
POLICING & DATA CONVENING

JULY 25 & 26, 2018

**FUNDED by the JOHN D. and CATHERINE T. MACARTHUR FOUNDATION
and the INSTITUTE OF INTERNATIONAL EDUCATION, INC.**

**HOSTED by WITNESS & INVISIBLE INSTITUTE
at THE EXPERIMENTAL STATION
on 6100 S BLACKSTONE AVE, CHICAGO IL 60637**

WHY DID WE ORGANIZE THIS?

"I honestly didn't know that there was a community of folks taking this approach. I enjoy the feeling of solidarity but, more importantly, I'm excited by potential partnerships." - Ursula Price

In July 2018, the Invisible Institute and WITNESS joined forces to convene about 45 journalists, data analysts, legal experts archivists and grassroots police accountability activists to explore a range of themes, challenges, and possibilities arising from our work on using data to advocate for transparency in policing.

The two-day event was held in the Experimental Station on the south side of Chicago where the Invisible Institute is based, along with South Side Weekly, City Bureau, Blackstone Bicycle Works, the 61st Street Farmers Market, and Civic Projects. Our conversations included themes like safe and ethical data collection, data journalism, the role of civil society in data collection around police violence, and legal strategies for greater transparency and accountability.

While many groups and individuals are doing important work around these issues, it can be difficult to find the time and space to connect with others. This convening was a space to learn about each other's work, foster fruitful conversations, and identify common challenges and opportunities for collaboration.

It was, by all accounts, a dramatic success. The diversity within the group sparked important debates, and led towards a greater understanding of the practical problems people face. Importantly, there were people who work within government and people who work to hold government accountable, an essential connection to move institutions forward. We were approaching the problem of policing and data from all fronts.

There is a lot of energy around the possibility of bringing the group together again, with a stronger focus on providing space for hands on workshops, skill shares and thematic small group work on issues like submitting FOIAS, analyzing video documentation as a data source, data modeling, etc. It would also be an opportunity to add other voices to the mix, and for participants to report back on efforts.

New initiatives emerged from the convening. WITNESS, Berkeley Copwatch, Lucy Parsons Labs and Robin Margolis are collaborating to develop and test a new Copwatch database and ingest workflows. The Innocence Project, CAPStat, and Invisible Institute are developing a data strategy to allow public defenders to release documents they hold regarding police misconduct.

The public report, to be released in spring 2019, will be accompanied by a 'reader' of original sources, audio from the conversation, photographs, and an update on the collaborations that began at the convening. We hope it will serve as an ongoing public resource for those pushing policing data towards transparency.

Included in this report are the **AGENDA**, the **NOTES FROM THE SESSIONS**, and a list of **PARTICIPANTS**.

We thank the John D. and Catherine T. MacArthur Foundation for providing the resources to make it possible for people to attend the conference. Due to their generous support, we were able to host a convening that created the space for people to step out of their everyday work and imagine potential solutions. There is a separate financial report attached.

AGENDA

JULY 25, WEDNESDAY

9 AM Breakfast

10 AM Tour by Jamie Kalven, Invisible Institute & Welcome from Jackie Zammuto, Witness

11 AM Session 1 - FOIA & Legal

Craig Futterman (U of C Mandel Legal Aid Clinic), Cynthia Conti-Cook (Legal Aid Society), Ursula Price (former deputy independent police monitor in New Orleans), Barry Scheck (Innocence Project). Facilitation by Chaclyn Hunt, Invisible Institute

Developing legal strategies to push for greater transparency. What types of data or data sets can be used to support legal efforts? How can grassroots organizations get involved in direct advocacy around these issues? Examples of successful campaigns and how FOIA data has been used successfully? How can we protect the security of journalists or advocates working to expose this information? What challenges should be expected (from unions, police depts, feds, etc)? How can community collected data compliment FOIA data?

12 PM Lunch at the Experimental Station, Project Presentations, #1-5

1. El Grito - Dennis Flores, Jackie Zammuto, Yvonne Ng (elgrito.witness.org)
2. Berkeley Copwatch - Andrea Pritchett, Robin Margolis (www.berkeleycopwatch.org/)
3. Open Oversight - Freddy Martinez, Jen Helsby, Camille Fasset, (lucyparsonslabs.com/)
4. Legal Aid's Cop Accountability Project - Cynthia Conti-Cook, Julie Cicciolini

2 PM Session 2 - Data Scientists

Patrick Ball & Kristian Lum (HRDAG), Roman Rivera (Columbia University, Invisible Institute, HRDAG), Forest Gregg (Datamade). Facilitation by Andrew Fan, Invisible Institute & Harvard Kennedy School of Public Policy

In what ways has data led to accountability or exposure of police misconduct or other human rights abuses? What do non-data scientists need to know to avoid pitfalls or oversights when working with datasets? What tools or resources are available? What challenges/opportunities have you seen working with community organizations? How can we better foster these relationships? What types of data do you think are most useful? What challenges/opportunities do you see in using video as data? How do you responsibly care for and manage data over time?

4PM Project Presentations, #6-11

6. Invisible No More - Andrea Ritchie
7. State violence in Latin America - Kate Doyle
8. Documenting abuses by military police in Rio de Janeiro and São Paulo - Victor Ribeiro (Video as Evidence in Brazil)

- 9. Police record management systems - Stacy Wood
- 10. Chicago Data Collaborative - Forest Gregg
- 11. Chicago Police Data Project & FOIA Airtable - Rajiv Sinclair, Andrew Fan, Chaclyn Hunt, Sam Stecklow

5:PM Circle Back session, Facilitated by Maira Khwaja, Invisible Institute

6PM Dinner, Option to join a walking tour with Chaclyn Hunt & Jamie Kalven

JULY 26 : THURSDAY

9AM Breakfast

10AM Session 3 - Grassroots Activism

Andrea Prichett (Berkeley Copwatch), Victor Ribeiro (WITNESS), Dennis Flores (El Grito de Sunset Park), Trina Reynolds-Tyler (BYP100, Invisible Institute, Harris School of Public Policy), Andrea Ritchie (Barnard). Facilitated by Palika Makam (WITNESS)

There is a tension around what data is and who it comes from. In needing data to be bulletproof, lived experience often gets overlooked. Who sets standards? How can lived experience be captured as data? Can it? Should it? How can grassroots use and access data instead of just being a source of data? Who is this data useful for? How can grassroots groups collect and preserve data in secure and reliable ways? What types of collaborations can help sustain and further this work? What are some of the biggest challenges and needs? How can data point to larger systemic issues instead of just pointing to individual officers?

12PM Session 4 - Curating Public Information

Kate Doyle (National Security Archives), Rajiv Sinclair (Citizens Police Data Project), Freddy Martinez (Lucy Parsons Lab), David Eads (ProPublica). Facilitated by Eric French, WITNESS

How do data scientists, journalists, researchers, grassroots orgs, etc. best collect data around police misconduct in effective, trustworthy and transparent ways? Using data to tell stories - What does it mean to be a data journalist? How can we better incorporate various data sets, analysis, visualizations, etc. to more effectively tell stories around systemic injustices? How do we make sure the data serves people at a grassroots level? Role of civil society in collecting, preserving and curating data. How can we ensure credibility and sustainability for the long-term? How can we best communicate the important role funders play in this?

1PM Lunch at the Experimental Station

2PM Remaining questions and reflections, Documenting potential collaborations

5PM Go to the Lake, weather permitting

7PM Dinner

NOTES FROM THE SESSIONS

SESSION 1 : FOIA & LEGAL

Facilitated by Chaclyn Hunt, Invisible Institute

Panelists, Craig Futterman, Cynthia Conti-Cook, Ursula Price, Barry Scheck

ONGOING WORK

Craig Futterman

Futterman spent years collaborating with journalist Jamie Kalven on the ground in Chicago Public Housing. Through a civil lawsuit representing a 50 year public school janitor who was repeatedly sexually assaulted by CPD, they uncovered the data about complaints against CPD officers. *Bond v. Utreras (2009)*. That data was provided confidentially, through the discovery process, and it took legal intervention and a decade of work to release that data publicly. It was that moment, understanding of the power of that information, which led us toward making sure that info, and more, was universally accessible.

Cynthia Conti-Cook

Within her first 5 cases as a public defender, she had an officer who had arrested and assaulted her client. Conti-Cook typed in his name, saw him in the system, and looked up the previous lawsuit. It involved the same type of misconduct. So she looked him up elsewhere & found several lawsuits.

Conti-Cook joined the Legal Aid Society with a mandate to create a database - and spent 2 months in 2014 FOILING for entire teams of officer records and receiving responses. Then Eric Garner was killed in July 2014, and so they FOILED officer Daniel Pantaleo civilian complaint history - and got denied. In March, they announced they would make that information public, but without names, so Legal Aid Society intervened. They're fighting against NYC Civil Rights Law 50A, the original 'Blue Lives Matter' bill.

Ursula Price

New Orleans has multiple agencies policing - the municipal police, the parish departments, private law enforcement districts, federal agencies, ICE. All of these entities can access this surveillance data - imagine how community members, including undocumented ones, feel about this? We need to fight for our right to access this data.

Oversight agencies have access to more information than just complaints & use of force; allocation of resources, salaries, arrest and conviction, quality of evidence in homicide investigations. Government entities also are collecting large scale surveillance data, and are not releasing it as a matter of 'security. How can impacted people document their experiences, and create an independent body of proof? New Orleans has one of the best consent decrees in the country - on paper. The IPM is pushing the limits, but police oversight is having an identity crisis. Ideas of

impartiality and professionalism prevent oversight practitioners (NACOLE) from advocating on behalf of the community that demanded the intervention. Does oversight exist in defense of government or defense of the people?

Barry Scheck

The Innocence Project focused initially on media attention - handing important cases and briefs to the investigative reporters. But over time, mainstream investigative reporters have disappeared and the ethical considerations for lawyers & journalists working on innocence projects have increased. Some interesting goals are to try to elect progressive prosecutors and develop conviction integrity units.

Now Scheck is working to create a police misconduct database available to defense attorneys across the country. This could affect bail, plea bargaining, case outcomes, charges being dropped, testimony being excluded. It's possible the press is the faster way to do this. It could make a huge dent in mass incarceration if every defense lawyer has access to this data.

ON BODY CAMERAS

Cynthia Conti Cook

The body-worn camera program in NYC was supposed to be a pilot, but now they're outfitting all cops with them. There are two huge issues with this: officers can decide when to turn them on/off, so it depends on the officer's perceptions of whether or not the person apprehended feels that they can leave the interaction or not, and police can go through their video and see what to keep or what to delete. These rules really obliterate the purpose we were sold body cams for. These policies exist nationally in many different departments. Hoping for academics to talk about these issues. Judge has told NYPD they should archive ALL stops, not just stops they decide to record.

Ursula Price

In New Orleans, an investigator can review body worn camera footage corresponding to a civilian complaint. If the investigator determines the complaint is unfounded, an investigation never begins. The footage is not retained. How could we even look back and prove 15 allegations that an officer solicited sex?

NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL, CHAPTER: 41.3.10

1. If a member makes a supervisor aware that a recording may lead to a citizen complaint, the supervisor should review the recording and conduct any further investigation that he or she deems appropriate. If no incident report or supplemental report directly related to the possible complaint is warranted, details of the contact shall be documented via departmental email. The Department member's immediate supervisor shall be responsible for ensuring a copy of any report or correspondence related to the contact is forwarded to his or her respective District/Division Commander, Bureau Deputy Superintendent and the Deputy Superintendent of the Public Integrity

Barry Scheck

Agree with Ursula. Defense lawyers are constantly urging police departments to keep videos. Fair procedure with cops and body cams is that the officer should file the police report, and then look at the tape, see if it changes their recollection of the encounter, if it does, indicate the changes on the arrest report. Facial recognition software is getting much better. Though there are race/gender effects, they are getting better. In China, there's lots of investment in facial recognition software. There will be errors in the future, but also a tremendous amount of accuracy. In the Innocence Project, we are looking at evidence that is 20-30 years old, so having facial recognition software could be very useful. You can learn a lot from near misses.

In New York County, Bureau Chief asked for all cases where right before trial, they discovered that there was a mistake. In many of the cases, the failure to obtain video that implicates the defendant is what breaks down the prosecution. Defense lawyers should be able to access every single one of the video camera because the prosecution has access to the knowledge of where cameras are. Conviction Integrity Unit Best Practices.

Craig Futterman

We have people wasting away in prison for decades. In Chicago, the well-known history of police torture under Jon Burge complicates the fight over records. If we were going by police officers, they would burn all of the records of torture. The local legislature had no political will to keep police from destroying these records because the police union opposed it. To disagree a little bit with Barry regarding video policy: in Chicago the policy is the right to view the video before answering questions in internal police misconduct proceedings, police can then change their statements to comport with the video. If I were making best practices for body-cam footage, if you have the body-cam on, you should keep it on until people at the scene are interviewed. There should be a record of amendments of statements made by police officers.

Chicago Police Department Special Order S03-14,

IV (B) Department members may review their BWC recording of an incident prior to writing any report related to the incident. The member will document this fact in the narrative portion of the report. This includes but is not limited to case reports, arrest reports, and investigatory stop reports.

Bernard Reilly

This is malpractice or negligence by the apparatus that's been set up by government to create accountability. This is government agencies not doing their jobs. A big purpose of the community archives that have been set up is documenting misconduct and providing accountability that the government has failed to provide.

Barry Scheck

If community groups can't archive this type of data and get it out, then you can at least expose the government for deliberate attempts to try to destroy it. The virtuous cycle - we now have the DAs writing a letter to the NYPD, saying 'We want to get online right now with this data system and see

immediately every internal affairs complaint, every allegation of police misconduct at arraignment when we are charging defendants.' Even though statute permits the prosecutors to see it, NYPD is saying no. District Attorneys are now asking the Innocence Project to write an op-ed with them to garner public support.

Craig Futterman

The animating question for us is: As we saw these officers engaging in the most sadistic hateful behavior, what underlying conditions had to exist such that a group of officers knew with certainty that they could do whatever the hell they wanted with a group of people, including repeatedly raping a woman? It doesn't take CPDP or a sophisticated database to know what the Skullcap Crew was doing.

I didn't need to be a statistician to know the odds that a police officer that worked in a Black neighborhood wouldn't be punished. Maybe out of 10,000, one officer gets a hand slap. Because government wasn't collecting this information, we generate these questions about the conditions that lead to this. Use of Statistical Evidence . . .

By focusing on communities doing what government should be doing, shaming police, etc. created legal responsibilities for prosecutors to disclose information about police officers that might be unfavorable, prosecutors may not bring a case when police officers have a ton of stuff against them and they can't make a case with that officer's evidence. Monitors know they are being watched; if you know someone is going to be looking at it, you're more likely to make an honest report.

You shouldn't need official data to say, "Listen to real people who actually know stuff and have lived it." But there is power in data in different types of spaces. When they hold all the power, control the narrative, and maintain secrecy, information gives us the opportunity to fight for justice.

Ursula Price

This is making me hope we have 2 conversations later in the data: low-tech data collection and the power of police unions that are representative of people in police departments. NOPD is 60% Black, but the police union doesn't represent the issue facing most Black folks.

Jackie Zammuto

Leadership conference has put out score card of departments that follow best practices, but often police do not follow best practices. They think they are above it. An interesting question is thinking about body cameras as a tool to serve police, not the people. Who is profiting from selling body cams? Who profits from the storage? Video footage is important, but not objective, not the end all. It is important for telling stories and bringing public awareness. But how do we make sure that video can be used as data, and whether it can be trusted.

Robin Margolis

It's important to acknowledge different truths, the difference in community stories and people documenting their own practice. This doesn't have to be in opposition, perhaps we can get to a

healthy place where data and stories can intertwine to tell stories that embrace truths. People want to learn how to be effective, and want to know how their stories fit into mapping other perspectives.

Jamie Kalven

At the center of our practice at the Invisible Institute, every data point is a story. Our database is built out of stories that marginalized people have brought to official bodies in spite of the fact that there are low chances that their concerns will be redressed.

Brent McDonald

When people started crying out for more evidence after Michael Brown, what are we learning? We've seen more officers indicted in regards to police shootings, with more video evidence, with body camera footage. But no increase in convictions to match. What needs to change in other for there to be more convictions and get that accountability that people believe will flow from body cam footage. The everyday misconduct from police, can we FOIA police departments for data that tells us about the everyday picture of lived experience for marginalized communities?

Cynthia Conti Cook

How we've thought through what we are doing is destroying the monopoly that government has on information. Body cams are an extension of this monopoly. Government still has a lot of the power, it's not surprising that they fail to lead to convictions, because video can be capitalized on and manipulated. Ferguson, to many people, is related to the rise of body cams, but they had been around for a while. At different police conventions, journalists spoke to Axon about accountability and they responded in a way that indicates that they were not at all concerned with accountability.

Barry Scheck

If you have video of what happened, that's helpful. But you still need to have rules in place whereby officers at a crime scene in a police-involved shootings have to give statements. There's a SCOTUS case, Garrity, that says that if an officer is compelled to give a truthful statement but can decide to plead the 5th.

I like the idea of keeping the cameras on always, but the nature of human memory makes it so that we recall things differently when we think about it a second time, or see the footage. Okay with writing down immediately and then let them see video, but most document the differences in statements. This is a reasonable compromise- don't need to play 'Gotcha!' with every police officer.

Ursula Price

I want everyone to think about whether or not what we really want is for individual police officers to be successfully prosecuted? Police are traditionally coming from marginalized communities, and are given a little authority over those communities. There has to be a way to hold institutions accountable.

SESSION 2 : DATA SCIENCE

*Facilitated by Andrew Fan, Invisible Institute & Harvard Kennedy School of Public Policy
Panelists Forest Gregg, Patrick Ball, Kristian Luam, Roman Rivera*

ONGOING WORK

Patrick Ball

First made profiling database in El Salvador. Many of the technical concerns addressed then, can share lessons learned later. Then, with Kate Doyle, made database of officer career structures in Guatemala. In 2010, built a database for the United Nations work in the Democratic Republic of Congo, looking for credible allegations of crimes of war and crimes against humanity.

As statistician, representing the postmodern voice. What are the silences? What isn't in the data? It is tempting to have sense after investing immense effort in a database that it is representative of the world. There is a reason you have that data, there is a production of visibility, it reflects what you are trying to argue. But, we need to be inverting that problem. At first, the Invisible Institute report about misconduct appears to be a picture of police violence. But it was actually picture of what police see about their own violence. Not a picture of reality. Data vs. reality: sampling problem.

If you don't have all the data, there are still things you can argue. An existence proof - "we know about this." This is the strongest use of profiling databases. You can still model for the data you don't have. They may give us mushy or probable answers. So it requires you partner with statisticians before you make argument to the public. Data isn't the truth, but the world has truth. Don't despair, just need to work harder to see the silences and respect them.

Kristian Luam

First project is the mix of stats, machine learning, and the criminal justice system. Using stats methods to predict what we don't know and figure out who and where they are being killed. Then extrapolate to see how much the lists overlap to see who is not documented on either of the lists that are killed by police. Of people who are killed by people unknown to them, 1/3 are likely to be killed by police. We combine lists of people killed by police and external info on how data bases correlate.

Second project is predictive policing. A lot of people were skeptical. Statisticians said data is not necessarily representative, it can stem from biases by those in the group. Applying statistical models to predict who will be a criminal in the future. Police are observing a biased subset of crimes, the algorithm learns those biased patterns and reproduces them.

Third project is looking at risk assessment so specifically when it comes to pre-trial decisions. Whether you will fail to appear for court, be arrested again, which can indicate whether bail should be set and issues of your arrest. Outcome model is specifically re-arrest which is a measure of criminality. This is a biased subset of those who are likely to be arrested.

Roman Rivera

Took care of the CPDP data for 3 years, and helped construct new version. Some big findings: Disparities in sustained rates in recent complainants. Black complainants are much less likely to have a sustained. Black officers are more likely to be sustained against. If you are in the police and you have a complaint sustained you may be on suspension, lose compensation, no overtime, time off 10 year clock.

ON GAPS IN THE DATA

Roman Rivera

In data we have, most use of force come from physical impact even when that's obviously not the most common use of force. We saw a dramatic spike when commander changed in 2010. The more I work with it, the more suspicious I am of the data. It is clear there is underreporting.

Forest Gregg

If people don't want to believe, they won't believe the data. The more I do this work, work is about being of service to people trying to change the system. I don't need more evidence, don't want to document more or better. Instead, figure out what analyses, what interventions are needed. We hold on to idea that if people only knew what was happening, things would change. But we need to let go of that idea. We have racist and violent police force because people want it that way, people voted for it to be that way.

Ursula Price

Blessing and a curse how unintegrated public agency data is. No one knows what each other knows. So, it's nice to know I can turn in my license plate and then my traffic tickets are gone. New Orleans Police Department doesn't collect arrest data, they get it from the jail. Not everyone who is arrested goes to jail. The hospital is publicly funded, Juvenile Justice is publicly funded, District Attorney knows who is arrested. I like that not one single source is true but if you get enough sources and see where they intersect you can get a picture of the truth. I would love to combine that with what people have to say.

Kristian Lum

In my experience working with criminal justice data. I was looking at rate of who fails to appear for court based off of who pays bail. 15% of those who are incarcerated at the time of their court date don't show up. Data was lag so if the court system didn't receive info from the jail, it was missing and wasn't transmitted. How can that be combined with people's stories?

Ursula Price

NOPD (New Orleans Police Department) has police known as the jump out boys - every Tuesday and Thursday, scoop up, maybe you hear the stories people tell, put it together with arrest data, and

violent offender warrants . . . but multiple agencies are working together - so who's jumping out?
Could be the FBI, Orleans Parish, LA State Police, DA, federal prosecutor.

Patrick Ball

What I meant when talking about existence proof - finding evidence of those behaviors. Warning: "absence of evidence is not evidence of absence." Sometimes we have a sense that more data is more coverage. Depends on how deep the silence is. For example, if all arresting agencies failed to register undocumented people, then would seem that undocumented people are not arrested. But it is a fallacy of omission. Not finding can just mean not registering.

Forest Gregg

All of those agencies fingerprint people so they can know whether to make the arrest or not. Secure Communities (ICE & the FBI) is a program that was aimed at the whole "warrants don't travel across state lines," data problem. If a police department voluntarily joins this then it will be added to the database. It would be extremely unusual if all police departments don't participate in this program. Fingerprinting can be a possible way to get at this data.

ON ARGUMENTS USING DATA

Patrick Ball

This connects to Forrest's concern, existence proof may be all you need. In this juris you have all these complaints, this amount are sustained. You get yourself in trouble if you say it's getting worse over time. Worse in jurisdiction a vs jurisdiction b. This statistical bias (diff from normal definition) systematic exclusion of some kind in a certain aspect in data. In jurisdiction A may just have better reporting of complaints so some may be seen as less violent but only because of the reporting mechanism generating data. So you shouldn't compare the data stream it's coming out of. If you make an existence argument rather than pattern argument you're safe. In order to compare that's the point at which you want a statistician involved to create a model to account for what we don't observe. Depends on kinds of data you have, assumptions you want to make, what affects generation of data. What model you're going to get depends on which assumptions you make.

Barry Scheck

How would you crate data gathering program so that we can create sound metrics to show that things have changed? How go about?

Patrick Ball

Two things. Data alone is unlikely to get you there. You can't design a data collection mechanism for a pattern argument. Interest is in hiding pattern behavior so there is much incentive to distort how this data works. You will get it from those who distort. Law enforcement have one interest, media has one, community has one. Everyone is telling the part of the truth relevant to them and generates what they are willing to document and put forth. You have to figure out a model and exactly what it looks like. More data is better more details better more precision for each data point and more identifiability is better that allows you to find the same case and incident across all databases.

Robin Margolis

Talking about our project with Dr. Nikki Jones we discussed using community based building research tools to assist in articulating community justice standards. Would the existence of these standards provide a different measure for judging interactions?

Jamie Kalven

One of the things is interface of investigative journalism and data. Existence is a good term and that's what I do as an investigative reporter. Craig made a reference to bond in Stateway gardens. It starts with the victim and fully reporting that story and capturing the nature of the injury. And then what we found us doing is to ask how did the world have to be arranged for this set of activities to occur, we know this is happening absolutely and we can compellingly tell the story but what systemic conditions would have to exist. Which can build the case and you're then climbing a ladder of the fragmentary partial nature of the data. All the knowledge of scientists and we have found that rhetorically pretty effective. Then you have legal breakthroughs, officers indicted, and it completely validates the data analysis and then you know these guys who behaved in criminal activity. Back to Forrest's poignant point. A lot of work is focused on how they go about fundamental human rights abuses and how the system goes about not knowing about it.

ON PREDICTIVE POLICING

Andrew Fan

Police departments are using algorithm generated policing. "This is generated by policing, we aren't responsible for this." How can people investigating this or actively looking at this to reform police departments do you have any ideas on how to confront that? In Chicago we have the heat list that you can be put on based off of arrest data and they may target you for various policing activities. This is computer generated based off of arrest data.

Kristian Lum

Using the algorithm would perpetuate the same bias. Info about how these algorithms are being used is difficult to come by. Lucky that there were some academic articles, but in general we don't know how predictive policing software is being used. FOIA requests for how predictive policing is being used. It's hard to demonstrate concrete things. Displacement software where people are deployed and told to police there. It's hard to know if it's targeted deployment or other policing strategy. People want to be able to point to a specific story of someone who has been harmed but that's really hard to establish bc you don't know why the officer was there software or just they were going to be there. The people that have this info (companies partnering with police department) but that's not available to researchers to the best of my knowledge.

Cynthia Conti Cook

Experience how many people you have worked with in other countries. In NYC there was a rate my cop website and almost immediately all the officers were involved with shootings were given gold stars because it was quickly crowdsourced and sort of democratic in the people that can add to it.

Stacy Wood

Techno-utopianism is so persistent — it's about offloading individual accountability and decision-making. Let the machines do it so that no one can say we're racist.

Kristian Lum

There are still concerns about people fabricating and making stories up. Sensitivity analysis: make an analysis about what percent can be fabricated. Test the assumptions of the data and if qualitatively your conclusions change. It's going to have to come from subject area and expertise, it is not something what someone who isn't on the ground will come up with. Part of doing a robust analysis is questioning your data and your assumptions.

Barry Scheck

Going on in DNA testing because all these probabilistic genotypes and their source codes are trained secrets. No way to understand if they are really proven. They really aren't using their validation studies if you look through the source code. But the courts are doing it now and it's a very persuasive in criminal justice. When you're talking about scientific evidence if it is being introduced in a civil action but if you're doing it in a criminal action they cover up all validation studies. Video on these shields, on wall street they call it the something shield.

Patrick Ball

Baye's theorem. If of all people exonerated, 50% involved misconduct, then: Of all cases of misconduct, how many people should have been exonerated? That's the kind of bullet point that would get funded.

SESSION 3 : GRASSROOTS ACTIVISM

Facilitated by Palika Makam, WITNESS

Panelists Andrea Prichett, Vito Ribeiro, Dennis Flores, Trina Reynolds-Tyler, Andrea Ritchie

ONGOING WORK

Andrea Ritchie

1) Involved in NYC worked with Urban Institute - young people the researchers, were paid, involved in coding and are co-authors. 2) In NYC also did research around presence of condoms as evidence/intention of prostitution. People stopped and frisked for it. Stopped using condoms. Worked with department of health on research, then they got cold feet, but we partnered with OSF and put out our on report. 3) Also looked at similar experiences in Swaziland

Service providers are a treasure trove of information. Legal Aid had tons of data and complaints from police. NYC anti violence project started a network of orgs around hate crimes and is collecting data from all those service providers, better data set than any government source because people go there because they trust them.

Trina Reynolds-Tyler

I remember coming into organizing work and hearing a lot of Black narratives and not feeling like I knew the numbers to connect them, and people would say oh that's an isolated event or used victim blaming, and I used data because I knew one of the ways of combatting this was using data. Just because you imagine you know what the big picture is, doesn't mean you're asking the right questions. If you're not on the ground, you might miss out on questions that could be good for your work & your lives.

We need to skill share - training folks. In organizing spaces we're talking about security, encryption, communications, what data even exists, right? we're trying to have these conversations. If we're missing out on the perspective of folks who have been trained formally and ya'll are missing out on who that data is affecting then there is a disconnect.

If you know data and coding providing free services and lending yourself and your skills to training and organizing camps around the country. If other folks would be willing to freely lend themselves, not even necessarily to fight for liberation. You have a skillset, you see it's useful, come in and teach and don't ask for credit, you don't need your name on it.

Vito Ribeiro

There are like 38 favelas monitored by the police at all times, I have been working for a lot of different organizations doing different kind of things, because people think everything related to human rights is video taping brutality, but I think a useful type of data collection is created by the community. I used to receive picture from kids protecting themselves. How do we unpack this information? How can we make it useful? We have to know how to extract that information. The name of the cop, the number of the car. We have to work with the community because that will

guide your work. Need to determine what kind of workflow is useful for the community? How do we approach this with a strategy so we can ensure the data serves a purpose?

Trina Reynolds-Tyler

Andrea Ritchie wrote Invisible No More about violence against Black woman and women of color. When I think about sexual misconduct and the CPD, I think about the work that me and some interns have been doing and it's really around sexual assault. People have these stories and these narratives but we really don't have any data to back it up. We saw from the CPD that they categorize using primary categories (the most egregious thing that happened to you).

So a question that a lot people had is why is there such a low number of sexual violence complaints, but when we looked deeper into the data we found that sexual misconduct complaints were being categorized incorrectly. In a complaint record you can see interviews of a detective with the police, witness, and victim. In this complaint it said that a police officer made a woman go to the bathroom and strip so he could search her. While the complaint record made it sound like it was an illegal search because there was no probable cause, we all know that it had serious sexual undertones. We want look for patterns in documents in men searching women repeatedly. That's an example in how we can look at patterns in data and piece them together and start talking about policy and accountability and what things need to happen so these things don't occur.

Andrea Ritchie

Important not just to look at problems, but also pose alternatives. No Cop Academy doing a great job of modeling this. Using data to capture patterns of what people are calling for and need in their communities

ON THE DANGERS OF DATA

Trina Reynolds-Tyler

Data can be harmful when the wrong people are collecting the data. You can see that in the Chicago Police Department use of force records. I believe that there is some evidence that they are under reporting this. Not reporting every time they hit someone. Do have to report the use of gun or taser. Because of way data is collected there is no way to know how many times an officer has been accused of/complained about every violation, not all allegations are part of the massive spreadsheet they send us.

We don't know how many officers have used a racial slur, because it pops up as an illegal arrest, but then it's exonerated because they had drugs on them or something.

Need to think about how thorough they are in collecting the data, and look at ourselves too. Are we asking ourselves the right questions? Not everything is on video and not everyone has the capacity to sit through a long investigation

Andrea Ritchie

Reporting on police settlements doesn't reduce misconduct, just makes new policies around how people are paid out. Data doesn't humanize people. learned how much Eric Garner family got paid, but no accountability and didn't humanize Eric Garner.

Vito Ribeiro

When you are collecting information from people who have to get consent for people before you collect. Who has the access to the files, people want to know? I really thing we have to think about who to be responsible with the communities we are dealing with. I believe that we are doing well that we have different experiences but there are a lot of gaps in the process and I think those gaps are in thinking about the community and thinking about how important data really is. How do we extract huge amounts of files to help the community to use the information. I think we could try to set guidelines and tutorials on how to be effective at each part. This is useful for us because I got new contacts to help me to create something.

Dennis Flores

Want to talk about different way some of this data could be harmful. Seeing it playing out currently. Documented these cases, was important to get the info in the press, public, social media. Weren't thinking about how some media outlets share our content, BBC did a documentary about cop watchers and now are filing a copyright complaint against us for our own videos. Now we're being threatened to get shut down because they say the videos are their property. This is harmful to our work, to the platforms where we share our work. Didn't come into this thinking about copyright and ownership. Need to think about who owns this data and how do we protect it?

Maira Khwaja

I'm interested in hearing how to bring the legal community and activists together.

Trina Reynolds-Tyler

I would say as someone who has been in rooms when talking about whether or not we should pursue a lawsuit, something that comes to mind is that we as activist struggle with the strategies behind lawsuits. That's something that I have been able to understand because of proximity but not something some other activist have. Also, when you are talking to organizers that are interested in abolition and I believe in abolitionist reform, a piece of the work is that we have to slowly divest in state institutions, it's difficult for organizers to be in a room pushing an ask or demand that isn't 100% abolitionist. For one I don't understand this strategical and two it's not abolitionist. Specific organizer groups may say we need to push forward with our demands. And the last this is time and energy. A lot of organizers I know have burn out, when you are working three jobs, it's difficult to prioritize a long legal strategy. And we need to have relationships with lawyers who know this work, the people who are on the ground are not necessarily the same lawyers filing a suit with a plaintiff.

Cynthia Conti-Cook

If just starting to talk to community groups at the end of a case in settlement, it's too late. It's really hard for organizers who want to stay involved in a case, hard for plaintiffs to stay involved. One issue is that out of a group of plaintiffs, 5 might be in it for the long haul to see legal change in the

law, but others may be having a hard time surviving day to day and can be challenging for the plaintiffs to agree. Important to involve community as soon as possible

Craig Futterman

For us one of the things that we strive to and are most proud of are the relationships and accountability from the beginning. So none of the big impact cases ever came from a great idea that I have or a student had, all of them come from a direct experience from who people who have been most impacted and talking to people on the ground asking hey, is this a good strategy. We also try to be thoughtful about when litigation is useful. Another point Trina made that I feel deeply right now here in Chicago about the consent decree, we have to realize that there is no monolithic community or voice there are a lot of differences in community and voice. The very same challenges in building and trying to build consensus. We represent groups that are as politically diverse as the Chicago urban league (more corporate funded) and BYP and neighborhood based organizations. When lawyers operate best, because I've seen so many big pieces of litigation, is to see when the litigations actually improved things. With the Kalven case, it relied on community based organizations to make it real.

SESSION 4 : CURATING PUBLIC INFORMATION

Facilitated by Eric French, WITNESS

Panelists Kate Doyle, Rajiv Sinclair, Freddy Martinez, David Eads

ONGOING WORK

David Eads

There are institutional challenges, and I want to be sober about the ability of data to reveal these things. Data challenges conventional narratives. Look at Ida B. Wells; she is one of the first examples of successful data journalism. Looking at proxy data can be a useful thing, so using the surveillance state to your advantage. Use data that the State publishes to understand other patterns. We can use crime data to see where they're sending police and patterns of enforcement. Some data is hiding in different places in the world and is not obvious.

Kate Doyle

I work in the recovery of historical records that contain human rights violence. First and foremost we try to think about who is going to use them. Before the press. And second there's a historical memory purpose that they serve. It can recover information for a society. Capturing the neglected archives that show violence is one of the best ways to see from the inside out this machine of atrocity. It's an institutional violence and it's an individual violence. And thirdly it has evidence for prosecutions. Information in this bureaucratic records can help prosecutors in cases. How do you always take into account the intentions of the record generations?

Freddy Martinez

Work with Lucy Parsons Lab. We attempt to be very deliberate about publishing data. One of the things I'm really interested in is where things are stored throughout the years. Eventually I will disappear and other people need to do this work. We need to build a community and collaborate with each other, tell each other where FOIA records are, etc. We are all busy, so it would be great to just be able to send a message and ask someone, "Where is this record?"

ON DIFFERENT AUDIENCES

Rajiv Sinclair

It comes down to collaboration, and talking to the people who this data will affect in their everyday lives. Understanding how data will fit into the lives of people on the ground. Very often, someone will reach out to us via Twitter or the website and that leads to an in-person conversation that then informs the work we do with CPDP.

David Eads

One thing that I think is very important is understanding what your dataset is. If you're publishing for the Tribune, and you're using data from the City Data Portal, is that data all crime? There's a lot of

crime in that database that isn't crime at all. You can see where cops are being sent, patterns of enforcement from that data too. It can be easy to put this info online and say, "Here is where all the crime is!" But that's disingenuous, especially given the audience you're publishing to. There is so much more concealed in this data, that if you say "this is where crime is happening," you're not giving the full story. It's important to think of the intent of the data you are publishing and the impact it may have.

Another question I think is for everyone is where do you fit in. There is a question about how do we reach different audiences and maybe it's not all of our jobs to meet every audience. 17 years ago the Invisible Institute was feeding larger media outlets. Now that I'm at a larger outlet, I need the Invisible Institute to feed me. We should figure out how to work together to have greater resonance.

Kate Doyle

It's really vital to analyze your own part in this story. Why do I work in Guatemala? Not just because I like to help Guatemalans, but because the United States destroyed Guatemala. What is your piece in the story you are trying to tell? You are not helping people if you think you are telling their story as a favor to them. Another important part is to understand the needs of the people who are being implicated in this data. When you see records and data, you may see someone you love labeled as a criminal, as a terrorist, as a communist. This is something you need to reckon with as a collector of data or archivist. It's important to share the documents to the people who are implicated by them.

ON SUPPORT FROM ACTIVISTS

Kate Doyle

So my background was organizing as an activist, and I eventually realized that I had technical skills that could benefit the organizers. So I consider myself grassroots, and one of the data sets that I was really interested in reinforcing is the stop and frisk data and I knew that people in the community wanted the data to be shared, but it took me 6 months to find a place to publish it. We are in the community so we get to decide how to help each other. When you're doing this type of work everything takes way longer than what you actually expect. Doing things like responding to tweets, going to meetings, reading literature, that takes a lot of time. Be prepared to spend that time or else you're just swooping and dumping and disappearing. Building community trust takes time.

David Eads

It's really useful to have someone who is a subject expert to directly support you.

Kate Doyle

In the places that I work, Guatemala/Central America, grassroots groups are very present and central to our process regarding what to do with records. The case against Montt, the former President of Guatemala, came out of a Mayan grassroots group that filed a lawsuit against Montt. These records don't just show up in a courtroom. They have implications for communities. Sometimes grassroots organizations have been very innovative about how to use these records. Center for Human Rights in Washington has interesting information about its work with grassroots communities in Guatemala. The UofW reads declassified documents to members of the community

aloud and opens a conversation about whether or not this accords with their memory. It's important to think about where records fit in history and where we are in history. We were part of the arc of this ideological historical phenomenon.

Freddy Martinez

Really it's just thinking about what is in your data set and what kind of questions can be answered by it. What's interesting for me is shifting how we understand data. We should be thinking more about how do you get deep dives into the context of the data rather than just the data itself.

Ursula Price

Curious if panelists know anyone that curates the curation. How do we find out who is gathering what data? Is there a professional organization that keeps track of what people are doing?

Rajiv Sinclair

This right here is the best effort that's been made so far to gather people that collect data on police.

Jackie Zammuto

We created a take action/next steps page on the El Grito site because in the course of doing that project we found a way to put a bunch of different data and police related projects and wanted to put them in one place.

Bernard Reilly

The people who used to do that are the universities. There needs to be a conversation with universities on the highest level, and right now we're doing little to keep that data alive.

Stacy Wood

We need to talk about leveraging our data collection in a more strategic way. Bringing in other groups that can help with long-term repository building.

Kate Doyle

I also think that some of the institutions and arbiters of data collecting standards because they have certain rules that are adequate and some that are not at all. An example was that officials made the decision to make everything in Guatemala National Archive, an archive that included many records, decided to open this record with no precautions. The Guatemalans made a deliberate decision that the right of the society to know as a totality of how this machine works superseded the right of privacy for individuals.

Ursula Price

I was thinking very specifically about using data to debunk myths in policing. Outside of Google Scholar or JStor. I'm interested in those that are using data to challenge the data of policing, policing science.

Barry Scheck

That is a very insightful comment. We are in a political struggle over that. Look at Heat Lists in Chicago, Crime Drivers in NYC, being collected in an effort to increase community engagement in policing. They have unbelievable data about who they believe are the criminals in a certain community. The DA of New York County says that there's no capacity in the office to give nuance to the hotspot data/strategic subject data. When these datasets are made public in 10-15 years from now, it will be insane.

Stacy Wood

Institutional access to data is a big problem, but i think there is a place for people to set up a shared drive just so we can point people in directions. Sometimes we can get tunnel vision with our own stuff, so maybe a slow building drive of all of our data collection and projects would be useful.

Kate Doyle

One thing we haven't talked about at all is to work with artists architects designers writers, we did a big project to look at what is to about torture and why we torture it was important to us to look at the project as individuals and architects as sculptures those creative imaginations can also be very fruitful. Using architecture in conversation with data such as the disappearance of 43 students in Mexico is the visualization of this human rights atrocity that happened in darkness came about and they do this using all kinds of sources to reconstruct the scene of the human rights crime. Ginger Thompson's work is a great example of this.

Andrea Prichett

For those of us that are at the point of contact for police, I'm curious how curators navigate the curation without biasing, I mean how do you do advocacy... how do you not let those things contaminate each other?

Kate Doyle

the more open your products are, the more people you are going to have coming in and evaluating the work that you are doing and giving input back. I think opens with people who are using your material works.

Julie Cicclioni

How are we defining police misconduct? It's important to know so that we can track data. What if someone is falsely arrested and then strip-searched at the station? Is this misconduct? Which part is misconduct? What about violations that aren't yet legal violations, but a community member feels violated by that?

Patrick Ball

If people want to know how much of something there is, this is why we have statistics. we could help you with this when people call for more and more data there are other ways to get it we have to model data, it's not about the data its about the model. Data sets don't have to be complete. ALL DATA SETS ARE BIASED.

Ursula Price

We don't have to decide what is misconduct. We need to rely on allegations from people. Each act should be misconduct. That is a separate moment of misconduct. Sometimes I read an allegation and where I see 6 incidents of misconduct, the police sees just 1. We need to hold police to a higher standard when it comes to these things.

Jackie Zammuto

This speaks to the value of community generated data as a alternative, but even there there is a question of what is an incident. There's one the question of is this an incident or not and a question of should this be collected and preserved.

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