Support for Participation in the National Use-of-Force Data Collection

OVERVIEW

On January 1, 2019, the FBI launched the National Use-of- Force Data Collection as a voluntary program to gather data on law enforcement use-of-force incidents and provide an aggregate view of the associated circumstances, subjects, and officers involved.

The IACP has supported this effort since its conception and strongly encourages all agencies to participate.

Up to this point, major news outlets have been the only source for use of force statistics in the U.S., having compiled and analyzed their own version of this data since 2015. The FBI's national data collection is an opportunity for the law enforcement community to take the lead and fill a void in use-of-force reporting. The National Use-of-Force Data Collection will foster more informed conversations around use-of-force incidents and demonstrate law enforcement's commitment to transparency, fair and impartial policing, and community trust.

This can only happen if agencies opt in to participate.

USE OF FORCE INCIDENTS DEFINED

Not all uses of force are reportable to the new system. The only cases where police use of force is reportable to the FBI is where an officer's use of force results in

- the death of a person,
- the serious bodily injury* of a person, or
- the discharge of a firearm at or in the direction of a person that did not otherwise result in death or serious bodily injury.

*"Serious bodily injury" means "bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty." This definition is based, in part, upon Title 18, United States Code, Section 2246 (4).

NOTE: Police leaders should not wait for a qualifying use-of-force incident to enroll; "zero reports" are equally important and should be filed for each month where no qualifying uses of force occur.

IACP INVOLVEMENT AND SUPPORT

Members should know their interests have been well represented throughout the collection's development, with IACP participation on the FBI's Criminal Justice Information Services Advisory Policy Board and the National Use-of-Force Collection Task Force. Further, IACP Resolution CRC. 11.t16 supports building public trust through effective reporting of police use of deadly force.

HOW TO SUBMIT

Agencies may report to the FBI only through the FBI's Law Enforcement Enterprise Portal (LEEP). To apply for a LEEP account, a chief or officer should go to www.cjis.gov and click on "Apply for an Account." Once the LEEP account is authorized, users may register for the "National Use-of-Force Data Collection." Use of this portal requires no financial investment and allows agencies and state programs to manage all aspects of their use-of-force data.

MORE INFORMATION

The checklist linked at right is available to assist chiefs with this issue. The sample letter can be used by state and regional chiefs associations to urge participation among their memberships.

See also www.fbi.gov/useofforce for additional information. The National Use-of-Force Data Collection publications are available on the FBI's Crime Data Explorer website at fbi.gov/cde.

The Use-of-Force Help Desk may be reached via telephone 304-625-9998 or email useofforce@fbi.gov.

RELATED RESOURCES

IACP Law Enforcement Policy Center

Reporting Use of Force Model Policy & Issues Paper

Critical Issues Messaging

Use of Force

Police Chief Magazine Articles

June 2019 Police Chief Magazine - several articles

Telling Our Own Story: A Call for Police Leaders to Take Part in the National Use-of-Force Data Collection

[The National Use-of-Force Data Collection: Now Enrolling Agencies and Accepting Data](#)

[The Pursuit of Reliable and Accurate Data: One City's Experience with Use-of-Force Reporting](#)

[National Use-of-Force Data Collection](#)

[Building Community Trust Through Transparency: The FBI's National Use-of-Force Data Collection](#)

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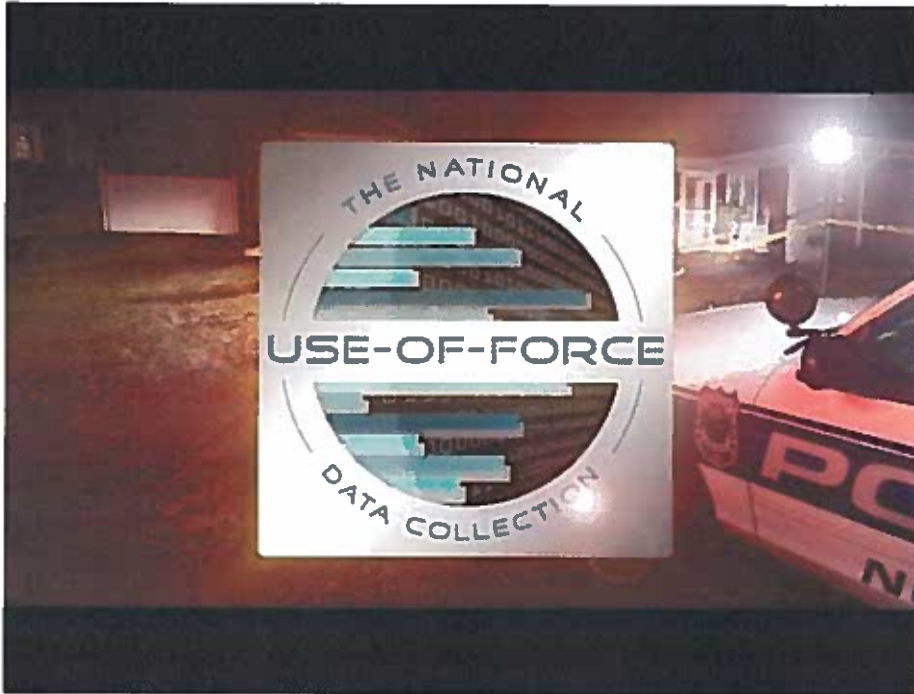
'We Continue to Spin in Circles.' Inside the Decades-Long Effort to Create A National Police Use-of-Force Database

One: Get police departments across the country to report when their officers use lethal force or seriously injure someone. Two: Collect that data in a national database. Three: Release those statistics to the public on a regular basis.

That simple formula has been at the heart of every single police reform proposal in modern U.S. history. Police chiefs, community members, Republicans, Democrats, federal, and local lawmakers all agree that the absence of a comprehensive collection of use-of-force incidents by the nation's police is a roadblock to reform. But despite longstanding bipartisan agreement on the need to keep those national statistics, a 26-year-old federal law mandating that the U.S. government collect this information, and a five-year effort by the FBI to put the infrastructure for a database in place, Americans in 2020 still have little to no reliable data on their police departments' use of force across the country.

"I've been around so long and it seems they just keep rediscovering the wheel," said Geoffrey Alpert, an expert on police use-of-force and criminology professor at the University of South Carolina. When he testified on President Donald Trump's Presidential Commission on Law Enforcement at the Justice Department on June 19, it covered "the same thing I've talked about for 30 years" in similar meetings during the Bush, Clinton and Obama Administrations, he said. If Americans want better police accountability, the government needs to find a way to get police departments to document and report their use of force to a national database, and provide them the resources to do so. "It's always been obvious: if we don't know the data, how do we identify the problem?" Alpert asked. "The only way forward is with evidence, but we continue to spin in circles."

As of May, only 40% of police departments across the country had submitted information to the FBI's National Use-Of-Force Data Collection, the most recent effort to collect this data, an agency spokeswoman told TIME. The FBI database, which began collecting the information in January 2019, has run into the same fundamental issue that has stalled decades of previous attempts: there is no way to compel police departments to provide this data to the government. Any federal data collections like the FBI's rely on voluntary participation, giving both an incomplete and skewed picture of how police officers are using force across the country. "The only agencies willing to report this were those feeling good about their data," says Alpert.

Truly "mandatory" federal data reporting would require an act of Congress. In other words, lawmakers would have to pass legislation requiring state and local police departments to provide the information. Legal experts tell TIME that it's not clear Congress would even have the power to pass such a law; whether or not the government can compel states to share their use-of-force data would depend on whether it is deemed to run afoul of the anti-commandeering doctrine, a legal principle that says the federal government can't force states to carry out federal programs.

Partly because of this division of responsibility between the federal government and states laid out in the 10th Amendment, which means Congress has little power over state and local law enforcement, there are few examples of mandated data collection by the federal government. Experts point to the decennial Census, which requires people to provide their information to the government, or the 2003 Prison Rape Elimination Act, which mandates correctional facilities to provide data on prison sexual assault.

The nationwide protests after George Floyd's killing in May by a Minneapolis police officer with a previous record of excessive force have revived efforts to collect better use-of-force data. Trump's June 16 executive order, as well as the competing police reform bills put forward by House Democrats and Senate Republicans, all seek to create a more complete database by tying federal grant funding to agencies that regularly report this information up the chain.

But police chiefs, former FBI and DOJ statisticians, and law enforcement analysts tell TIME that the current momentum is likely to hit the same roadblocks it's been hitting for decades —unless lawmakers focus more on what has stalled previous failed efforts and less on toothless mandates that look good on paper.

The carrot approach of offering grants to agencies might work to some extent, some experts say. "Almost everyone is getting federal funding of some type, and they certainly don't want to risk that, so it can be an effective tool," says Matthew Hickman, chair of the criminal justice department at Seattle University and a former Bureau of Justice Statistics analyst. A successful example of that approach is the way that Washington leveraged federal highway funding to get states to comply with driving-related laws such as establishing speed limits.

Others argue that state and local lawmakers need to work with police departments to get them to comply. Whichever way it can be done, "agencies should be required to participate in the FBI's database...it should be mandatory for all," Steven Casstevens, the head of the International Association of Chiefs of Police, testified to the Senate Judiciary Committee on June 16. It's a position the group has pushed for years, after a short-lived attempt at creating such a national database of use-of-force incidents in the late 1990s with support from the Bureau of Justice Statistics. "It should no longer be voluntary."

"It's ridiculous that I can't tell you how many people were shot by the police in this country."

Trump's executive order is almost identical to a federal law that already exists – a provision in the 1994 crime bill signed by President Bill Clinton. Trump's order directs the U.S. Attorney General to "create a database to coordinate the sharing of information... concerning instances of excessive use of force related to law enforcement matters" between federal, state and local agencies, which they "shall regularly and periodically make available to the public." Similarly, the 1994 law directed the U.S. Attorney General to "acquire data about the use of excessive force by law enforcement officers" and that they "shall publish an annual summary of the data acquired under this section."

And yet, while both these orders to the Justice Department – issued 26 years apart – mandate the collection and regular reporting of this data, the fact remains that there is no law requiring local police departments to provide it. Instead of finding ways to get local and state law enforcement agencies to comply with the 1994 federal law, the Justice Department expanded its "Police Public Contact Survey" in 1996, which released a report every three years after surveying a random sample of U.S. residents about their encounters with police. The latest report available, from 2015, surveyed 70,959 residents, but contained no comprehensive data on police use-of-force incidents.

The dearth of information has led to open frustration by the nation's top law enforcement officials. "It's ridiculous that I can't tell you how many people were shot by the police in this country last week, last year, the last decade—it's ridiculous," then-FBI director James Comey admitted in February 2015.

In June of that year, the Obama Administration set into motion a separate nationwide initiative to fill that void. The FBI's National Use-of-Force Data Collection, finally rolled out to great fanfare in November 2018, establishes a framework that allows police agencies to more easily report all incidents that result in death, "serious bodily injury" or the discharge of a firearm. "The opportunity to analyze information related to use-of-force incidents is hindered by the lack of nationwide statistics," the FBI noted in its announcement of the program, calling it the first such "mechanism for collecting nationwide statistics related to use-of-force incidents" and promising it would "periodically release statistics to the public."

The collection is intended to offer "a comprehensive view of the circumstances, subjects, and officers involved in such incidents nationwide" – exactly the kind of data that would be useful when trying to implement specific police reforms and identify which ones, such as changes in training or use of force policies, actually work.

The program convened its first task force for a series of meetings in 2016 and ran a pilot program in 2017. It established a help desk hotline and a dedicated email address for police officers submitting the data. It also developed a web application meant to simplify uploading

cases in bulk, which was considered "user-friendly and intuitive" by officers who participated in the pilot program, according to an FBI report reviewed by TIME.

But despite all these efforts, as of March, less than 40% of police departments in the U.S. were enrolled in the FBI's program and sharing their data, or 6,763 agencies covering 393,274 officers, out of a total 18,000 agencies, according to a federal release. According to the FBI pilot study reviewed by TIME, the first public report of the database's statistics was "scheduled for March 2019." But it never materialized, and the program still has not released a report as of June 2020. An FBI spokesperson tells TIME the first publication is now expected to be "this summer."

"It's not like you flip a switch and data flows in from 18,000 agencies."

The 2017 pilot study listed a few reasons police departments would be reluctant to participate in the database, including the man hours required to submit the information and some technological hiccups. The report noted that the time burden on officers entering incidents into the system was roughly 38 minutes per incident. Some agencies reported that "it was a hassle handling the security constraints involved to enter the data collection portal."

There needs to be recognition by those drafting legislation that for many police departments, especially smaller ones with limited resources, data collection requires hours of compensated time, says Hickman of Seattle University. "They made it a federal law but Congress did not appropriate any funds to actually do the job. It's not like you flip a switch and data flows in from 18,000 agencies — it's challenging," Hickman says. "This kind of thing will tend to hit smaller agencies hardest, where in some cases, all personnel — including the Chief — are out on patrol and have little spare time to comply with federal data collections."

There is widespread agreement that no matter what happens in Washington, for now the most effective legislation is likely to happen at the state level. Some states, including California, Colorado, Connecticut, Michigan and Texas, have passed various requirements to gather and report the data from their own police departments statewide, which allows many of them to report it up to the FBI database as well.

Robert Stevenson, the director of the Michigan Association of Chiefs of Police, tells TIME that state lawmakers pushing for more police transparency and use-of-force data were surprised when he told them that a federal program to collect this data already existed. "Many have never even heard of the [FBI's] national database collection, even within law enforcement," he said.

Lawmakers in Michigan agreed that the state's police departments would mandatorily report to the federal FBI database and those numbers would also be released to the public. After getting the Michigan Sheriffs' Association on board, the state went from 0% to more than

90% reporting use-of-force by police departments in 18 months, Stevenson said. The transparency measure that they included further helped build trust between the police and the community, which alleviated some of the pressure during the recent protests.

Police departments across the country should realize that collecting and analyzing this data serves everyone, including officers, Stevenson said. "If you don't measure this data, how can you spot the problem? Now we'll have the data to have that conversation, to actually lay it out [and say], 'Look, we're not massacring people left and right, and here's where we can do better,'" he said. "This gives us the opportunity to have that informed conversation without the misperceptions and misinformation. It's really important to our profession."

For now, the police reform bills being debated in Congress — and their competing efforts to create a more complete police use-of-force database — remain in a stalemate. On June 24, Senate Democrats blocked debate on the Republican policing bill, which includes a proposal for use-of-force data collection focusing on police misconduct, condemning it for not going far enough in addressing racial inequality. The following day, Democrats passed a sweeping police overhaul bill in the House which includes a provision for a national database that would collect this information in more detail and make it public, as well as limit legal protections for the police.

Like its many predecessors, neither bill includes an accompanying legal mandate that could be tested in court to answer the question of whether police can be compelled to report their data to the federal government. Even so, longtime advocates of a national database nevertheless hope the end result will move the country towards finally having a fuller picture of where and how often U.S. police officers use force, and on whom.

"I have to be tentatively optimistic," Alpert says. "I don't want to be here in 10 years when we have another horrible event and everyone relives the same thing again. We gotta see progress. We at least have to be able to say, 'Last time we got Step 1 and Step 2 done. What's next?'"

—*With reporting by Tessa Berenson/Washington*

'Outrageous': Convicted criminals serve as Alaskan police amid public safety crisis, investigation finds

Kristin Lam
USA TODAY

Dozens of police officers with criminal records have worked in Alaska's cities, despite a state law that should have disqualified them, an investigation by the Anchorage Daily News and ProPublica found.

The findings of at least 14 city police departments employing more than 34 convicted criminals came nearly a month after U.S. Attorney General William Barr declared a public safety emergency in the state, highlighting disproportionate rates of violence and sexual assault.

Local tribal governments have also hired tribal police officers convicted of domestic violence or sex crimes in an additional eight communities, the publications reported Thursday. Women in remote villages already face extraordinary barriers in reporting and dealing with sexual assault, USA TODAY reported last month, such as lacking access to victim support services.

In the rural city of Stebbins, for example, the Daily News reported that all seven officers have pleaded guilty to domestic violence charges in the past 10 years.

The rap sheets for all 42 tribal and city police officers would've prevented their hiring at the Anchorage Police Department and its urban peers, the Division of Alaska State Troopers and private security guards nearly anywhere else in the United States, the news organizations reported. City governments did not report the hires to the state regulatory board as required in all but three of the cases, and many remain on the job.

Melanie Bahnke, a board member for the Alaska Federation of Natives representing 191 tribes, related the issue to a frontier mentality.

"It's outrageous that we have a situation where we have such a lack of public safety that communities are resorting to hiring people who have the propensity for violence," Bahnke told the news organizations. "And placing them in a position where they have control over people and possibly could victimize the victims further."

State troopers, limited by budget cuts threatening services from education to transportation, are stretched thin. Five troopers in northwestern Alaska cover an area roughly the size of Ohio, USA TODAY reported. They commute to hard-to-reach areas when weather permits and only after they've procured one of the state's few planes.

In an effort to hire and train tribal and village police officers, the U.S. Department of Justice allocated $6 million to Alaska last month. The department also aims to award $4.5 million to fund 20 officer positions, plus equipment and training, for Alaska Natives by the end of July.

Contributing: Lindsay Schnell, USA TODAY

How a national police misconduct registry can help rebuild trust in law enforcement

May 27, 2021

Erroll Southers, USC professor and co-founder of the LEWIS Registry, explains why a comprehensive catalog of fired police officers could repair relationships between cops and the communities they serve.

This week, the USC Safe Communities Institute announced the pilot rollout of the Law Enforcement Work Inquiry System Registry, the first comprehensive national catalog of police officers who have been terminated or resigned due to misconduct. The LEWIS Registry, named after the late Rep. John Lewis, is designed to hold police officers and departments accountable and increase public trust in law enforcement. All information in the registry on misconduct — such as excessive use of force, corruption, domestic violence, assault and hate group affiliation — is drawn from public sources like official department statements, court records, news reports and other open sources.

USC News discussed the launch of the LEWIS Registry with co-founder Erroll Southers, director of the Safe Communities Institute and of homegrown violent extremism studies at the USC Price School of Public Policy.

Why is there a need for this kind of database?

Southers: The need is brought about by the fact that when police officers are terminated, they often go to another department. A recent Yale study was able to corroborate the fact that when they go to other departments, their behaviors become even worse.

Just as importantly, the payouts for misconduct across the country are alarming. One study that showed when you look at the three largest cities, New York, Chicago and Los Angeles, they spent over $2.3 billion in misconduct payouts over a decade.

Having served in three law enforcement agencies myself, I understand that this is not so much a training issue as it is a culture and people issue. Having been an assistant chief, I also know how difficult it is to fire an officer. The fact is that 23% of officers who get fired get reinstated. When they're fired, they need to be removed from the profession.

I believe this registry could really effect change in law enforcement and in the communities they serve, that must have trust in them.

You launched this registry on the one-year anniversary of the killing of George Floyd, during continued Black Lives Matter protests against police violence. Did these protests make this registry possible?

The timing is absolutely connected. I grew up in an era when there were no cellphones, as a person of color subjected to police misconduct and abuse. You know, the only time my mother ever cursed, was when she called the police department after I had gotten harassed walking down the street with some friends and the desk sergeant told her it didn't happen.

That was largely the motivation for me becoming an officer. After it happened several times, my father said to me, "You can't change the castle from outside the moat." I decided to become an officer to be part of that change I wanted to see.

I've served in three agencies, including the FBI. I know that there are good officers out there who are doing the right thing, and they're being painted with a broad brush by some people that shouldn't be in the profession.

What would you say to critics of this registry who think it's about "canceling" police officers?

To those people who believe that perhaps this is cancel culture, I say the misconduct that will get you fired, and get you entered into the LEWIS Registry, is crystal clear. I've spoken to chiefs across the country who are largely friends of mine, who all said they don't want people that would be entered into LEWIS Registry to work in their agencies.

I was a background investigator when I was in the Santa Monica Police Department. I wish I'd had a LEWIS Registry that would have immediately told me if an officer had come from another agency in California or another state in the country and had been fired. It would have saved my agency thousands of dollars and saved me lots of hours.

We aren't operating in a vacuum. Last summer, we did a nationally representative survey, which was funded by former California Gov. Arnold Schwarzenegger. We found that 80% of the people who took the survey support a registry for officers who've been fired or resigned due to misconduct: 74% of Republicans, 76% of independents and 90% of Democrats.

There's pretty bipartisan support for this, then. Why didn't this registry already exist?

There's something called the "peace officers' bill of rights" and most states have one. There are the police unions. In the interest of full disclosure, I used to be on the board of a police union. We responded to allegations of misconduct requiring us to defend officers who were engaged in incidents that can only be described as unbelievable, both on and off duty. And

then, of course, if an officer does get fired, the fact is you've got a 23% chance that they'll get reinstated with back pay. So those are the forces that keep us from having a national database of this type or having developed it even sooner.

I think that, with all due respect, the murder of George Floyd was an incredible game changer. Like many others, his murder was just an incredibly pivotal moment in my life and career.

To watch George Floyd get killed at the hands of the police, during nine and a half minutes in real time, seized the moral conscience of America and the world. Activists, law enforcement and communities across the country fully understand that this has got to change. I have had little to no pushback on this effort since we started. The only thing we have been asked is, "Why did this take so long?"

How will the beta testing of this registry work?

We have 22 departments that have volunteered to beta test the system, providing information that doesn't violate any human resources or privacy laws. As a result of our analysis, we hope to identify trends and patterns that those chiefs may use to develop policy with regards to how they understand predictive indicators of potentially problem officers and reduce the risk of this happening.

Can you talk about the process of developing LEWIS and describe some of the other stakeholders involved in developing it?

We reached out to activists and community organizations like the Citizens United Against Police Brutality in Minnesota, the Los Angeles Urban League and the Los Angeles Brotherhood Crusade. We reached out to the police chiefs. We're currently conducting a survey with 300 law enforcement executives — the majority are chiefs across the country — to ask them deeper questions about how a registry would be useful to them.

We've talked to other institutions across the country that collect officer misconduct data to determine how we might collaborate and leverage our collective experience and expertise. The sole focus of the LEWIS Registry is on those officers who have been fired, so they don't "bounce" to another department.

Part of the motivation for this comes from my home state of New Jersey, unfortunately, where there's a 32-year-old officer who's working for his ninth police department. He has been fired by three of them. And he is still working. Why? New Jersey is one of the five states that if you get fired, you keep your certification for several more years. In California, if you get fired, you keep your what's called your POST [Peace Officer Standards and Training] certificate for three more years, so you are able to be employed elsewhere.

What's next for the LEWIS Registry?

We're populating the database. We've examined approximately two-thirds of the country and have over 200 officers already entered. We have already had people on social media who are aware of the registry contributing links to news reports about officers who are fired that we didn't know about.

There will be a public-facing side of the database that will be available for free, where people will be able to query any state and any agency to see who's been fired. And then there'll be a law enforcement only side where we'll have more sensitive data that law enforcement can examine and query for their own background information. That's taking some time, as we're developing government-level security protocols. There will be encrypted, password-protected access for law enforcement, so they can review predictive indicators and other information.

By next year, we hope to be fully operational for both law enforcement and the public.

What will success look like when it is fully up and running?

This is something that is going to benefit communities and it's going to benefit law enforcement. I think it's going to keep people safer. I have always felt that law enforcement was a noble profession. I still do. It's the reason that I was part of it.

This is something that I think can bring about real change and to reiterate – it has bipartisan support. I'm proud that USC could do it. You can't see me at this moment, but I have a big smile on my face. I like to see USC be first. Additionally, Dana Goldman, the interim dean of USC Price, has been nothing but supportive since the very first time I even mentioned this initiative. Responding to challenges are easier when leadership supports your efforts to identify evidence-based solutions that can improve the quality of life for people and their communities.

For a second year, most U.S. police departments decline to share information on their use of force

June 9, 2021

FBI is trying to create a reliable database on police shootings, but only 27 percent of local and federal agencies are contributing numbers

By Tom Jackman
June 9, 2021 at 8:00 a.m. EDT

Despite a presidential order, congressional demands and a proposed new law requiring police to tell the FBI how often officers use force, for the second straight year only about 27 percent of police departments have supplied data to the National Use-of-Force Data Collection program launched in 2019. With such a meagerresponse, the FBI will only release a list of participating agencies and no data whatsoever about how often police fire their weapons, cause serious injury or kill people.

It's a source of ongoing frustration among law enforcement executives, whose only nationwide data on police use-of-force comes from databases created by The Washington Post, and websites such as Fatal Encounters and Mapping Police Violence. In 2015, then-FBI Director James B. Comey told top policing officials he could get the latest box office data on popular movies, but "it's ridiculous — it's embarrassing and ridiculous — that we can't talk about crime in the same way, especially in the high-stakes incidents when your officers have to use force."

The FBI launched a national task force to study collecting such data in 2016, conducted a pilot program in 2017, and opened up the full program to both local police and federal law enforcement agencies in 2019. To participate, individual departments visit an FBI data portal each month and fill in data for fatalities or injuries caused by police use-of-force, and for police discharges of firearms at people.

In 2019, only 27 percent of law enforcement agencies contributed information, covering 41 percent of all officers. For 2020, the total again was 27 percent of agencies, covering 42 percent of officers, the FBI's website reports.In a statement, the bureau said it has been reaching out to departments to encourage additional participation and that final 2020 numbers, which are still being compiled, would cover 50 percent of officers nationwide. They did not say what percentage of agencies that would represent.

The FBI has assured police it will not publicly report data from any specific agency, only by state.

"I don't get it," said Chief Steven Casstevens of the Buffalo Grove, Ill., Police Department and a recent president of the International Association of Chiefs of Police. "I've heard excuses but not good reasons. Every statistician will tell you, if you only have 50 percent, then your data is worthless."

But the submission of such data by the police is voluntary. And attempts to induce the police to supply the numbers so far haven't worked. As head of the IACP, Casstevens advocated for tying the use-of-force data to federal grant funds: if a department doesn't submit its numbers, it can't get any federal grants. Eleven states are gathering statistics from their local departments and sending them to the FBI in bulk, Casstevens said.

The idea of having the government collect such data is not new. In the 1994 crime bill signed by President Bill Clinton, the law stated that "[t]he Attorney General shall, through appropriate means, acquire data about the use of excessive force by law enforcement officers." Last year, President Donald Trump issued an executive order calling for establishment of a use-of-force database, even though the FBI program was underway, and also said federal funds should be withheld. The George Floyd Justice in Policing Act, now pending before the Senate after passing the House, also requires police agencies to submit use-of-force data to receive federal grants.

Still, the participation isn't happening. Last year, 5,030out of 18,514 federal, state, local and tribal law enforcement agencies nationwide provided use-of-force data, the FBI reported. In 2019, the number of agencies was slightly higher, 5,043 out of 18,514 agencies.

The FBI's emailed statement said that the numbers posted only represented participation through August. The bureau said it would release its final 2020 data this summer.

"Transparency and police data are what lead to accountability," said Nancy La Vigne, executive director of the Council on Criminal Justice's Task Force on Policing. "When you don't know what use of force cases are happening, it's difficult to know if you're making improvements."

In 2020, 37 out of 1,219 agencies in Texas participated and provided use-of-force data, the FBI's website reports. In Pennsylvania, only 11 out of 1,553 agencies provided use-of-force data, representing 2 percent of sworn officers in that state. In California, 24 out of 882 agencies reported. In New York state, only four of 694 agencies supplied data, also covering 2 percent of the state's officers.

Among federal agencies, the Justice Department's FBI, Drug Enforcement Administration, Marshals Service, and Bureau of Alcohol, Tobacco, Firearms and Explosives all participated, but its largest agency, the Bureau of Prisons did not, the FBI's list of contributors shows. In the Department of Homeland Security, Immigration and Customs Enforcement did not

contribute data, nor did the National Park Service, which includes the U.S. Park Police. In 2020, 29 out of 114 federal agencies participated, the FBI website says, though the 29 contributors represented 74 percentof federal officers.

After the first year of low participation, some experts felt that many departments may not have realized they had to submit a "zero report" when they had no incidents, and so didn't submit anything. But little changed in 2020.

"If we want to tell the true national picture," Casstevens said, "we need the departments to report their zeros. This is what's frustrating to me, the zero monthly reports are just as important," to reach accurate conclusions about how often police fire their weapons or kill. He said that about 70 percent of the 18,000 law enforcement agencies in the country have 25 or fewer officers and are likely to have zero incidents in many months, but aren't reporting them.

With less than 60 percent participation, the FBI has said it will only release a list of who contributed data. With more, the FBI "may" publish ratios and percentages for individual states, and will release national level data at 80 percent participation. But at no stage will it release data for individual agencies.

Among the list of participating agencies for 2020, one of the largest absent cities is Houston, whose police department was overseen until recently by Art Acevedo, now the Miami chief and head of the Major Cities Chiefs Association. He said the manner of data entry was too cumbersome for Houston's department. The data sought includes detailed circumstances of every incident and the age, race, sex and ethnicity of both the officers and the subjects.

"We absolutely support the gathering of the data," Acevedo said. But he said there was no way to electronically transfer all of Houston's "response resistance" data to the FBI. "Our analysis estimated that we would need three full-time employees to go through everything to pull all the data." He said that staffing levels at other police departments likely contributed to decisions not to contribute data.

An FBI report on the pilot project in 2017 found some agencies reported that accessing the restricted data entry portal was "a hassle," and the bureau estimated in a filing in the Federal Register that it took about 38 minutes to enter the data for each incident.

In March, the Congressional Research Service published a study on "Programs to Collect Data on Law Enforcement Activities," as Congress was considering the George Floyd Act and other police reform measures. The study addressed the idea of linking federal funds for police to participating in the use-of-force project, and noted that many smaller jurisdictions don't receive federal funds, and that losing a portion of federal funds might be preferable to the time it took to compile the data.

Overall, the study found, state and local governments spent about $115 billion on police services, but federal grants totaled only about $235 million, which when allocated from states to local departments was often less than $10,000. For larger departments, losing that amount would not necessarily be enough to motivate participation. The study also found that although Congress requires states to comply with the Sex Offender Registry and Notification Act, tracking sex offenders after they are released from prison, only 18 states were fully in compliance in 2019, finding it was "labor intensive" and "cheaper not to comply."

"The FBI effort is doomed to failure," said criminologist Geoff Alpert of the University of South Carolina. "There are no reasons agencies should submit. We have been arguing for incentives or requirements for decades." Alpert was a key contributor to a 1996 Justice Department study entitled, "National Data Collection on Police Use of Force," spurred in part by the requirements contained in the 1994 crime bill.

Casstevens disagreed that tying compliance to federal funding won't work. "A lot of smaller departments do get grants, for things like traffic enforcement, highway safety," he said. "I still think that's a proper carrot-and-stick approach, the funds should be withheld."

Last December, in its omnibus appropriations bill, Congress noted the low participation in the use-of-force data program, and issued instructions to the Justice Department and the FBI to submit a report detailing how they were collecting the data and "an assessment of strategies for increasing participation by federal, state and local law enforcement agencies." The report is due 180 days from the Dec. 21 passage of the bill, and the Justice Department and FBI were also directed to provide a briefing on the data program within 60 days. The FBI declined to say if the report had been issued yet, or whether it had provided such a briefing.

Sen. Chris Van Hollen (D-Md.), who sent a letter to the FBI last year seeking information on the data program, issued a statement which called the police participation "abysmal. It's vital that the FBI take action to improve participation around the country, so we can use this crucial data to support and guide our efforts to reform policing."