The Need for a Comprehensive Police Data Collection and Transparency Law in Arizona

Jordan Blair Woods,[*] Ashley Oddo,[**] Devyn Arredondo,[***] Yan Idrissov[****]

Policing data is vital to improving police accountability and transparency. In 2021, Arizona enacted a law requiring law enforcement agencies in the state to collect and report data on officer use of force. Although a step in the right direction, the law does not require Arizona law enforcement agencies to collect and report data on other vital aspects of policing, such as traffic and pedestrian stops or complaints of officer misconduct.

This Article underscores a need for Arizona to adopt a comprehensive police data collection and transparency law. It presents original research from a comprehensive survey that we conducted on publicly available policing data in over 120 law enforcement agencies in the state, including city, county, campus, airport, state, and tribal agencies. Our findings demonstrate significant gaps and inconsistencies in the types of policing data that are publicly available across law enforcement agencies in Arizona.

After exposing these gaps and inconsistencies through our original research, this Article evaluates the potential benefits and challenges of enacting a comprehensive police data collection and transparency law in Arizona. We argue that the potential benefits of enacting such a law far outweigh the possible challenges and drawbacks. We consider several areas of potential benefit, including improving police transparency, improving police accountability, greater consistency in available policing data, challenging common myths about policing, and supporting police reform. Finally, looking to other state laws and proposed model statutes from policing experts, this Article provides guidance for lawmakers on what a comprehensive police data collection and transparency law in Arizona

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    *   Professor of Law, University of Arizona James E. Rogers College of Law.

    **   At the time this article was written, Ashley Oddo served as the Director of the Academy for Justice at the Sandra Day O'Connor College of Law at the Arizona State University. She is now General Counsel for the Arizona Department of Corrections, Rehabilitation and Reentry.

    *** J.D. candidate, University of Arizona James E. Rogers College of Law, 2024.

    **** J.D. candidate, Arizona State University, Sandra Day O'Connor College of Law, 2024.

should include. That analysis shows that adopting such a law in Arizona is not only desirable, but also feasible.

INTRODUCTION

On March 22, 2020, and April 23, 2020, Damien Alvarado and Carlos Adrian Ingram-Lopez—two Latino men in their late twenties—died in separate incidents while in the custody of the Tucson Police Department.[1] In response to public concern and community feedback, the Tucson Police Department established the Sentinel Event Review Board ("the SERB") to review the events leading up to the two men's deaths.[2] In September 2020, the SERB released a comprehensive report summarizing the results of its investigation. The report identified thirty-two contributing factors that led to the two men's deaths, including "systemic racism, cultural disregard or ignorance and an indifference to Latino life."[3] The report advanced over fifty recommendations to prevent similar incidents from occurring in the future.[4] To specifically address systemic racism, the report recommended that the Tucson Police Department and other relevant public safety departments in the city collect, analyze, and publish data on police responses and outcomes.[5]

The basic idea that policing data can assist in identifying and addressing problems in law enforcement is not new.[6] Although policing data is spotty nationwide, many states and localities require law enforcement agencies to collect and report data on different aspects of policing (for instance, traffic and pedestrian stops, officer use of force, or complaints of officer misconduct).[7] Many of these data collection mandates have existed for over

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1.   TUCSON SENTINEL EVENT REV. BD. (SERB), REPORT OF THE TUCSON SENTINEL EVENT REVIEW BOARD (SERB) ON THE DEATHS IN CUSTODY OF MR. DAMIEN ALVARADO AND MR. CARLOS ADRIAN INGRAM-LOPEZ 1 (2020), https://www.law.upenn.edu/live/files/10833-tucson-sentinel-event-review [https://perma.cc/K222-XXV7].

2.   *Id.* at 4. As a multi-stakeholder group, the SERB included representatives from the Tucson Police Department, local lawmakers, and a variety of community participants and experts. *Id.* at 1.

3.   *Id.* at 1, 44.

4.   *See id.* at 1–2.

5.   *Id.* at 44. The report identifies the Tucson Fire Department and the Public Safety Communications Department as two other relevant organizations. *Id.*

6.   *See generally* Rachel Harmon, *Why Do We (Still) Lack Data on Policing?*, 96 MARQ. L. REV. 1119, 1121–22 (2013) (discussing how police data can have an important role in shaping policing); Joanna C. Schwartz, *Introspection Through Litigation*, 90 NOTRE DAME L. REV. 1055, 1089 (2015) ("[S]cholars have long called for better collection and assessment of data about police behavior so that policymakers can understand the extent of police misconduct[.]").

7.   *See Use of Force Data and Transparency Database*, NAT'L CONF. OF STATE LEGISLATURES (Jan. 12, 2021), https://www.ncsl.org/civil-and-criminal-justice/use-of-force-data-and-transparency-database [https://perma.cc/PT56-D525] ("At least twenty-one states require data collection on some aspect of use-of-force incidents."); *It's Time To Start Collecting Stop Data: A Case for Comprehensive Statewide Legislation*, POLICING PROJECT AT N.Y.U. SCH. OF L. (Sept. 30, 2019) [hereinafter *It's Time To Start Collecting Stop Data*],

a decade.[8] Several others are more recent and emerged in the wake of broader national conversations on race and policing after the 2014 police killing of Michael Brown in Ferguson, Missouri and the 2020 police killing of George Floyd in Minneapolis, Minnesota.[9] Even in jurisdictions with such laws, however, lack of standardization in how data is collected and stored makes it difficult to analyze current and historical trends, and in turn, inform law enforcement policy and practice in a data-driven way.[10]

Recent developments in Arizona illustrate how stakeholders are starting to recognize the importance of policing data. In 2021, the Arizona Committee on Criminal Justice Reform proposed a bill requiring all Arizona law enforcement agencies to collect data on use-of-force incidents.[11] Later that year, the Arizona Legislature passed the bill, which became effective January

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https://www.policingproject.org/news-main/2019/9/27/its-time-to-start-collecting-stop-data-a-case-for-comprehensive-statewide-legislation [https://perma.cc/J4LB-HTNH] ("Currently, there are 19 states that (for the most part) mandate collection of data on every law enforcement initiated traffic stop . . . ."); Ram Subramanian & Leily Arzy, *State Policing Reforms Since George Floyd's Murder*, BRENNAN CTR. FOR JUST. (May 21, 2021), https://www.brennancenter.org/our-work/research-reports/state-policing-reforms-george-floyds-murder [https://perma.cc/HPX8-KJ2X] (identifying and discussing states that require data collection on police misconduct); *see also* DANIEL BODAH & DANIELA GILBERT, THE POLICING DATA TRANSPARENCY INDEX 3–4 (2022), https://policetransparency.vera.org/PTI-factsheet.pdf [https://perma.cc/Z7MU-M2US] (reporting gaps and inconsistencies in policing data across various U.S. jurisdictions).

    8.   *See* Jeffrey Fagan & Garth Davies, *Street Stops and Broken Windows: Terry, Race, and Disorder in New York City*, 28 FORDHAM URB. L.J. 457, 501–02 (2000) (describing passed legislation requiring law enforcement to keep statistics to curtail racial profiling); Marc L. Miller & Ronald F. Wright, *The Black Box*, 94 IOWA L. REV. 125, 194 (2008) ("An example of a transparency-focused criminal justice reform is the collection of stop-and-search data in response to the claim that police disproportionately stop African-American motorists . . . .").

    9.   *See* Subramanian & Arzy, *supra* note 7; Stephen Rushin, *Using Data To Reduce Police Violence*, 57 B.C. L. REV. 117, 126 (2016) ("[C]alls for additional data on police conduct . . . increased significantly after the killings of Michael Brown, Eric Garner, and Tamir Rice.").

    10.   CTR. FOR POLICING EQUITY & POLICING PROJECT AT N.Y.U. SCH. OF L., COLLECTING, ANALYZING, AND RESPONDING TO STOP DATA: A GUIDEBOOK FOR LAW ENFORCEMENT AGENCIES, GOVERNMENT, AND COMMUNITIES 7 (2020) [hereinafter A GUIDEBOOK FOR LAW ENFORCEMENT AGENCIES], https://static1.squarespace.com/static/58a33e881b631bc60d4f8b31/t/5f7335d7294be10059d32d1c/1601385959666/COPS-Guidebook+Final+Release+Version.pdf [https://perma.cc/BZH3-FHQU] ("[E]ven in places where these data are collected, many agencies store data in ways that made it difficult—if not impossible—to standardize and analyze, which in turn makes it difficult to identify patterns of behavior and inform changes to policy or practice.").

    11.   ARIZ. REV. STAT. ANN. § 38-1118(A) (2022). For purposes of this statute, "use-of-force" incidents are any incidents in which a law enforcement officer "discharged a firearm at or in the direction of a person," or whose use of force resulted in a person's serious physical injury or death. ARIZ. REV. STAT. § 38-1118(E)(4).

1, 2022.[12] Under this new statute, law enforcement agencies in the state must collect and report use-of-force data to the Arizona Criminal Justice Commission ("ACJC") on an annual basis at minimum, and in a way that is consistent with the U.S. Federal Bureau of Investigation's national use-of-force data collection.[13] The ACJC is then required to publish use-of-force data reported in the immediate past year on or before March 1st, starting in 2023.[14] Moreover, by January 1, 2025, the ACJC must release a report available to the public analyzing the collected use-of-force data, including trends and disparities, and update that report every five years.[15]

Although this new law is a step in the right direction, Arizona remains one of the many states that does not have a comprehensive police data collection and transparency law.[16] As a result, we lack important information on how vital aspects of policing unfold across the state. As scholars and commentators have described, data on policing is essential to improving police transparency and accountability.[17] Data helps the public and other key stakeholders (for instance, law enforcement agencies, lawmakers, and attorneys) to understand, evaluate, and reform policing.[18] And, as the Final Report of the President's Task Force on 21st Century Policing describes, "[d]ata collection, supervision, and accountability" are "part of a comprehensive systemic approach to keeping everyone safe and protecting the rights of all involved during police encounters."[19]

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12.   H. 2168, 55th Leg., 1st Reg. Sess. (Ariz. 2021).

13.   ARIZ. REV. STAT. § 38-1118(A). The ultimate goal was to provide this data to the National Use of Force Data Collection organized by the Federal Bureau of Investigation ("FBI"). *See id.* For more information about the FBI's collection, see *National Use-of-Force Data Collection*, FED. BUREAU INVESTIGATION, https://www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/ucr/use-of-force [https://perma.cc/P56N-F9DK].

14.   ARIZ. REV. STAT. § 38-1118(C). The ACJC has released data on use-of-force incidents reported by individual agencies for 2022 on its website. *See Data Visualization Center: Arizona Use of Force*, ARIZ. CRIM. JUST. COMM'N, https://www.azcjc.gov/Data/Use-of-Force [https://perma.cc/2GTM-6DD4]. The available data, however, is limited to "actions by a law enforcement officer as a response to resistance that results in the death or serious bodily injury of a person or when a law enforcement officer discharges a firearm at or in the direction of a person." *Id.*

15.   ARIZ. REV. STAT. § 38-1118(D). As of April 2023, no such report has been published publicly on the SAC website. *See Statistical Analysis Center*, ARIZ. CRIM. JUST. COMM'N, https://www.azcjc.gov/Programs/Statistical-Analysis-Center/Overview [https://perma.cc/F2ZY-NDUE].

16.   *It's Time To Start Collecting Stop Data*, *supra* note 7 (noting that "29 states have no comprehensive stop data requirements").

17.   *See infra* Section II.A–B.

18.   *See infra* Section II.A.5.

19.   THE PRESIDENT'S TASK FORCE ON 21ST CENTURY POLICING, OFFICE OF CMTY. ORIENTED POLICING SERVS., FINAL REPORT OF THE PRESIDENT'S TASK FORCE ON 21ST CENTURY

This Article underscores a need for Arizona to adopt a comprehensive police data collection and transparency law. It presents original research from a comprehensive survey that we conducted on publicly available policing data across all law enforcement agencies in Arizona.[20] Our research included over 120 law enforcement agencies across the state, including city, county, campus, airport, state, and tribal agencies.[21] Our findings show significant gaps and inconsistencies in the types of data released by Arizona law enforcement agencies involving police-civilian encounters, use of force, and complaints of officer misconduct.[22] These findings illustrate that more must be done to improve policing data in Arizona.

This Article proceeds as follows. Part I presents our research findings showing gaps and inconsistencies in publicly available policing data released by law enforcement agencies across Arizona. After showing a need for improved policing data, Part II evaluates the benefits and challenges of enacting a comprehensive police data collection and transparency law in Arizona. We conclude that the benefits of enacting such a law in Arizona far outweigh the potential costs and drawbacks. Part III then looks to other state laws and proposed model legislation from policing experts for guidance on what a comprehensive police data collection and transparency law in Arizona might include. That analysis illustrates that adopting such a law in Arizona is not only desirable, but also feasible.

I.   A SURVEY OF POLICING DATA ACROSS ARIZONA LAW ENFORCEMENT AGENCIES

This Part presents our comprehensive survey on publicly available policing data in Arizona from over 120 law enforcement agencies in the state. Section A provides an overview of our research approach. Section B briefly describes the types of policing data examined in our survey. Section C then summarizes our key research findings regarding gaps and inconsistencies in publicly available policing data in Arizona.[23]

POLICING   19   (2015),   https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf [https://perma.cc/E3NK-E57T].

20. *See infra* Part I.
21. *See infra* Section I.A.
22. *See infra* Section I.B.
23. The full results of the survey appear in Appendices A and B.

A. Research Approach

Our research approach unfolded in three phases. In the first phase, we identified all law enforcement agencies in Arizona. These agencies can be organized into six distinct categories: (1) city; (2) county; (3) campus;[24] (4) airport; (5) state; and (6) tribal. In total, we identified 123 law enforcement agencies: 78 city police departments, 15 county sheriff's offices, 10 campus police departments, 1 airport police department, 1 state department of public safety, and 18 tribal police departments.[25]

In the second phase, we located each law enforcement agency's online presence and tracked the types of policing data that each agency made publicly available as of March 2023. Two researchers conducted this research independently. We first divided the identified agencies in half. Each of the two researchers was then responsible for examining the publicly available policing data in different halves of the identified agencies. Some individual agencies had their own stand-alone websites. More often, an agency's online presence was directly linked to a city or county website under the agency's jurisdiction. Three agencies lacked an online presence completely.

Tracking the types of policing data that each agency made publicly available was a difficult task because of differences in reporting practices. Examples of differences included the types of websites which housed publicly available policing data, the varying types of policing data made publicly available, and how agencies classified and presented policing data. In general, we found that law enforcement agencies in Arizona which had stand-alone webpages featuring large datasets had higher levels of police data transparency—defined both by the variety and amount of policing data made publicly available. These stand-alone webpages were not the norm, and more commonly, policing data was located inconspicuously on the webpages of individual agencies.

The third and final phase of our research involved an intensive data check. In this phase, each researcher cross-checked the collected data gathered by the other researcher from the prior phase of the study. This data check confirmed accuracy and ensured that the survey did not overlook or mislabel any publicly available policing data in the state. It also accounted for any changes in data between the initial search and this second look.

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24. For purposes of this Article, we refer to police departments at both colleges and universities as "campus" departments.

25. Although officers within the Arizona Department of Corrections are considered law enforcement under Ariz. Rev. Stat. § 38-1101(8), we excluded the agency from our survey because the policing information we gathered was largely not applicable to this line of work.

B. Types of Examined Policing Data

Our comprehensive survey focused on three major types of policing data: (1) police-civilian encounters; (2) officer use of force; and (3) complaints of officer misconduct.[26] These three categories were selected because each type provides vital information on how police activity unfolds in communities. Given the primary focus on police activity itself, our research excluded official crime statistics from consideration, including data collected and reported through the FBI's Uniform Crime Reporting ("UCR") program and the National Incident-Based Reporting System ("NIBRS").[27] Although useful, the purpose of official crime statistics is to measure the "magnitude, nature, and impact of crime" as opposed to monitoring and tracking police activity in a given community.[28]

For the first type of examined data—police-civilian encounters—we tracked the following seven categories of data:[29]

1. *Date, Time, and Location*: Information on the date, time, and location for each encounter.
2. *Overall Offense*: Some agencies only listed one offense for each encounter without specifying whether the offense provided the reason for the encounter, the reason for actions taken by officers during the encounter (for instance, a search), or the reason for the results of the encounter (for example, an arrest or citation).
3. *Encounter Offense*: Which offense(s) provided the reason for each encounter.
4. *Action or Result Offense*: Which offense(s) ultimately led to actions taken by officers during each encounter or led to the results of each encounter.[30]

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26. For complaints of officer misconduct, we considered whether the individual agencies in Arizona released data on either internal or external complaints, such as internal affairs investigations or civilian complaints.

27. *See generally* Lynn A. Addington, *NIBRS as the New Normal: What Fully Incident-Based Crime Data Mean for Researchers*, *in* HANDBOOK ON CRIME AND DEVIANCE 21, 21–33 (Marvin D. Krohn et al. eds., 2d ed. 2019) (describing and discussing recent changes to FBI's UCR program and NIBRS).

28. *See* RACHEL E. MORGAN & ALEXANDRA THOMPSON, U.S. DEP'T OF JUST., THE NATION'S TWO CRIME MEASURES, 2011–2020 1 (2022), https://bjs.ojp.gov/content/pub/pdf/ntcm1120.pdf [https://perma.cc/HH6A-KGEX].

29. *See infra* Appendix A.

30. For example, officers might stop a person for suspected illegal drug use, but may end up arresting the person for prohibited possession of a firearm.

5. *Encounter Type*: Information on the type of encounter (including pedestrian or traffic stops).
6. *Actions Taken by Officers or Results of the Encounter:* What action officers took during each encounter or the results of each encounter.
7. *Demographic Data*: Any demographic data (including race, ethnicity, gender, or age information) for civilians involved in an encounter.

For the second type of examined data—officer use of force—we tracked the following five categories of data:[31]

1. *Date, Time, and Location*: Information on the date, time, and location of each use-of-force incident.
2. *Force Type*: The type of force used by officers in each use-of-force incident.
3. *Injury*: The severity of any injuries sustained by civilians as a result of an officer's use of force.
4. *Demographic Data*: Any demographic data of civilians involved in each use-of-force incident.
5. *Civilian Perceived Armed:* Whether the involved officer perceived a civilian as armed during a use-of-force incident.[32]

For the third type of examined data—complaints of officer misconduct—we looked for any publicly released data about complaints filed against officers.[33] Results varied across departments but generally included a summary of each individual complaint, whether the complaint was internal or external, and the disposition of its investigation.[34] In most cases, this data was presented using just the total number of complaints and the number for each type of disposition, such as "unfounded," "sustained," or "exonerated."[35]

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31. *See infra* Appendix B.

32. These parameters are just a few of the types of data collected in the FBI's National Use-of-Force Data Collection. *See National Use-of-Force Data Collection*, *supra* note 13.

33. *See infra* Appendix B.

34. *See, e.g.*, *Monthly Closed Cases Reports*, Maricopa Cnty. Sheriff's Off., https://www.mcso.org/about-us/professional-standards-bureau/monthly-closed-cases-reports/-folder-1088 [https://perma.cc/J5ZR-L26X].

35. *See, e.g.*, Wickenburg Police Dep't, Annual Report 13 (2021), https://www.wickenburgaz.gov/DocumentCenter/View/9424/2021-WPD-Annual-Report-Final [https://perma.cc/LW38-9FW9]; David Foulke, City of Peoria Police Dep't, Professional Standards Unit 2021 Calendar Year Summary Report 12–18 (2022), https://www.peoriaaz.gov/home/showpublisheddocument/28667/637983415203230000 [https://perma.cc/C6EK-R5HM]; Scottsdale Police Dep't, Internal Affairs Activities

C. Key Findings

Overall, our research findings revealed significant gaps and inconsistencies in the publicly available policing data across 123 evaluated law enforcement agencies in Arizona. As Figure 1 shows below, over half of the evaluated agencies (n=63, 51.2%) did not release any data across all three types of examined police data—police-civilian encounters, use-of-force incidents, or complaints of officer misconduct. Only 48.0% (n=59) of all evaluated agencies provided encounter data. A much lower percentage of agencies provided use-of-force data (n=14, 11.4%) or complaint data (n=9, 7.3%). Of those agencies that provided data, there was great variation in the kinds of data provided under each of the three major types of examined data.

Figure 1: Types of Policing Data Provided by Arizona Law Enforcement Agencies (n=123)
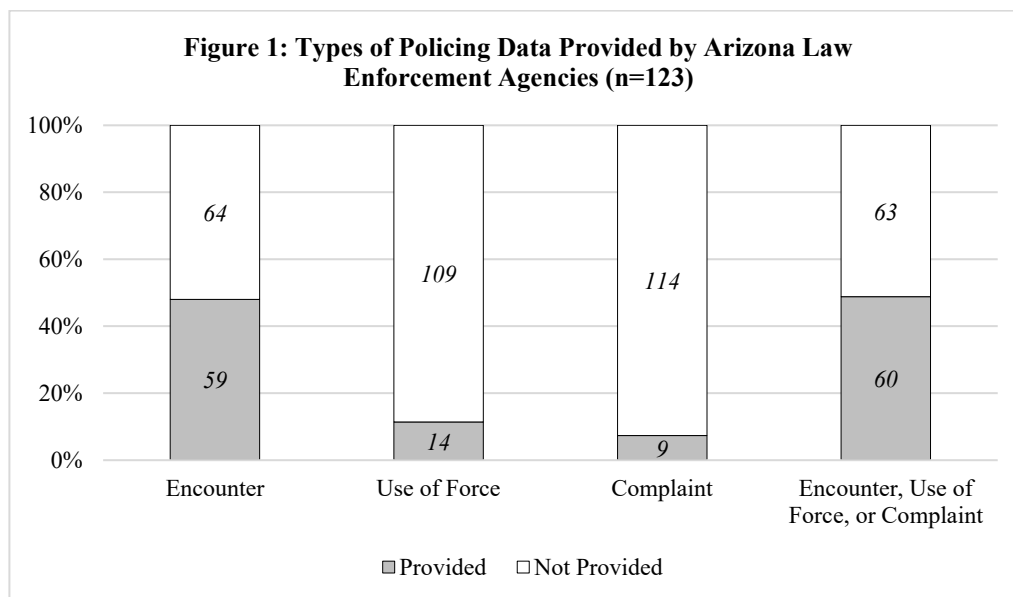
In general, Arizona's city police departments and county sheriff's offices provided more information across all three types of examined police data than the campus, airport, state, and tribal agencies. At the same time, only 53.8% of the seventy-eight city police departments (n=42) and 53.3% of the fifteen county sheriff's offices (n=8) disclosed data in any of the three categories.[36] Of those that disclosed data, not a single agency released data in all seven

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REPORT 2–9 (2021), https://www.scottsdaleaz.gov/Assets/ScottsdaleAZ/Police/2021-internal-affairs-activities-review-report.pdf [https://perma.cc/B27S-GA2B].

36. *See infra* Appendices A and B.

categories of encounter data and all five categories of use-of-force data that we surveyed.[37]

Some types of data were more prevalent than others. For example, out of the seventy-eight city police departments, 51.3% (n=40) provided an overall offense type and 35.9% (n=28) provided date, time, and location information for the encounters.[38] Similarly, out of the fifteen county sheriff's offices, 53.3% (n=8) provided an overall offense type and 46.7% (n=7) provided date, time, and location information for the encounters.[39] Only two (2.6%) of the city police departments and one (6.7%) of the county sheriff's offices differentiated between "encounter offense" (the offense that provided the reason for the encounter) and "action or result offense" (the offense that ultimately led to officers taking action or the results of the encounter).[40] In addition, only 5.1% (n=4) of city police departments provided the complete data requested in Arizona's new use-of-force statute on their websites, while not a single county sheriff's office published any use-of-force data on their websites.[41] Finally, only 10.3% (n=8) of city police departments and 6.7% (n=1) of sheriff's offices disclosed information related to complaints filed against officers for misconduct.[42]

As for campus agencies, ten higher education institutions in Arizona employ campus police departments. These institutions are subject to the Clery Act, which requires colleges and universities that receive federal funding to: (1) disseminate a public annual security report concerning crimes that occur on and around campus as well as the organization's policies and procedures for investigating, reporting, and preventing crimes to students and employees; (2) maintain a daily crime log, available to the public, of all reported crimes that fall within their jurisdiction; and (3) issue timely warnings and emergency notifications to students and staff when a crime covered by the Clery Act occurs.[43]

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37. *See infra* Appendices A and B.

38. *See infra* Appendix A.

39. *See infra* Appendix A.

40. *See infra* Appendix A.

41. The ACJC has released data on use-of-force incidents for 2022 reported by individual agencies on its website. *See Data Visualization Center: Arizona Use of Force*, *supra* note 14. The available data, however, is limited to "actions by a law enforcement officer as a response to resistance that results in the death or serious bodily injury of a person or when a law enforcement officer discharges a firearm at or in the direction of a person." *Id.*

42. *See infra* Appendix B.

43. *See* 20 U.S.C. § 1092(f)(1)–4(a); *The Jeanne Clery Act*, CLERY CTR., https://www.clerycenter.org/the-clery-act [https://perma.cc/H7KQ-E7ZA].

Our research showed that each police department at an Arizona college or university complies with the Clery Act's reporting requirements and therefore had some, albeit limited, publicly available policing data. The data that is released focuses on police encounters, provides statistics of the Clery crimes that occurred, and makes available a daily crime log.[44] Each college or university releases an annual report, available online, that presents statistics of Clery Act crimes that have occurred within the institution's jurisdiction. Across the board, however, the accessibility of the daily crime log differs from institution to institution. While some institutions, like Northern Arizona University, provide online access to their daily crime log,[45] others, such as Central Arizona College, only provide in-person access.[46]

Next, Arizona has one airport police department, the Tucson Airport Authority Police Department, and one state law enforcement agency, the Arizona Department of Public Safety. Neither agency publicly provides any encounter data. Similarly, neither agency publicly provides use-of-force or complaint data.

Lastly, there are twenty-two federally recognized Indian tribes that have land within Arizona.[47] Eighteen of those tribes have Arizona-based police departments.[48] The tribal police departments oversee a "crazy quilt of jurisdiction,"[49] as they have the duty of not only enforcing Arizona state laws, but also federal laws and their own tribal laws. Arizona grants authority to tribal law enforcement officers to enforce state laws within their jurisdiction,

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44. Where the daily crime log is available online, information such as the date, time, location, and, for some institutions, the disposition of the police encounter is easily accessible.

45. *Daily Crime and Fire Log*, N. ARIZ. UNIV., https://in.nau.edu/police-department/daily-crime-and-fire-log/ [https://perma.cc/CPJ9-29WV].

46. CENT. ARIZ. COLL., 2021 ANNUAL SECURITY/FIRE SAFETY REPORT 5 (2021), https://centralaz.edu/wp-content/uploads/2022/09/annual-security-fire-report-2021.pdf [https://perma.cc/P2BC-6NRP].

47. *22 Federally Recognized Tribes in Arizona*, ARIZ. DEP'T EDUC., https://www.azed.gov/oie/22-federally-recognized-tribes-arizona [https://perma.cc/D6GX-YZPP].

48. *See Members*, INTER TRIBAL COUNCIL ARIZ., https://itcaonline.com/programs/other-programs-and-projects/indian-country-intelligence-network/members/ [https://perma.cc/WL55-J633]. Three tribes, the Havasupai, Kaibab Band of Paiute Indians, and the San Juan Southern Paiute, have their law enforcement services provided by the Bureau of Indian Affairs. The fourth tribe, the Pueblo of Zuni, has a police department, but it is located in New Mexico. *Id.*

49. Janine Robben, *Life in Indian Country: How the Knot of Criminal Jurisdiction Is Strangling Community Safety*, 72 OR. ST. BAR BULL. 28, 29 (2012) (quoting Professor Robert James Miller as describing criminal jurisdiction in Indian Country as "a crazy quilt of jurisdiction").

so long as those officers are certified through the state Peace Officer Standards and Training Board.[50]

Notably, none of the eighteen tribal police departments in Arizona provide policing data to the public.[51] The tribal police department webpages, when available,[52] were often sparse compared to city or sheriff police agencies. Many webpages only included basic contact information.

Both limited resources and geography likely contribute to the disparity found between the tribal websites and the websites for other policing agency categories.[53] Many tribal police agencies in the state struggle to find the officers needed to police the large tracts of land that make up their jurisdiction.[54] Moreover, many tribal communities in the state lack adequate road and energy infrastructure, which inhibits tribal agencies in those communities from developing systems required for active policing data collection and management.[55] As discussed later in this Article, it will be important to consider these realities under a comprehensive police data collection and transparency statute in Arizona.[56]

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In sum, our research shows gaps and inconsistencies in how policing data is collected and reported in law enforcement agencies across Arizona. These findings underscore a need for lawmakers in the state to enact a comprehensive police data collection and transparency law.

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50.   ARIZ. REV. STAT. ANN. § 13-3874(A) (2023).

51.   *See infra* Appendices A and B.

52.   Neither the San Carlos Apache nor the Tonto Apache tribes had dedicated tribal websites.

53.   *See* Tracy Abiaka, *Tribal Police Agencies Struggle To Attract, Maintain Officers, Panel Told*, CRONKITE NEWS (May 19, 2022), https://cronkitenews.azpbs.org/2022/05/19/tribal-police-agencies-struggle-to-attract-maintain-officers-panel-told/ [https://perma.cc/V5HC-LRA8]; TRIBAL MEMBERS OF THE TASK FORCE, NATIVE NATIONS COMMC'NS TASK FORCE, IMPROVING AND INCREASING BROADBAND DEPLOYMENT ON TRIBAL LANDS 20 (2019) ("Tribal lands are a subset of the demographic of rural America and Tribes face both common and unique challenges in serving their rural and remote communities.").

54.   *See* Abiaka, *supra* note 53.

55.   *See* TRIBAL MEMBERS OF THE TASK FORCE, *supra* note 53, at 20 ("Many Tribal communities lack adequate roads and power supplies . . . .").

56.   *See infra* Section II.B.2.

II. Potential Benefits and Challenges of Enacting a Comprehensive Police Data Collection and Transparency Law in Arizona

Enacting a comprehensive police data collection and transparency law in Arizona has many potential benefits, but also presents some challenges. This Part evaluates these issues. The analysis focuses on various system actors, including the public, lawmakers, law enforcement agencies, and other key stakeholders. We ultimately conclude that the potential benefits of enacting such a law in Arizona far outweigh the potential costs and drawbacks.

A. Potential Benefits

The benefits of enacting a comprehensive police data collection and transparency law in Arizona will apply across the board to key stakeholders, including the public, lawmakers, and law enforcement agencies.[57] This Section examines five related, and at times overlapping, areas of potential benefit: (1) improving police transparency; (2) improving police accountability; (3) greater consistency in policing data; (4) challenging common myths about policing; and (5) supporting police reform.

1. Improving Police Transparency

First and foremost, comprehensive police data can improve police transparency in meaningful ways.[58] To begin, data collection is an important tool for identifying and monitoring problems related to demographic disparities in policing, racial and other forms of identity profiling, and police misconduct.[59] Recognizing this potential, almost twenty states outside of Arizona already require state and local law enforcement agencies to collect and report traffic stop data of varying amounts,[60] and three states (California,

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57. *See* Harmon, *supra* note 6, at 1128 ("[S]everal kinds of political and legal actors benefit from data about policing.").

58. Bodah & Gilbert, *supra* note 7, at 2 (discussing the importance of data for police transparency and accountability).

59. Brandon Garrett, *Remedying Racial Profiling*, 33 Colum. Hum. Rts. L. Rev. 41, 82 (2001) ("Data can be a critical way to inform the public about the pervasiveness of racial profiling[.]").

60. *It's Time To Start Collecting Stop Data*, *supra* note 7 (providing a sampling of stop data requirements in these states).

Illinois, and Oregon) require detailed data collection for all pedestrian and vehicle stops.[61]

California's Racial and Identity Profiling Act ("RIPA") is an instructive example which shows how comprehensive police data helps to identify and monitor policing problems. Enacted in 2015, California's RIPA requires law enforcement agencies in California to collect and report standardized data on (1) all vehicle and pedestrian stops,[62] and (2) all complaints, including those alleging racial and identity profiling.[63] The latest RIPA report released in January 2023 analyzes data from over 3.1 million pedestrian and vehicle stops conducted in California during 2021.[64] The report revealed several key disparities, especially for Black and Hispanic/Latine(x)[65] individuals, at all stages of stops, including stop rates, search discovery rates, actions taken by officers during stops, and results of the stops.[66] Moreover, a much lower percentage of civilian complaints alleging racial and identity profiling were sustained compared to the percentage of total civilian complaints sustained.[67]

Enacting a comprehensive police data collection and transparency law in Arizona can improve police transparency in other ways. Such data provide the public with insight into police activity happening in their communities, help to counter public misconceptions about law enforcement, and build public trust and legitimacy. Moreover, data collection and transparency have the potential to enhance police-community relations by putting police action into perspective.[68]

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61. *Id.*; *see infra* Part IV (discussing existing state approaches to police data collection and reporting in greater detail).

62. Cal. Gov't Code § 12525.5 (West 2023).

63. Cal. Penal Code § 13012(5)(A) (West 2018).

64. Racial & Identity Profiling Advisory Board, Annual Report 2023 7 (2023) [hereinafter 2023 RIPA Report], https://oag.ca.gov/system/files/media/ripa-board-report-2023.pdf [https://perma.cc/BK29-G6G6]. The data was collected and reported by fifty-eight law enforcement agencies in California, including the twenty-three largest agencies in the state. *Id.*

65. The 2023 RIPA report uses the terms "Black" and "Hispanic/Latine(x)." *Id.*

66. *See id.* at 7–22 (providing an executive summary of disparities that emerged from 2021 RIPA data).

67. *Id.* at 173 (reporting that only 1.8% of complaints in 2021 alleging racial and identity profiling were sustained, compared to the 9.5% of total complaints sustained that same year).

68. Monica C. Bell, *Police Reform and the Dismantling of Legal Estrangement*, 126 Yale L.J. 2054, 2144 (2017) ("[D]ata and transparency can potentially be a boon to solidarity between officers and communities."); *id.* ("Data can perhaps put what police actually do most of the time in clearer perspective."); Andrew E. Taslitz, *Foreword: The Political Geography of Race Data in the Criminal Justice System*, 66 L. & Contemp. Probs. 1, 11–12 (2003) ("Data collection and revelation can play a part in improving police-community relations because transparency and accountability breed trust.").

Lack of transparency in police decision making can be harmful, both in its potential to facilitate police abuse and fuel public distrust.[69] A 2021 study conducted by the Morrison Institute for Public Policy at Arizona State University discovered important trends involving police trust across different demographic groups in the state. The study focused on perceptions of independent investigations of officer-involved shootings, and consisted of a random sample of 1,419 Arizona residents, of which 344 were African American and 567 were Hispanic.[70] Part of the study asked participants to rate their trust in the police on a scale of one to five (with one corresponding to "very little trust," and five corresponding to "a lot of trust").[71] Overall, 60.3% of the respondents reported four or five, and only 18.4% reported one or two.[72] The findings revealed, however, that African American and Hispanic respondents reported higher levels of distrust in police than the sample overall.[73] Specifically, only 31.3% of African American respondents reported four or five, and 31% reported one or two.[74] Moreover, only 48.1% of Hispanic respondents reported four or five, and 24.2% reported one or two.[75] More comprehensive police data would improve our understanding of whether and why differences regarding police trust exist across demographic groups in Arizona.

2.   Improving Police Accountability

A second potential benefit of enacting a comprehensive police data collection and transparency law in Arizona is that it can improve police accountability, both internally and externally.[76] With regard to internal accountability, law enforcement agencies nationwide have grappled with a

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69.   Elizabeth E. Joh, *Breaking the Law To Enforce It: Undercover Police Participation in Crime*, 62 STAN. L. REV. 155, 182–83 (2009) ("The simple absence of transparency in police decisionmaking can be destructive, both in its potential to breed police abuse as well as to foment public distrust.").

70.   ARIZ. STATE UNIV. MORRISON INST. FOR PUB. POL'Y, STATEWIDE PERCEPTIONS OF INDEPENDENT INVESTIGATIONS OF OFFICER INVOLVED SHOOTINGS (2022) [hereinafter THE MORRISON STUDY], https://morrisoninstitute.asu.edu/sites/default/files/ois_poll_2021.pdf [https://perma.cc/BK3U-GDTS]. The Morrison Study uses the terms "African American" and "Hispanic." *Id.*

71.   *Id.*

72.   *See id.*

73.   *Id.*

74.   *See id.*

75.   *See id.*

76.   BODAH & GILBERT, *supra* note 7, at 2 (discussing the importance of data for police transparency and accountability).

slow-to-move internal change culture for far too long.[77] Comprehensive police data could inform law enforcement administrators and front-line officers of existing policing problems and persuade them to take action or modify their own behaviors.[78] In addition, such data would help law enforcement agencies to identify whether internal problems apply across entire agencies, or only apply to individual officers—and react accordingly.[79] Moreover, data can lead to introspection and change within law enforcement agencies, and aid police departments in evaluating their own departmental strategies.[80]

With regard to external accountability, comprehensive police data can inform various mechanisms of external accountability across law enforcement agencies in Arizona. Those mechanisms include civilian review boards, attorney general oversight, litigation, and police commissions.[81] Further, comprehensive police data can contribute to early intervention systems intended to help law enforcement agencies monitor officer behavior, something that is tough to do in the absence of a data-driven systematic effort.[82]

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77. Seth W. Stoughton, *Principled Policing: Warrior Cops and Guardian Officers*, 51 WAKE FOREST L. REV. 611, 675 (2016) ("[T]he history of policing is marked by dramatic, if slow, changes in culture and principles.").

78. Mary D. Fan, *Panopticism for Police: Structural Reform Bargaining and Police Regulation by Data-Driven Surveillance*, 87 WASH. L. REV. 93, 129 (2012) (noting that data can help police "behave in better conformity with expectations").

79. *See* A GUIDEBOOK FOR LAW ENFORCEMENT AGENCIES, *supra* note 10, at 33–34 (discussing different benefits of data at the individual officer-level and the departmental level).

80. Fan, *supra* note 78, at 129 (noting that policing data can "spur self-examination and change"); Garrett, *supra* note 59, at 83 ("[S]tatistics may enable police departments to assess the success of their own law enforcement strategies, convincing them that a particular strategy causes too much racial disparity to justify meager results."); Rushin, *supra* note 9, at 132–35 (discussing how transparency benefits from police data can empower bottom-up reform in some police departments).

81. *Cf.* Jocelyn Cheung, *Police Accountability*, 78 POLICE J. 3, 15 (2005) (identifying "legislative review, judicial action, ombudsman, civilian oversight and review tribunals" as external mechanisms of police accountability); 2023 RIPA REPORT, *supra* note 64, at 146 (identifying "criminal oversight, civilian review boards, inspector generals, police commissions, and a city's Department of Police Accountability" as examples of external mechanisms of police accountability).

82. David A. Harris, *How Accountability-Based Policing Can Reinforce—or Replace—the Fourth Amendment Exclusionary Rule*, 7 OHIO ST. J. CRIM. L. 149, 166 (2009) ("Early intervention systems help police departments track the behavior of their officers, something difficult to do in the absence of a data-driven, systematic effort.").

3. Greater Consistency in Policing Data

A third potential benefit of enacting a comprehensive police data collection and transparency law in Arizona is that it would improve consistency in available policing data throughout the state. As it stands now—and as our original research supports—law enforcement agencies in Arizona collect and release inconsistent policing data with demonstrable gaps.[83] These problems are not limited to law enforcement agencies in Arizona and extend to law enforcement agencies nationwide.[84]

Inconsistencies in policing data can lead to a number of problems. These inconsistencies hinder the ability to identify current and historical trends in policing, both within and across law enforcement agencies.[85] Moreover, inconsistent policing data can thwart public awareness and fuel public misunderstandings about policing problems.[86] In some cases, inconsistent data collection has resulted in disagreement between law enforcement agencies and civil rights groups over how to interpret the meaning of police data.[87]

Improved standardization and consistency in policing data would provide lawmakers, law enforcement leaders, and other key stakeholders in Arizona with important information on how policing is unfolding in their communities, which can in turn inform their decisions.[88] For instance, better consistency in policing data could bring attention to overlooked systemic problems, including racial profiling, disparities in policing, and police misconduct.[89] Standardization and consistency in data collection would also

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83. *See supra* Section I.C.

84. *See* Dean Knox, *Revealing Racial Bias: Causal Inference Can Make Sense of Imperfect Policing Data*, 374 SCIENCE 701, 701 (2021) ("[T]he policing data landscape is fraught with inconsistent record-keeping and incomplete, task-specific datasets.").

85. *See* A GUIDEBOOK FOR LAW ENFORCEMENT AGENCIES, *supra* note 10, at 7.

86. *See, e.g.*, Jon M. Shane, *Improving Police Use of Force: A Policy Essay on National Data Collection*, 29 CRIM. JUST. POL'Y REV. 128, 129 (2018) ("The lack of standardized data has led to a fundamental public misunderstanding about police use of force . . . .").

87. Garrett, *supra* note 59, at 86 (noting that "poor data collection has resulted in open squabbling between police and civil rights groups over the meaning of statistics").

88. *See, e.g.*, Amanda Geller et al., *Measuring Racial Disparities in Police Use of Force: Methods Matter*, 37 J. QUANTITATIVE CRIMINOLOGY 1083, 1084 (2020) (noting that data inconsistencies "present challenges for advocates and policymakers who seek to understand whether, and to what extent departments' [use of force] practices violate residents' rights to equal protection"); Matthew C. Matusiak et al., *An Assessment of Officer-Involved Shooting Data Transparency in the United States*, 37 J. INTERPERSONAL VIOLENCE 472, 474 (2022) ("Valid and reliable [officer-involved shootings] data create the ability to make informed public policy decisions.").

89. Bell, *supra* note 68, at 2144 ("Data might alert scholars and activists to overlooked systemic problems . . . ."); Geller et al., *supra* note 88, at 1110 (discussing the importance of

enable policing strategies and reforms to be compared, evaluated, and replicated when successful.[90]

4.   Challenging Common Myths About Policing

A fourth potential benefit of enacting a comprehensive police data collection and transparency law in Arizona is that it would help to challenge common myths about policing. Scholars and commentators have described how various myths about policing come to shape police culture, officer behavior, and policing law and policy.[91] These influential myths, however, often lack empirical support.[92]

To illustrate how policing data can debunk myths about policing, consider a prior study conducted by one of the authors of this Article. The study—which is the most comprehensive empirical study to date on violence against the police during traffic stops—challenged the dominant narrative that routine traffic stops are highly dangerous encounters for police officers.[93] The study was based on a comprehensive dataset of thousands of traffic stops that resulted in violence against officers across more than 200 law enforcement agencies in the State of Florida over a ten-year period.[94] Contrary to the dominant danger narrative surrounding routine traffic stops, the study findings showed that violence against officers during routine traffic stops is rare and that incidents that do involve such violence are typically low-risk

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"cross-department standardization methods" in police data collection to "assess the general prevalence and severity of . . . racial disparities in police practices").

90.   Bell, *supra* note 68, at 2144 (stating that data "could also illuminate police agencies and officers that are doing their work properly"); Geller et al., *supra* note 88, at 1110 (discussing the importance of "cross-department standardization methods" in police data collection to "compare a given department to its peers").

91.   *See* Jordan Blair Woods, *Policing, Danger Narratives, and Routine Traffic Stops*, 117 MICH. L. REV. 635, 711 (2019) ("[D]octrine, law, and policy rest on non-empirically-based assumptions and myths about officer safety."); Alex S. Vitale, *Five Myths About Policing*, WASH. POST (June 26, 2020), https://www.washingtonpost.com/outlook/five-myths/five-myths-about-policing/2020/06/25/65a92bde-b004-11ea-8758-bfd1d045525a_story.html [https://perma.cc/53NR-RDW6]; *see also* Sue Rahr, *The Myth Propelling America's Violent Police Culture*, THE ATLANTIC (Jan. 31, 2023), https://www.theatlantic.com/ideas/archive/2023/01/police-brutality-shootings-derek-chauvin/672873/ [https://perma.cc/GM82-RPXS] (discussing how the "myth of police as heroes, engaged in a righteous battle" shapes police culture and behavior).

92.   Woods, *supra* note 91, at 711.

93.   *See id.* The author obtained the data from a public records request to the Florida Department of Law Enforcement. *Id.* at 661–62.

94.   *Id.* at 660–68 (describing the study methodology).

and do not involve weapons.[95] Without comprehensive police data, common myths about policing—like the danger narrative surrounding routine traffic stops—remain unchallenged in law enforcement agencies, courts, legislatures, and the public.

5. Supporting Police Reform

A fifth and final potential benefit of enacting a comprehensive police data collection and transparency law in Arizona is that it would support needed police reform. As noted previously, policing data provides valuable information to lawmakers, law enforcement leaders, and the public about the consequences of different policing policies, including the prevalence and severity of racial profiling, racial and other disparities in policing, and officer misconduct. The information gained through comprehensive police data empowers key stakeholders to react by implementing strategies and reforms that are grounded in data-driven analysis.[96] Moreover, such information helps to reduce insularity within law enforcement agencies by fostering opportunities for engagement between communities and law enforcement.[97]

B. *Potential Challenges*

The potential benefits of enacting a comprehensive police data collection and transparency law in Arizona are great, but there are also potential challenges. This Section focuses on four potential challenges: (1) lack of compliance; (2) logistical difficulties and resource constraints; (3) inability to change police behavior; and (4) barriers to police reform. Although these concerns are not without merit, we conclude that they do not tip the balance

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95. *Id.* at 668–72. Specifically, "[u]nder a conservative estimate, the rate for a felonious killing of an officer during a routine traffic stop was only 1 in every 6.5 million stops, the rate for an assault resulting in serious injury to an officer was only 1 in every 361,111 stops, and the rate for an assault against officers (whether it results in injury or not) was only 1 in every 6,959 stops." *Id.* at 635.

96. Harmon, *supra* note 6, at 1128 ("Local voters, police chiefs, and other local officials who make police policy use empirical judgments to form views about what that policy should be and whether it is being effectively implemented.").

97. Fagan & Davies, *supra* note 8, at 502 ("How information is shared with community stakeholders, whether the agenda for analysis is shared with these groups, and how the findings of data analyses are translated into concrete measures for organizational change are part of a process of community participation that can 'civilize' the police workplace through transparency, leading to democratic interactions focused on data-driven facts.").

against enacting a comprehensive police data collection and transparency law in Arizona.

1. Lack of Compliance

There is some natural concern that some law enforcement officers will refuse to comply with data collection mandates.[98] Further, even when officers comply, agencies may not want to release that data to the public.[99] For instance, several data collection laws aimed to address racial profiling have left data in the hands of police, making it difficult to know whether and when agencies are complying with data collection efforts.[100] When data is collected and left behind closed doors, agencies can selectively report only the statistics that are favorable to them.[101] Moreover, agencies can present unfavorable statistics in a distorted way that puts the best face forward.[102] Lending support to these points, scholars have described how some law enforcement agencies have announced that they do not engage in racial profiling only weeks after starting data collection.[103]

To address these concerns, department leadership can take several steps to ensure compliance with data collection and transparency laws. First and foremost, individual officers must understand that data recording is not optional and is instead a mandatory effort backed by department leadership.[104] Officers will learn this when departmental leadership clearly and unequivocally expresses this commitment and acts accordingly, if necessary, by disciplining officers who intentionally refuse to comply with

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98. Harris, *supra* note 82, at 170 ("Some will object that all officers will not comply with [a data reporting] rule one hundred percent of the time.").

99. Harmon, *supra* note 6, at 1130 ("[D]epartments may refuse to release [policing data] to the public.").

100. Garrett, *supra* note 59, at 85 ("[M]any of the laws passed leave data in the hands of police.").

101. *Id.* at 85–86.

102. *Id.* ("Departments are free to collect statistics in secret, and then only announce favorable statistics or analyze information in a way that puts the best face on their conduct.").

103. *Id.* at 86 ("Many police departments have stated that they want to collect data to exonerate themselves. In this vein, some have announced, after only weeks of collecting data, that they do not engage in racial profiling.").

104. Harris, *supra* note 82, at 170 (stressing that to ensure compliance "officers must understand that data recording is mandatory, not optional, and that the department's leadership has committed itself to the effort").

data collection mandates.[105] Moreover, officer and employee training can include modules that teach officers how to efficiently and accurately comply with data collection mandates.[106] Additional training can help alleviate any perceived burdens that might lead to poor and inconsistent data collection. A comprehensive police data collection and transparency law can also require external audits by an oversight board and require internal audits within law enforcement agencies to monitor agency compliance.[107]

2. Logistical Difficulties and Resource Constraints

Another potential challenge is that logistical difficulties and resource constraints may inhibit law enforcement agencies from complying with data collection and reporting mandates. Smaller, rural, and tribal agencies may grapple with resource constraints related to data collection and transparency laws.[108] And even larger departments with more resources may challenge that data collection is too burdensome and takes time away from individual officers to protect communities.[109]

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105. *Id.* (noting that officers will learn that data recording is mandatory when "(1) the leadership of the department says so, in no uncertain terms, and (2) when the leadership acts accordingly, if necessary, by punishing officers who refuse to comply").

106. A GUIDEBOOK FOR LAW ENFORCEMENT AGENCIES, *supra* note 10, at 23 ("Data integrity begins with ensuring that officers receive proper training on when and how to collect stop data.").

107. *See id.* at 25 (discussing the importance of law enforcement agencies having "clear procedures in place to audit data and to immediately address any problematic findings"); *infra* Section II.B.4 (discussing this idea in greater detail).

108. *See, e.g.*, VA. DEP'T OF CRIM. JUST. SERVS., REPORT ON ANALYSIS OF TRAFFIC STOP DATA COLLECTED UNDER VIRGINIA'S COMMUNITY POLICING ACT 4 (2022), https://rga.lis.virginia.gov/Published/2022/RD533/PDF [https://perma.cc/C3CG-KCL5] ("[M]any [police departments] and [sheriff's offices]—especially smaller agencies with limited resources—continue to face challenges establishing the data collection and reporting required under the [Virginia Community Policing] Act."); *see also* Jeremy Duda, *Inconsistencies in Arizona Reporting Could Complicate Crime Data Comparison*, AXIOS PHX. (June 14, 2022), https://www.axios.com/local/phoenix/2022/06/14/reporting-inconsistencies-arizona-complicate-comparing-crime-data [https://perma.cc/FF8K-P2HN] ("[O]nly 52% of Arizona law enforcement agencies reported a full 12 months' worth of crime data to the FBI for 2021 . . . .").

109. Harris, *supra* note 82, at 170 (stating that some will object that "requiring this sort of record keeping constitutes an additional burden that officers will have to shoulder, when that time would be much better spent fighting crime"); *see also* Duda, *supra* note 108 (stating that in 2022, several of Arizona's major law enforcement agencies were not compliant with the FBI's crime class reporting mandates from 2021). As of 2023, only 83 of the 126 Arizona law enforcement agencies that report crime statistics to the FBI submitted data for the year 2021. *Federal Bureau of Investigation: Crime Data Explorer*, FED. BUREAU INVESTIGATION REPORTING PROGRAM, https://cde.ucr.cjis.gov/LATEST/webapp/#/pages/home [https://perma.cc/3K8T-GR6L] (choose "Arizona" from the "Dataset" dropdown).

Putting tribal agencies aside for now,[110] scholars and commentators have described that the logistical difficulty argument surrounding police data collection has not unfolded in practice to a strong degree.[111] Policing has become increasingly data-driven over the years.[112] As a result, data collection is not new for many law enforcement agencies of different sizes and geographies.[113] In addition, many law enforcement agencies have implemented monitoring and data collection programs by using portable computers and other technologies to cut back on paperwork.[114] With mobile data computers and mobile apps, frontline officers can now report standardized stop data in less than a minute on agency-issued smartphones and other devices.[115]

Even more, concerns about logistical difficulties and resource constraints can be remedied by staggering rollout of data collection mandates to start with larger law enforcement agencies. Where wrinkles need to be ironed out, the burden can fall on larger agencies with greater resources before implementation begins in smaller departments. As discussed later in this Article, new data collection and reporting requirements under California's RIPA follow this staggered approach.

Moreover, rather than placing the burden of analyzing and organizing collected data on individual agencies, agencies can instead report standardized data to a separate government entity. That entity could then organize, analyze, and release collected data from law enforcement agencies

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110. We acknowledge that special considerations regarding logistical difficulties and resource constraints may apply to tribal police agencies in Arizona. Later in this Article, we discuss how these considerations should be addressed in a comprehensive police data collection and transparency law. *See infra* Section III.E.

111. Garrett, *supra* note 59, at 90 (noting that "logistical difficulties often prove minor" with regard to police data collection).

112. Kristin Ward et al., U.S. Dep't of Just., Measuring Excellence: Planning and Managing Evaluations of Law Enforcement Initiatives 7 (2007), https://cops.usdoj.gov/ric/Publications/cops-p129-pub.pdf [https://perma.cc/XD8Z-3BTF] ("[L]aw enforcement already is data-driven.").

113. *See* Rachel A. Harmon, *Promoting Civil Rights Through Proactive Policing Reform*, 62 Stan. L. Rev. 1, 31 (2009) ("Many departments already collect much of the data on arrests, uses of force, internal administrative sanctions, and complaints, though not in a standardized format."); *see also* Andrew Dasher & Robert Haynes, *Overcoming Law Enforcement Data Obstacles*, Police Chief (Sept. 28, 2016), https://www.policechiefmagazine.org/overcoming-law-enforcement-data-obstacles [https://perma.cc/M8UL-9HRU] ("The ever-growing need for more and better shared data has consumed all departments, large and small.").

114. Garrett, *supra* note 59, at 90 ("[D]ozens of departments have implemented these programs by using portable computers that reduce their paperwork dramatically.").

115. *See* A Guidebook for Law Enforcement Agencies, *supra* note 10, at 62–63 (discussing in-car computer, smartphone and other mobile device, and paper forms of data collection).

across the state. In Arizona, the ACJC is already required to do this work under the state's new use-of-force data collection law.[116] If needed, the state legislature can allocate and award funds to hire necessary personnel or purchase essential technology to help law enforcement agencies and the ACJC comply with mandates under a newly enacted data collection and transparency law.

3.   Inability To Change Police Behavior

A third potential challenge is that enacting a comprehensive police data collection and transparency law in Arizona will not change police behavior on the ground. Admittedly, change is hard. As police scholars have emphasized, a variety of individual, situational, organizational, community, and legal factors shape police behavior.[117] Moreover, with over 18,000 law enforcement agencies nationwide—and over 120 agencies in Arizona—a uniform police culture does not exist.[118]

At the same time, scholars have stressed that a "warrior mythos" permeates law enforcement agencies nationwide and creates problems for police-community relations.[119] This "warrior mentality" is cultivated and

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116. *See supra* notes 14–15 and accompanying text.

117. *See* Eric C. Riksheim & Steven M. Chermak, *Causes of Police Behavior Revisited*, 21 J. CRIM. JUST. 353, 355–59 (1993) (discussing different categories of variables that affect police behavior); Lawrence W. Sherman, *Causes of Police Behavior: The Current State of Quantitative Research*, 17 J. RSCH. CRIME & DELINQ. 69, 70 (1980) (noting that "approaches to explaining the variation in . . . police behavior can be classified into five levels of analysis: individual, situational, organizational, community, and legal"); Ivan Y. Sun et al., *The Impact of Situational Factors, Officer Characteristics, and Neighborhood Context on Police Behavior: A Multilevel Analysis*, 36 J. CRIM. JUST. 22, 23–25 (2008) (discussing situational factors, officer characteristics, and neighborhood characteristics as determinants of police behavior).

118. Bryce Clayton Newell & Ruben Greidanus, *Officer Discretion and the Choice To Record: Officer Attitudes Towards Body-Worn Camera Activation*, 96 N.C. L. REV. 1525, 1538 (2018) ("[T]he idea of a single, uniform 'police culture' has been contested, and it has instead been suggested that a multitude of police cultures exist . . . ."). For information about the number of law enforcement agencies across the country, see *Crime/Law Enforcement Stats (Uniform Crime Reporting System)*, FED. BUREAU INVESTIGATION, https://www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/ucr#:~:text=The%20Uniform%20Crime%20Reporting%20(UCR,providing%20crime%20statistics%20since%201930 [https://perma.cc/ELN2-V8G4].

119. Seth Stoughton, *Law Enforcement's "Warrior" Problem*, 128 HARV. L. REV. F. 225, 225 (2015) ("Modern policing has so thoroughly assimilated the warrior mythos that, at some law enforcement agencies, it has become a point of professional pride to refer to the 'police warrior.'"); *see also id.* at 228 (discussing problems of the warrior mindset for community policing and relationships between law enforcement agencies and community members).

engrained into law enforcement officers early on during training and is continuously reinforced on the job.[120] Under this warrior mindset, officers are taught to view themselves as soldiers in the frontlines of a dangerous war against crime.[121] As a result, officers learn to be afraid and act with hypervigilance in policing situations to protect their safety at all costs.[122]

Of course, changing police behavior on the ground requires more than simply making policing data available. At the same time, it is important to view policing data as a valuable tool to monitor officer behavior and improve police transparency and accountability when policing problems exist.[123] Moreover, as discussed previously, such data can assist in challenging common myths about policing and offer empirical support for needed police reforms.[124]

4. Barriers to Police Reform

A fourth and final potential challenge is the criticism that enacting a comprehensive police data collection and transparency law could pose greater barriers to police reform. These barriers might unfold in several ways. Some might argue that data collection is a waste of time because statistics are contestable and do not provide solutions to actual policing problems.[125] Law enforcement may be concerned that agencies or officers will be branded negatively if data is only used to determine whether officer conduct is intentionally discriminatory.[126] Statistics alone also might not tell the whole story on policing and might be distorted in ways that undermine police

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120. Seth W. Stoughton, *Principled Policing: Warrior Cops and Guardian Officers*, 51 WAKE FOREST L. REV. 611, 638–39 (2016) ("Officers are told—repeatedly and by a variety of sources—that they need to adopt a Warrior mindset because failing to do so can be fatal. The work that officers do is viewed not just as dangerous but as *increasingly* dangerous." (footnotes omitted)).

121. Stoughton, *supra* note 119, at 227 ("Under this warrior worldview, officers are locked in intermittent and unpredictable combat with unknown but highly lethal enemies.").

122. *Id.* (noting that as a result of the "warrior worldview . . . officers learn to be afraid"); *id.* at 228 (noting the warrior mindset's "hypervigilant focus on preserving officer safety at all costs").

123. *See supra* Section II.A.1–2.

124. *See supra* Section II.A.4–5.

125. Garrett, *supra* note 59, at 91 (noting the objection "that data collection efforts are a waste of time because studies are always contested, lead to more conflict than progress, and never provide clear answers that help to solve actual problems").

126. *Id.* ("Police are understandably concerned about being branded as racists if data is used only to determine if their conduct is intentionally discriminatory.").

reform.[127] For instance, recent purported data suggesting increasing crime rates, especially in the wake of the COVID-19 pandemic, have been weaponized and politicized in various states and localities in order to weaken police reform.[128] In addition, others have argued that data collection and transparency laws are insufficient in and of themselves to motivate and incentivize police reform.[129]

Although these concerns are not entirely without merit, it is important to view comprehensive police data as one of many potential information sources that can shape police reform. Moreover, a data collection and transparency law in Arizona can include several measures to prevent data from being manipulated and misinterpreted in ways that undermine police reform. First, data collection mandates should place primacy on long-term data collection and analysis. A long-term view reduces the ability of law enforcement agencies to selectively focus on short-term trends or time periods that overshadow important disparities or other noteworthy trends.

Second, state law can require analysis of policing data that considers differences across demographic groups, and not just the Arizona population as a whole. Considering these differences can help to expose disparities and other problems in policing that capture the experiences of communities of color and other marginalized groups that are vulnerable to over-policing and police violence.[130] The Morrison Institute study examining Arizona residents'

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127. *See* GREG RIDGEWAY, RAND CORP., ANALYSIS OF RACIAL DISPARITIES IN THE NEW YORK POLICE DEPARTMENT'S STOP, QUESTION, AND FRISK PRACTICES 45–46 (2007), https://www.rand.org/pubs/technical_reports/TR534.html [https://perma.cc/WHP3-CHLZ] (discussing in the context of data from the New York City Police Department (NYPD) Stop, Question, and Frisk (SQF) database that "systematic misreporting of the data . . . could potentially distort the findings").

128. *See, e.g.*, Griff Witte & David Weigel, *With Violent Crime Spiking, the Push for Police Reform Collides with Voters' Fears*, WASH. POST (May 16, 2021, 6:00 AM), https://www.washingtonpost.com/national/police-reform-push-sputters/2021/05/15/5e075848-b426-11eb-a3b5-f994536fe84a_story.html [https://perma.cc/JBA7-7MXM] (discussing how rising violent crime rates in several U.S. cities have undermined progressive police reform efforts). It is important to note that some studies reject the idea that reductions in routine stops, such as traffic stops, lead to increases in violent crime. *See, e.g.*, John A. Shjarback et al., *De-policing and Crime in the Wake of Ferguson: Racialized Changes in the Quantity and Quality of Policing Among Missouri Police Departments*, 50 J. CRIM. JUST. 42, 42 (2017) (reporting study findings that reductions in traffic stops in the wake of Ferguson did not correspond to increases in total, violent, or property crime rates).

129. *See, e.g.*, Rushin, *supra* note 9, at 121 ("[T]his Article argues that even when faced with troubling statistical trends, there is no guarantee that some of the nation's most problematic police departments will voluntarily make expensive policy and procedural reforms.").

130. *See generally* Devon W. Carbado, *From Stopping Black People to Killing Black People: The Fourth Amendment Pathways to Police Violence*, 105 CALIF. L. REV. 125 (2017) (discussing

trust in police is a key example.[131] As noted previously, both African American and Hispanic[132] respondents had lower levels of trust in the police than the entire sample of respondents.[133] To reiterate, the onus of providing such analysis need not fall on individual law enforcement agencies, but rather can rest with a separate entity like the ACJC.[134]

Third and finally, a data collection and transparency law can create an oversight board to analyze the data that law enforcement agencies collect and report. Under Arizona law, all cities, towns, and counties must have a Merit System Council which is focused on reviewing law enforcement officers.[135] The Merit System Council is to consist of five community members, appointed by the city council, with all members needing to have a "recognized, knowledgeable interest in the merit principles of personnel administration."[136] Currently, the powers and duties of the Merit System Council are limited and do not include the collection, analysis, and reporting of data.[137] Tasking an oversight body to conduct analysis interpreting policing data, however, undercuts the ability of law enforcement agencies to manipulate and misinterpret data in ways that undermine police reform. This oversight body can also serve as an information source for law enforcement agencies by conducting and providing data analysis that compares data from one law enforcement agency with other law enforcement agencies in a state of similar size and geography.

III.   LESSONS FROM OTHER STATES AND MODEL STATUTES

While our research illustrates a need for a comprehensive police data collection and transparency law in Arizona, the legislature does not have to create this law from scratch. Lessons from other states and model statutes lend support to the idea that adopting such a law in Arizona is not only desirable, but also feasible. Some states have already implemented laws

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the various pathways to police violence for Black civilians that stem from ordinary police interactions that the Fourth Amendment does not prohibit).

131. *See* THE MORRISON STUDY, *supra* note 70, at 5–7.

132. To reiterate, the Morrison Study uses the terms "African American" and "Hispanic." *Id.* at 3.

133. *Id.* at 7.

134. *See supra* Section II.B.2

135. ARIZ. REV. STAT. ANN. §§ 38-1002 to -1003 (2023).

136. *Id.* § 38-1002.

137. *See id.* § 38-1003.

requiring the detailed collection of stop data[138] and complaint data.[139] Two of the most comprehensive models to date could serve as inspirations for a similar law in Arizona: (1) California's Racial and Identity Profiling Act ("RIPA")[140] and (2) the Data Collection and Transparency Model Statute created by the Policing Project at the New York University School of Law.[141] Each is discussed in turn below.

C. California's RIPA

Adopted in 2015, California's RIPA is an instructive example for how Arizona might approach adopting a comprehensive police data collection and transparency law.[142] RIPA requires law enforcement agencies in California to report standardized data to the California Department of Justice on (1) all vehicle and pedestrian stops,[143] and (2) all complaints, including those alleging racial and identity profiling.[144] RIPA also established the Racial and Identity Profiling Advisory Board, which is a diverse group of stakeholders responsible for analyzing data collected under RIPA each year.[145] The RIPA Board has released annual reports providing detailed analysis of RIPA data, including important disparities that emerge from the data, each year since 2018.[146]

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138. *See, e.g.*, COLO. REV. STAT. ANN. § 24-31-903 (West 2023); CAL. GOV'T CODE § 12525.5 (West 2023).

139. *See, e.g.*, 31 R.I. GEN. LAWS ANN. § 31-21.2-8 (West 2023); MASS. GEN. LAWS ANN. ch. 6E, § 8 (West 2023). While neither of these examples are perfect matches to the type of law we hope to see, they provide detailed starting points.

140. GOV'T § 12525.5.

141. POLICING PROJECT AT N.Y.U. SCH. OF L., DATA COLLECTION AND TRANSPARENCY STATUTE, https://static1.squarespace.com/static/58a33e881b631bc60d4f8b31/t/62cdcc9f669e1b7afd48fa43/1681493398102/Data+Collection+and+Transparency+Statute.pdf [https://perma.cc/3VDM-QK2J].

142. GOV'T § 12525.5.

143. *Id.* § 12525.5(a)(1).

144. CAL. PENAL CODE § 13012(a)(5)(A)(iii) (West 2023).

145. *Id.* § 13519.4(j)(3)(A) ("Each year, on an annual basis, RIPA shall . . . [a]nalyze the data reported pursuant to Section 12525.5 of the Government Code and Section 13012 of [the Penal] [C]ode."); *id*. § 13519.4(j)(2)(A)–(M) (noting that the RIPA Board shall include public officials, representatives from law enforcement groups, an academic expert on policing, leaders from civil rights and community organizations, clergy members, and members of the public).

146. State of Cal. Dep't of Just., *RIPA Board Reports*, STATE OF CAL. DEP'T OF JUST. OFF. OF THE ATT'Y GEN., https://oag.ca.gov/ab953/board/reports [https://perma.cc/V2PB-274M] (providing the latest and prior RIPA Board Reports).

RIPA and its implementing regulations require law enforcement agencies to report various pieces of information for any stop.[147] This information includes: the ORI number;[148] date, time, and duration of the stop; location of the stop; perceived demographic characteristics of individuals stopped (race or ethnicity, gender, LGBT status, age, English fluency, and disability status);[149] reason for the stop; whether the stop was made in response to a call for service; actions taken by the officer during the stop; results of the stop; the officer's identification number, the officer's years of experience, and type of assignment of the officer.[150] With regard to complaints of officer misconduct, law enforcement agencies must report the total number of complaints received, complaints alleging either misdemeanor or felony conduct, and complaints alleging racial or identity profiling.[151] Moreover, agencies must report the total number of complaints in each category that reach the following dispositions: sustained,[152] exonerated,[153] not sustained,[154] and unfounded.[155]

To foster implementation, RIPA staggered the deadlines for law enforcement agencies to start collecting and reporting stop data based on the size of the agencies.[156] Law enforcement agencies that hired more than 1,000 officers (the largest eight agencies in the state) started collecting stop data on July 1, 2018 and were required to report that data to the California

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147. PENAL § 13519.4(j)(3)(E).

148. CAL. CODE REGS. tit. 11, § 999.226(a)(1) (2023) ("'ORI number' is the data element that refers to the reporting agency's Originating Agency Identifier, a unique identification code number assigned by the Federal Bureau of Investigation.").

149. RIPA data is based on officers' perceptions of the demographic characteristics of stopped individuals. Officers are not allowed to ask how stopped individuals actually identify for RIPA purposes. CAL. GOV'T. CODE § 12525.5(b)(6) (West 2023).

150. *Id.* § 12525.5(b)(1)–(7) (listing stop collection and reporting requirements under RIPA); CAL. CODE REGS., tit. 11 § 999.226(a)(1)–(16) (West 2023) (providing detailed information on stop collection and reporting requirements under RIPA).

151. PENAL § 13012(a)(5)(A).

152. *Id.* § 13012(a)(5)(B)(i) ("'Sustained,' which means that the investigation disclosed sufficient evidence to prove the truth of allegation in the complaint by [a] preponderance of the evidence.").

153. *Id.* § 13012(a)(5)(B)(ii) ("'Exonerated,' which means that the investigation clearly established that the actions of the personnel that formed the basis of the complaint are not a violation of law or agency policy.").

154. *Id.* § 13012(a)(5)(B)(iii) ("'Not sustained,' which means that the investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation in the complaint.").

155. *Id.* § 13012(a)(5)(B)(iv) ("'Unfounded,' which means that the investigation clearly established that the allegation is not true.").

156. *See* CAL. GOV'T CODE § 12525.5(a)(2) (West 2023).

Department of Justice by April 1, 2019;[157] agencies that hired between 667 and 999 officers began collecting data on January 1, 2019 and were required to report by April 1, 2020;[158] agencies that hired between 334 to 666 officers began collecting data on January 1, 2021 and were required to report by April 1, 2022;[159] agencies that hired between 1 and 333 officers began collecting data on January 1, 2022 and were required to report by April 1, 2023.[160]

Similar to Arizona, over a dozen tribal law enforcement agencies exist in California.[161] Tribal agencies in California, however, are not required to comply with RIPA's reporting mandates. Rather, RIPA standards define a "reporting agency" as "[a]ny city or county law enforcement agency that employs peace officers," "the California Highway Patrol," and "the law enforcement agencies of any California state or university educational institutions."[162] Accordingly, California's RIPA demonstrates that it is possible to carve out exceptions to data collection mandates for tribal agencies while enacting a comprehensive police data collection and transparency statute.

D. *The Policing Project's Data Collection and Transparency Model Statute*

To further assist state legislators and key stakeholders, the Policing Project at New York University School of Law developed several model statutes for different areas of police reform, including a model statute for Data Collection and Transparency.[163] These models received input from the law enforcement community as well as academics, policymakers, and other advocates.[164] The

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157. *Id.* Those agencies were the California Highway Patrol, Los Angeles Police Department, Los Angeles County Sheriff's Department, Riverside County Sheriff's Department, San Bernardino County Sheriff's Department, San Diego County Sheriff's Department, and the San Francisco Police Department. RACIAL & IDENTITY PROFILING ADVISORY BD., ANNUAL REPORT 2019 6 (2019), https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-board-report-2019.pdf [https://perma.cc/33GV-YTP4].

158. GOV'T § 12525.5(a)(2).

159. *Id.*

160. *Id.*

161. *See* STEVEN W. PERRY & MICHAEL B. FIELD, U.S. DEP'T OF JUST., TRIBAL LAW ENFORCEMENT IN THE UNITED STATES, 2018, at 24 (2023), https://bjs.ojp.gov/document/tleus18.pdf [https://perma.cc/J97G-D7NJ] (providing a list of tribal police agencies in California).

162. CAL. CODE REGS. tit. 11, § 999.224(a)(11)(A)–(C) (West 2023).

163. *Legislation*, POLICING PROJECT AT N.Y.U. SCH. OF L., https://www.policingproject.org/policing-legislation [https://perma.cc/A6U8-G5AJ].

164. *Id.*

Data Collection and Transparency model contains ten sections covering many topics, including police collective bargaining agreements, settlement and judgment information, access to body worn camera footage, and more.[165] Our research supports a need for an Arizona data collection and transparency law to incorporate at least three of the sections: officer encounter data, use-of-force data and records, and complaint data and records.

In the Policing Project's model, the officer-civilian encounter data collected is designed to encompass all types of stops and arrests.[166] These stops and arrests include any contact between a law enforcement officer and a member of the public, regardless of who initiated the contact.[167] For example, non-consensual stops,[168] consensual and non-consensual frisks or property seizures, and persons singled out based on individualized suspicion at a checkpoint would all be reportable encounters.[169]

For each stop or arrest reported, the model statute requires the law enforcement agency to collect and publicly publish information about the encounter.[170] Much like the information we collected for our survey, the model statute accounts for date, time, and location data for the encounter, the reason for the encounter, the disposition of the encounter, demographic information of the person encountered, and the type of encounter.[171] Additionally, the model statute includes data collection on whether the civilian encountered was experiencing a mental health crisis at the time, plus extensive information about the officer's specific actions during the encounter.[172]

The model's use-of-force section contains the same general types of information required in Arizona's new use-of-force statute. However, the model statute also contains more detailed language, such as whether an officer deployed a canine, how many officers were involved in the incident, and how many non-law enforcement persons were involved, as well.[173]

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165. POLICING PROJECT AT N.Y.U. SCH. OF L., *supra* note 141, at 1.

166. *Id.* at 5. This differs from RIPA, which does not account for arrests based on a warrant unless the warrant was discovered during the encounter. *See id.*

167. *Id.* at 6.

168. Defined here as "a stop that based on a totality of circumstances, would make a reasonable person feel that they are not free to leave or otherwise terminate the encounter." *Id.*

169. *Id.* The only type of encounter that is not included is for vehicles or pedestrians stopped at a routine checkpoint based on a "neutral formula." *Id.*

170. *Id.*

171. *Id.* at 6–7.

172. *Id.* at 7. Actions include whether a detection or sniffer dog was present, whether the officer asked for consent to search, and whether other community members were asked to exit a stopped vehicle. *Id.*

173. *Id.* at 9–10.

Although Arizona recently enacted a use-of-force data statute, the model statute provides suggestions for further honing it.

Finally, the complaint data and records section of the model statute is a promising measure that Arizona could implement in the future. The complaint data to be collected and made publicly accessible includes, for example, the date the complaint was received, the nature of the alleged misconduct, the status of any investigation into the incident, and the disposition of the complaint.[174] The only modification to this section that would boost an Arizona agency's total transparency would be if the model required publishing *internal* complaint data as well as external complaint data, such as from community members.

E. *Arizona-Specific Considerations*

Regardless of which models serve as a point of reference, a comprehensive police data collection and transparency law in Arizona must include specific provisions that address the special circumstances of tribal agencies in the state. As discussed above, many tribal communities lack necessary road and energy infrastructure to develop systems required for active policing data collection and management.[175] Given these realities, a data collection and transparency law in Arizona should exempt tribal agencies from data collection and reporting requirements.[176] Even if exempt from these mandates, however, state law could still encourage tribal agencies to collect comprehensive police data and allocate funds to help tribal agencies develop the necessary infrastructure to collect and report such data. This support could help to ensure that the large tracts of territory that are policed by tribal agencies are not necessarily omitted or obscured from data collection and analysis.

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174. *Id.* at 11–12.

175. *See* NATIVE NATIONS COMMC'NS TASK FORCE, *supra* note 53, at 20 ("Many Tribal communities lack adequate roads and power supplies.").

176. *See supra* Section I.C. We recognize that Arizona's new use-of-force data reporting statute—which applies to "law enforcement agencies"—specifically defines "law enforcement agencies" in a way that captures tribal agencies. *See* ARIZ. REV. STAT. ANN. § 38-1118(E)(1) (2022) (defining "law enforcement agency" as "a law enforcement agency of this state or a political subdivision of this state, including the department of public safety, a municipal, city, town, county and tribal police agency, a sheriff and special jurisdiction police"). Nevertheless, the most recent data on use-of-force incidents for 2022 reported by individual agencies on the ACJC's website does not include tribal agencies. *See Data Visualization Center: Arizona Use of Force*, *supra* note 14.

IV.   CONCLUSION

This Article underscores a need for Arizona to adopt a comprehensive police data collection and transparency law. As our original research in this Article has shown, law enforcement agencies in Arizona collect and release inconsistent data on civilian stops, use of force, and complaints. Many agencies in the state do not release policing data at all. Although there are potential objections to requiring law enforcement agencies to collect comprehensive police data, the benefits of adopting such a law outweigh the potential costs. By looking to other state laws and proposed model statutes from policing experts, the analysis in this Article offers guidance for lawmakers in Arizona and shows just how feasible adopting such a law is.

APPENDIX A: ENCOUNTER DATA

This Appendix documents law enforcement agencies that release publicly available encounter data as of March 2023. Publicly available types of encounter data are designated with "✓" and unavailable types of encounter data are left blank.

The six types of law enforcement agencies are designated as follows:

C = City
CO = County
CA = Campus
A = Airport
ST = State
T = Tribal

The categories of encounter data are designated as follows:

D/T/L = Date, Location, and Time[177]
O-OFF = Overall Offense[178]
E-OFF = Encounter Offense[179]

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177. This category of data captures information on the date, time, and location for each encounter.

178. Some agencies only listed one offense for each encounter without specifying whether the offense provided the reason for the encounter, the reason for actions taken by officers during the encounter (for instance, a search), or the reason for the results of the encounter (for example, an arrest or citation).

179. This category of data captures which offense(s) provided the reason for each encounter.

AR-OFF = Action or Result Offense[180]
E-TY= Encounter Type[181]
AR = Actions Taken by Officers or Results of the Encounter[182]
DD = Demographic Data[183]

Agency Name	Agency Type	Encounter Data						
		D/T/L	O-OFF	E-OFF	AR-OFF	E-TY	AR	DD
Apache Junction PD[184]	C	✓	✓					
Avondale PD	C	✓	✓					
Benson PD	C							
Bisbee PD	C							
Buckeye PD	C		✓					
Bullhead City PD	C							
Camp Verde Marshal's Office	C							
Casa Grande PD	C	✓	✓			✓		
Cave Creek Marshal's Office	C	✓	✓	✓	✓	✓	✓	
Chandler PD	C	✓	✓	✓	✓	✓	✓	
Chino Valley PD	C	✓	✓					
Clarkdale PD	C							
Clifton PD	C							
Colorado City Marshal's Office	C							
Coolidge PD	C		✓					

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180. This category of data captures which offense(s) ultimately led to actions taken by officers during each encounter (for instance, a search), or led to the results of each encounter (for example, an arrest or citation).

181. This category of data captures information on the type of encounter (including pedestrian or traffic stops).

182. This category of data captures what action officers took during each encounter or the results of each encounter.

183. This category of data captures any demographic data (including race, ethnicity, gender, or age information) for civilians involved in an encounter.

184. For the purposes of this Article, "PD" stands for police department.

Agency Name	Agency Type	Encounter Data						
		D/T/L	O-OFF	E-OFF	AR-OFF	E-TY	AR	DD
Cottonwood PD	C		✓					
Douglas PD	C							
Eagar PD	C	✓	✓			✓	✓	
El Mirage PD	C	✓	✓					
Eloy PD	C	✓	✓					
Flagstaff PD	C		✓			✓		✓
Florence PD	C		✓					
Fredonia Marshal's Office	C							
Gilbert PD	C	✓	✓			✓	✓	✓
Glendale PD	C	✓	✓					
Globe PD	C							
Goodyear PD	C	✓	✓					
Hayden PD	C							
Holbrook PD	C							
Huachuca City PD	C							
Jerome PD	C							
Kearny PD	C							
Kingman PD	C	✓	✓					
Lake Havasu City PD	C	✓	✓				✓	✓
Mammoth PD	C							
Marana PD	C	✓	✓					
Maricopa PD	C		✓					
Mesa PD	C	✓	✓					
Miami PD	C							
Nogales PD	C							
Oro Valley PD	C		✓				✓	
Page PD	C						✓	
Paradise Valley PD	C	✓	✓					✓

Agency Name	Agency Type	Encounter Data						
		D/T/L	O-OFF	E-OFF	AR-OFF	E-TY	AR	DD
Parker PD	C							
Payson PD	C		✓					
Peoria PD	C	✓	✓					
Phoenix PD	C	✓	✓				✓	✓
Pima PD	C							
Pinetop-Lakeside PD	C							
Prescott PD	C							
Prescott Valley PD	C		✓					
Quartzsite PD	C							
Queen Creek PD	C							
Safford PD	C							
Sahuarita PD	C							
San Luis PD	C		✓					
Scottsdale PD	C	✓	✓				✓	✓
Sedona PD	C	✓	✓					
Show Low PD	C	✓	✓		✓		✓	✓
Sierra Vista PD	C	✓	✓			✓	✓	
Snowflake-Taylor PD	C							
Somerton PD	C							
South Tucson PD	C							
Springerville PD	C							
St. Johns PD	C	✓	✓		✓		✓	✓
Superior PD	C							
Surprise PD	C	✓	✓			✓		
Tempe PD	C	✓	✓					
Thatcher PD	C							
Tolleson PD	C							
Tombstone Marshal's Office	C							

Agency Name	Agency Type	Encounter Data						
		D/T/L	O-OFF	E-OFF	AR-OFF	E-TY	AR	DD
Tucson PD	C		✓					
Wellton PD	C							
Wickenburg PD	C	✓	✓				✓	
Willcox PD	C							
Williams PD	C							
Winslow PD	C		✓					
Yuma PD	C	✓	✓					
Apache County SO[185]	CO							
Cochise County SO	CO	✓	✓			✓		
Coconino County SO	CO							
Gila County SO	CO		✓			✓		
Graham County SO	CO							
Greenlee County SO	CO							
La Paz County SO	CO							
Maricopa County SO	CO	✓	✓					
Mohave County SO	CO							
Navajo County SO	CO	✓	✓	✓		✓		
Pima County SO	CO	✓	✓					
Pinal County SO	CO	✓	✓					
Santa Cruz County SO	CO	✓	✓					
Yavapai County SO	CO	✓	✓					
Yuma County SO	CO							
Arizona State University PD	CA	✓	✓			✓	✓	
Arizona Western College Police	CA	✓	✓					

185. For the purposes of this Article, "SO" stands for sheriff's office.

Agency Name	Agency Type	Encounter Data						
		D/T/L	O-OFF	E-OFF	AR-OFF	E-TY	AR	DD
Central Arizona College PD	CA		✓					
Eastern Arizona College Campus PD	CA		✓					
Grand Canyon University PSD	CA		✓					
Maricopa Community Colleges PD	CA	✓	✓				✓	
Northern Arizona University PD	CA	✓	✓				✓	
Pima Community College PD	CA	✓	✓				✓	
University of Arizona PD	CA	✓	✓				✓	
Yavapai College PD	CA		✓					
Tucson Airport Authority PD	A							
Arizona Department of Public Safety	ST							
Ak-Chin PD	T							
Cocopah PD	T							
Colorado River Indian Tribal PD	T							
Fort McDowell Yavapai PD	T							
Fort Mohave Tribal PD	T							
Gila River PD	T							
Hopi PD	T							
Hualapai Nation PD	T							
Navajo PD	T							
Pascua Yaqui PD	T							
Quechan Tribal PD	T							
Salt River PD	T							
San Carlos Apache PD	T							

Agency Name	Agency Type	Encounter Data						
		D/T/L	O-OFF	E-OFF	AR-OFF	E-TY	AR	DD
Tohono O'odham Nation PD	T							
Tonto Apache	T							
White Mountain Apache PD	T							
Yavapai-Apache PD	T							
Yavapai-Prescott Tribal Police	T							

APPENDIX B: USE-OF-FORCE AND COMPLAINT DATA

This Appendix documents law enforcement agencies that release publicly available use-of-force data and complaint data as of March 2023. Publicly available types of data are designated with "✓" and unavailable types of data are left blank.

The six types of law enforcement agencies are designated as follows:

C = City
CO = County
CA = Campus
A = Airport
ST = State
T = Tribal

The categories of use-of-force data are designated as follows:

D/T/L = Date, Location, and Time[186]
F-TY = Force Type[187]

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186. This category of data captures information on the date, time, and location of each use-of-force incident.
187. This category of data captures the type of force used by officers for each use-of-force incident.

I = Injury[188]
DD = Demographic Data[189]
CPA = Civilian Perceived Armed [190]

For complaints of officer misconduct, we looked for any publicly released data about complaints filed against officers.

Agency Name	Agency Type	Use-of-Force Data					Complaint Data
		D/T/L	F-TY	I	DD	CPA	
Apache Junction PD	C						
Avondale PD	C						
Benson PD	C						
Bisbee PD	C						
Buckeye PD	C						
Bullhead City PD	C						
Camp Verde Marshal's Office	C						
Casa Grande PD	C						
Cave Creek Marshal's Office	C						
Chandler PD	C	✓		✓	✓	✓	
Chino Valley PD	C						
Clarkdale PD	C						
Clifton PD	C						
Colorado City Marshal's Office	C						
Coolidge PD	C						
Cottonwood PD	C		✓				
Douglas PD	C						
Eagar PD	C						

188. This category of data captures the severity of any injuries sustained by civilians as a result of a use-of-force incident.
189. This category of data captures any demographic data of civilians involved in each use-of-force incident.
190. This category of data captures whether the involved officer perceived a civilian as armed during a use-of-force incident.

Agency Name	Agency Type	Use-of-Force Data					Complaint Data
		D/T/L	F-TY	I	DD	CPA	
El Mirage PD	C						
Eloy PD	C						
Flagstaff PD	C	✓	✓	✓	✓	✓	✓
Florence PD	C			✓			
Fredonia Marshal's Office	C						
Gilbert PD	C		✓				✓
Glendale PD	C	✓	✓	✓	✓	✓	
Globe PD	C						
Goodyear PD	C						
Hayden PD	C						
Holbrook PD	C						
Huachuca City PD	C						
Jerome PD	C						
Kearny PD	C						
Kingman PD	C						
Lake Havasu City PD	C						
Mammoth PD	C						
Marana PD	C	✓		✓	✓	✓	✓
Maricopa PD	C		✓				
Mesa PD	C	✓	✓	✓	✓	✓	✓
Miami PD	C						
Nogales PD	C						
Oro Valley PD	C						
Page PD	C						
Paradise Valley PD	C	✓	✓	✓			
Parker PD	C						
Payson PD	C			✓			
Peoria PD	C		✓	✓			✓
Phoenix PD	C	✓	✓	✓	✓	✓	

Agency Name	Agency Type	Use-of-Force Data					Complaint Data
		D/T/L	F-TY	I	DD	CPA	
Pima PD	C						
Pinetop-Lakeside PD	C						
Prescott PD	C						
Prescott Valley PD	C						
Quartzsite PD	C						
Queen Creek PD	C						
Safford PD	C						
Sahuarita PD	C						✓
San Luis PD	C						
Scottsdale PD	C						✓
Sedona PD	C						
Show Low PD	C						
Sierra Vista PD	C						
Snowflake-Taylor PD	C						
Somerton PD	C						
South Tucson PD	C						
Springerville PD	C						
St. Johns PD	C						
Superior PD	C						
Surprise PD	C						
Tempe PD	C						
Thatcher PD	C						
Tolleson PD	C						
Tombstone Marshal's Office	C						
Tucson PD	C						
Wellton PD	C						
Wickenburg PD	C		✓	✓			✓
Willcox PD	C						
Williams PD	C						

Agency Name	Agency Type	Use-of-Force Data					Complaint Data
		D/T/L	F-TY	I	DD	CPA	
Winslow PD	C						
Yuma PD	C						
Apache County SO	CO						
Cochise County SO	CO						
Coconino County SO	CO						
Gila County SO	CO						
Graham County SO	CO						
Greenlee County SO	CO						
La Paz County SO	CO						
Maricopa County SO	CO						✓
Mohave County SO	CO						
Navajo County SO	CO						
Pima County SO	CO						
Pinal County SO	CO						
Santa Cruz County SO	CO						
Yavapai County SO	CO						
Yuma County SO	CO						
Arizona State University PD	CA						
Arizona Western College Police	CA						
Central Arizona College PD	CA						
Eastern Arizona College Campus PD	CA						
Grand Canyon University PSD	CA						
Maricopa Community Colleges PD	CA						
Northern Arizona University PD	CA						
Pima Community College PD	CA						
University of Arizona PD	CA						
Yavapai College PD	CA						
Tucson Airport Authority PD	A						

Agency Name	Agency Type	Use-of-Force Data					Complaint Data
		D/T/L	F-TY	I	DD	CPA	
Arizona Department of Public Safety	ST						
Ak-Chin PD	T						
Cocopah PD	T						
Colorado River Indian Tribal PD	T						
Fort McDowell Yavapai PD	T						
Fort Mohave Tribal PD	T						
Gila River PD	T						
Hopi PD	T						
Hualapai Nation PD	T						
Navajo PD	T						
Pascua Yaqui PD	T						
Quechan Tribal PD	T						
Salt River PD	T						
San Carlos Apache PD	T						
Tohono O'odham Nation PD	T						
Tonto Apache	T						
White Mountain Apache PD	T						
Yavapai-Apache PD	T						
Yavapai-Prescott Tribal Police	T						