set a nationwide example for equitable policing, it is the job of my office to discover weaknesses and help agencies improve on behalf of all residents. My goal is not to criticize the Department, but to work with it to improve the city and biased-policing policies for the benefit of everyone. Through meaningful work as the Denver Auditor, I am pushing for a better and more transparent city. The purpose of the city auditing function is to safeguard and improve the public's investment in the City of Denver. I plan to continue to work with the Department to help it improve so we can all agree our city is as safe, fair and accepting as possible.

Timothy M. O'Brien, CPA

Timothy M. O'Brien, CPA has more than 40 years of auditing and accounting experience. He was elected as Denver's Auditor in 2015 after serving as the Colorado state auditor for 11 years. Denver's Auditor is independently elected to serve as a check and balance for the "strong mayor" form of government. The mayor writes the budget for the city and the auditor performs internal audit services and prevailing wage enforcement. Auditor O'Brien's experience includes serving as chairman on the board of trustees for the Public Employee Retirement Association of Colorado and membership in the Colorado Society of CPAs, the American Institute of CPAs, the Chartered Financial Analyst Institute, the Colorado Society of Chartered Financial Analysts and the National Association of State Auditors. Auditor O'Brien recently received the AICPA's Outstanding CPA Impact Award in 2017.