

2019 Regular Session

HOUSE BILL NO. 506

BY REPRESENTATIVE DUPLESSIS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

POLICE/STATE: Provides for the collection and reporting of data

1 AN ACT

2 To amend and reenact R.S. 15:1204.2(A) and (B)(1) and (8)(c), 1204.5, 1212(B)(4) and
3 1212.1(F) and to enact R.S. 15:1204.2(B)(8)(d) and Chapter 36 of Title 40 of the
4 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:2901 through 2911,
5 and to repeal R.S. 32:398.10, relative to law enforcement; to provide for the data
6 collection by law enforcement agencies; to provide relative to data regarding peace
7 officers, individuals, and certain incidents; to provide for specific information to be
8 collected and submitted; to provide for duties of law enforcement agencies; to
9 provide for duties of the Louisiana Commission on Law Enforcement and
10 Administration of Criminal Justice; to provide for applicability; to provide relative
11 to compliance and noncompliance; to provide for penalties; to provide relative to
12 agency accreditation; to provide for definitions; to provide relative to racial profiling;
13 and to provide for related matters.

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. Chapter 36 of Title 40 of the Louisiana Revised Statutes of 1950,
16 consisting of R.S. 40:2901 through 2911 is hereby enacted to read as follows:

17 CHAPTER 36. COLLECTION AND SUBMISSION OF DATA

18 RELATED TO LAW ENFORCEMENT ACTIVITIES

19 §2901. Short title

20 This Chapter may be cited as the "Police Data Accountability, Transparency,
21 and Analysis Act" or the "Police DATA Act".

1 §2902. Definitions

2 As used in this Chapter, the following terms shall have the meanings ascribed
3 to them in this Section, unless the context clearly indicates otherwise:

4 (1) "Bicycle" means any device upon which a person may ride, propelled
5 exclusively by human power, and having one or more wheels.

6 (2) "Bicycle stop" means any detention of a bicycle rider initiated by a peace
7 officer.

8 (3) "Clearance rate" means the percentage of offenses that a law enforcement
9 agency closes by arrest or by exceptional means. If the agency closes the offense
10 "by arrest", this means that at least one person has been arrested, charged with the
11 commission of the offense, and turned over to a court for prosecution. One arrest
12 may result in several offenses cleared, or the arrest of several people may result in
13 only one offense cleared. If the agency closes the offense by "exceptional means",
14 this means that the agency has identified a suspect; gathered enough evidence to
15 support an arrest or a charge and to turn over the suspect to a court for prosecution;
16 identified the suspect's exact location so that the suspect could be taken into custody;
17 and encountered a circumstance outside the control of the agency that prohibits the
18 agency from arresting the suspect.

19 (4) "Commission" means the Louisiana Commission on Law Enforcement
20 and Administration of Criminal Justice.

21 (5) "Contraband" includes any controlled dangerous substance, illegal
22 firearm, or illegally possessed firearm.

23 (6) "Veteran" means an honorably or generally discharged member of the
24 United States Armed Forces or organized militia of the several states and territories,
25 including but not limited to a member of the Army, Navy, Air Force, Marine Corps,
26 Coast Guard, National Guard, Air National Guard, Reserves, State Guard, or a
27 commissioned officer of the Public Health Service, Environmental Science Services
28 Administration, or National Oceanic and Atmospheric Administration, or its
29 predecessor, the United States Coast and Geodetic Survey.

1 (7) "Law enforcement agency" means any state or local law enforcement
2 agency.

3 (8) "Limited English proficient individual" means a person with limited
4 English language proficiency.

5 (9) "Motor vehicle" shall mean any vehicle which is self-propelled, and any
6 vehicle which is propelled by electric power obtained from overhead trolley wires,
7 but not operated upon rails, but excluding a motorized bicycles. "Motor vehicle"
8 shall also include a "low-speed vehicle" which is a four-wheeled electric-powered
9 vehicle with a maximum speed of not less than twenty miles per hour but not more
10 than twenty-five miles per hour and is equipped with the minimum motor vehicle
11 equipment appropriate for vehicle safety as required in 49 C.F.R. 571.500. This
12 includes automobiles, trucks, truck-tractors, trailers, semitrailers, and motorcycles,
13 propelled by steam, gasoline, electricity, or any other source of energy other than
14 muscular power, except farm implements temporarily operated or moved on a
15 highway or vehicles operated only on rails or tracks thereafter.

16 (10) "No-knock search warrant" means a search warrant that authorizes the
17 peace officers executing the warrant to enter a dwelling or another building without
18 knocking on the door of the entrance to the dwelling or building and announcing
19 their presence.

20 (11) "Peace officer" shall have the same meaning as provided in R.S.
21 40:2402(3).

22 (12) "Pedestrian stop" means any detention of a pedestrian initiated by a
23 peace officer. The term does not apply to instances in which a peace officer detains
24 and frisks a person at the entrance or exit to a controlled area.

25 (13) "Serious bodily injury" means bodily injury that involves
26 unconsciousness, extreme physical pain, or protracted and obvious disfigurement,
27 or protracted loss or impairment of the function of a bodily member, organ, or
28 mental faculty, death, or a substantial risk of death.

1 (14) "Special weapons and tactics team" or "S.W.A.T." means a unit within
2 a law enforcement agency that is trained to deal with situations of unusual danger,
3 especially when requiring aggressive tactics or enhanced firepower.

4 (15) "Traffic stop" means any detention of the occupants of a motor vehicle
5 initiated by a peace officer. The term does not apply to instances in which peace
6 officers respond to traffic accidents.

7 (16) "Use of force" means any physical effort to compel compliance by an
8 unwilling person, except for hand control techniques applied for the purposes of
9 handcuffing an unresisting person and escort techniques not used as pressure point
10 compliance techniques or to overcome resistance. A use of force shall include, but
11 shall not be limited to: pointing a firearm at a person, discharge of a firearm, a
12 canine bite, pressure point compliance techniques, or joint-manipulation techniques,
13 wristlocks, armbars, leg sweeps, weaponless-defense techniques, and takedowns,
14 discharge of a device containing oleoresin capsicum or a similar irritant, discharge
15 of a conducted-energy weapon, chokeholds, and strikes, blows, and kicks.

16 §2903. Collection of data on traffic stops

17 A. Not later than April first of each year, all law enforcement agencies
18 subject to the requirements of this Chapter shall submit to the commission data on
19 all traffic stops conducted by that agency's peace officer during the preceding
20 calender year.

21 B. The submission required pursuant to Subsection A of this Section shall
22 include, at a minimum, the following information for each traffic stop:

23 (1) The date, time, location, and duration of the stop. The location shall be
24 provided using the agency's district, zone, and sub-zone designations, and if possible,
25 using latitude and longitude coordinates.

26 (2) The make, model, and year of the vehicle that is stopped.

27 (3) The reason for the stop, including the alleged violation of a state or local
28 motor vehicle law, if applicable.

1 (4) The result of the stop, including whether the stop resulted in any of the
2 following:

3 (a) A verbal or written warning.

4 (b) A ticket or citation along with a reference to the statute or ordinance that
5 was violated or cited, and the amount owed, if possible.

6 (c) A summons along with a reference to the statute or ordinance that was
7 violated or cited.

8 (d) A property seizure or forfeiture and a description of the property seized.

9 (e) An arrest along with a reference to the statute or ordinance that was
10 violated or cited.

11 (5) The following characteristics of the driver, and if the peace officer
12 arrests, searches, or seizes property from any passenger, the following characteristics
13 of each such passenger:

14 (a)(i) The sex, age, and state of residence of the vehicle occupant, provided
15 the identification of these characteristics shall be based on the form of government-
16 issued identification the person has in their possession, or if the vehicle occupant is
17 not carrying government-issued identification, the identification of these
18 characteristics shall be based on the observation and perception of the peace officer.

19 (ii) The peace officer shall not request this information from the vehicle
20 occupant, but may only request the occupant present their government-issued
21 identification.

22 (b)(i) The race of the vehicle occupant, as determined by the peace officer
23 based upon the observation and perception of the officer. The peace officer shall
24 record the vehicle occupant's race and ethnicity as one of the following: American
25 Indian or Alaska Native, Asian, Black or African-American, Hispanic or Latino,
26 Native Hawaiian or Other Pacific Islander, White, or two or more races.

27 (ii) The peace officer shall not request the information from this
28 Subparagraph from the vehicle occupant.

1 (c) Whether the vehicle occupant was a limited English proficient individual,
2 as observed by the peace officer.

3 (d) Whether the vehicle occupant had any physical, intellectual, or mental
4 disabilities, as observed by the peace officer.

5 (6)(a) Whether the peace officer searched the vehicle or any occupant of the
6 vehicle, including, a search of their person following a request for consent to search
7 and whether consent was granted or refused.

8 (b) If consent was refused, the legal basis of the search, including:

9 (i) Reasonable suspicion the occupant was armed and dangerous.

10 (ii) A search incident to arrest.

11 (c) Whether the peace officer discovered any contraband or evidence as a
12 result of the search and the contents of the contraband or evidence, including
13 approximate amounts of controlled dangerous substances and money, if applicable.

14 (7) Whether the peace officer employed the use of a police dog trained to
15 detect controlled dangerous substances to search the vehicle and whether the dog
16 detected the possible presence of a controlled dangerous substance.

17 (8)(a) Whether the peace officer searched the vehicle or any property
18 contained inside the vehicle, including, a search of the vehicle following a request
19 to search the vehicle or any property contained inside the vehicle from the driver or
20 any occupant and whether the consent was granted or refused.

21 (b) The legal basis of the search of the vehicle or any property contained
22 inside the vehicle if consent was not granted by the driver or any occupants of the
23 vehicle, including:

24 (i) Protective search of the vehicle based upon a reasonable suspicion that
25 an unsecured occupant had ready access to a weapon.

26 (ii) An alert from a police dog trained to detect controlled dangerous
27 substances.

28 (iii) Other probable cause that the vehicle contained evidence of a crime.

29 (iv) Evidence of a crime in plain view.

1 (v) A search incident to arrest.

2 (vi) An inventory search after the vehicle was impounded.

3 (c) Whether the peace officer discovered any contraband or evidence as a
4 result of the search and the contents of the contraband or evidence, including the
5 approximate amounts of controlled dangerous substances or money, is applicable.

6 (9) Whether the peace officer seized any property and the type and
7 approximate amount of property seized and a narrative description of the reasons
8 supporting the legal basis for seizing the property.

9 (10) The badge number or other unique identifying number of the peace
10 officer conducting the stop.

11 (11) Whether the stop was recorded by a body-worn camera, audio recording
12 equipment, or a dashboard camera belonging to the agency submitting the data.

13 §2904. Collection of data on pedestrian stops and bicycle stops

14 A. Not later than April first of each year, all law enforcement agencies
15 subject to the requirements of this Chapter shall submit to the commission data on
16 all pedestrian and bicycle stops conducted by that agency's peace officers during the
17 preceding calender year.

18 B. The submission required pursuant to Subsection A of this Section shall
19 include, at a minimum, the following information for each pedestrian or bicycle stop:

20 (1) The date, time, location, and duration of the stop. The location shall be
21 provided using the agency's district, zone, and sub-zone designations, and if possible,
22 the latitude and longitude coordinates.

23 (2) The reason for the stop, including the alleged violation of a state or local
24 law, if applicable.

25 (a) The result of the stop, including whether the stop resulted in a verbal
26 warning.

27 (b) Whether the stop resulted in a ticket or citation along with a reference to
28 the statute or ordinance that was violated or cited.

1 (c) Whether the stop resulted in a summons along with a reference to the
2 statute or ordinance that was violated or cited.

3 (d) Whether the stop resulted in a property seizure or forfeiture.

4 (e) Whether the stop resulted in an arrest along with a reference to the statute
5 or ordinance that was violated or cited.

6 (3) The following characteristics of the pedestrian or bicyclist:

7 (a)(i) The sex, age, state of residence, race, and ethnicity of the pedestrian
8 or bicyclist, provided the identification of these characteristics shall be based on the
9 observation and perception of the peace officer. The peace officer shall record the
10 pedestrian or bicyclist's race or ethnicity as one of the following: American Indian
11 or Alaska Native, Asian, Black or African-American, Hispanic or Latino, Native
12 Hawaiian or Other Pacific Islander, White, or two or more races.

13 (ii) The peace officer shall not request the information from this
14 Subparagraph from the pedestrian or bicyclist.

15 (b) Whether the pedestrian or bicyclist was a limited English proficient
16 individual, as observed by the peace officer.

17 (c) Whether the pedestrian or bicyclist had any physical, intellectual or
18 mental disabilities, as observed by the peace officer.

19 (4)(a) Whether the peace officer searched the person of the pedestrian or
20 bicyclist, including, whether the peace officer requested consent to search and
21 whether the consent was granted or refused.

22 (b) The legal basis for the search if denied consent, including one of the
23 following:

24 (i) Reasonable suspicion that the occupant was armed and dangerous.

25 (ii) A search incident to arrest.

26 (c) A narrative description of the reasons supporting the legal basis,
27 including, but not limited to the following:

28 (i) Reasonable suspicion.

29 (ii) Probable cause.

1 (iii) Search incident to arrest.

2 (d) Whether the peace officer discovered any contraband or evidence as a
3 result of the frisk and the contents of the contraband or evidence, including
4 approximate amounts of controlled dangerous substances and money.

5 (5)(a) Whether the peace officer searched any of the pedestrian or bicyclist's
6 personal effects other than the clothes the pedestrian or bicyclist was wearing,
7 including, whether the peace officer requested consent to search the pedestrian or
8 bicyclist's personal effects and whether the consent was granted or refused.

9 (b) If the legal basis for the search of the pedestrian or bicyclist was refused,
10 a narrative description of the reasons supporting the legal basis for the search,
11 including, but not limited to, probable cause.

12 (c) Whether the peace officer discovered any contraband or evidence as a
13 result of the search and the contents of the contraband or evidence, including
14 approximate amounts of controlled dangerous substances or money.

15 (6) Whether the peace officer seized any property and the type and
16 approximate amount of property seized and a narrative description of the reasons
17 supporting the legal basis for seizing the property.

18 (7) The badge number or other identifying number of the peace officer
19 conducting the stop.

20 (8) Whether the stop was recorded by a body-worn camera, audio recording
21 equipment, or a dashboard camera belonging to the agency submitting the data.

22 §2905. General data collection requirements

23 A. Not later than April first of each year, all law enforcement agencies
24 subject to the requirements of this Chapter shall submit to the commission data for
25 each of the following incidents, as those terms are defined by this Chapter involving
26 agency's peace officer during the preceding year:

27 (1) Use of force by a peace officer.

28 (2) Use of a no knock warrant.

29 (3) Deployment of special weapons and tactics (S.W.A.T.) teams.

- 1 B. The data submission required by Subsection A of this Section shall
2 include, at a minimum, the following information on the person involved in the
3 incident:
- 4 (1) When the person voluntarily discloses this information:
- 5 (a) Sex.
- 6 (b) Age.
- 7 (c) Race.
- 8 (d) State of residence.
- 9 (e) Pregnancy status.
- 10 (2) When the officer observes the following:
- 11 (a) Whether the person has a limited English proficiency.
- 12 (b) Whether the person has physical, mental, or intellectual disabilities.
- 13 (c) Whether the individual is armed, and if so, with what type of weapon.
- 14 (c) Whether the individual fled or attempted to flee.
- 15 (3) The following information shall be submitted regarding each peace
16 officer who is involved in an incident listed in Subsection A:
- 17 (a) Whether the officer was on duty.
- 18 (b) Whether the officer used force, and if so, what type.
- 19 (c) Whether the officer discharged a weapon.
- 20 (d) Whether the officer gave verbal or nonverbal commands.
- 21 (4) The following information shall be submitted regarding each incident
22 listed in Subsection A:
- 23 (a) Time, date, location, and duration of the incident.
- 24 (b) Number of officers involved.
- 25 (c) Origin of the incident.
- 26 (d) Whether the officer frisked anyone with or without consent.
- 27 (e) Whether the officer discovered any evidence or contraband.

1 §2906. Specific data collection requirements

2 A. Not later than April first of each year, all law enforcement agencies
3 subject to the requirements of this Chapter shall submit to the commission data on
4 all complaints the agency received in the preceding calendar year.

5 (1) The data submission required by this Subsection shall include, at a
6 minimum, the following information for each complaint:

7 (a) The approximate date, time, and location of the incident complained of,
8 as alleged in the complaint.

9 (b) The badge number or other unique identifying number of each peace
10 officer referenced in the complaint if the complainant provides sufficient information
11 for the reporting agency to identify the peace officer.

12 (c) The substance of the complaint, including, but not limited to:

13 (i) Whether the complaint alleges that a peace officer impermissibly relied
14 on the complainant's or another person's race or ethnicity in the officer's interaction
15 with the complainant or another person.

16 (ii) Whether the complaint alleges that a peace officer impermissibly relied
17 on the complainant's or another person's status as lesbian, gay, transgender, straight,
18 queer, or gender-nonconforming in the officer's interaction with the complainant or
19 another person.

20 (iii) Whether the complaint alleges that a peace officer used excessive force
21 against the complainant or another person.

22 (iv) Whether the complaint alleges that a peace officer improperly seized
23 property that belonged to the complainant or someone else.

24 (v) Whether the complaint alleges that a peace officer improperly searched
25 the complainant, another person, or the complainant's or another person's property.

26 (vi) Whether the complaint alleges that a peace officer committed
27 inappropriate sexual contact with the complainant or another person.

28 (vii) Whether the complaint alleges the peace officer caused any physical
29 injuries to the complainant or another person.

1 (viii) The race, sex, age, and state of residence of each complainant, but only
2 if the complainant voluntarily discloses this information.

3 (c) The date the agency received the complaint.

4 (2) The data submission shall also include data on whether the agency
5 investigated the complaint and, if so, the following information:

6 (a) Whether the investigation is still pending or, if the investigation has been
7 completed, the date the agency completed its investigation of the complaint.

8 (b) If the investigation has been completed, whether the agency sustained the
9 complaint or determined the complaint was unfounded.

10 (c) If the investigation has been completed, whether the agency informed the
11 complainant of the disposition of the complaint and, if so, the date the agency
12 informed the complainant of the disposition of the complaint.

13 (3) The data submission shall also include data on all of the following:

14 (a) Whether the agency took disciplinary action against any peace officer as
15 a result of the incident described in the complaint.

16 (b) Whether the agency referred the complaint to a district attorney's office,
17 the office of the attorney general, or a United States attorney's office.

18 B. Not later than April first of each year, all law enforcement agencies
19 subject to the requirements of this Chapter shall submit the following information,
20 at a minimum, to the commission on response times to emergency calls the agency
21 received during the previous calendar year:

22 (1) The date and time the call was made and the location from which the call
23 was made. If possible, the location shall be provided using latitude and longitude
24 coordinates and using the agency's district, zone, and sub-zone designations.

25 (2) The date and time the agency dispatched one or more peace officers to
26 respond to the call.

27 (3) The date and time the peace officers dispatched to respond to the call
28 arrived at the location of the emergency.

29 (4) Any priority code the agency assigned to the call.

1 (5) The date and time the peace officers who responded to the call closed the
2 call.

3 (6) The disposition of the call, including, but not limited to, void, gone on
4 arrival, necessary action taken, and report to follow.

5 (7) The subject matter of the call, including, but not limited to, burglary,
6 discharge of a firearm, a motor vehicle accident, or a domestic violence incident.

7 C. Not later than April first of each year, all law enforcement agencies
8 subject to the requirements of this Chapter shall submit the following information,
9 at a minimum, to the commission on the demographics of all peace officers
10 employed or overseen by the agency during the previous calendar year:

11 (1) The peace officer's badge number or unique identifying number.

12 (2) The number of years the peace officer has served with the reporting
13 agency, and the total number of years the peace officer has been employed as a peace
14 officer in the United States.

15 (3) The peace officer's sex, age, and self-reported race and ethnicity, where
16 race and ethnicity are recorded as one of the following: American Indian or Alaska
17 Native, Asian, Black or African-American, Hispanic or Latino, Native Hawaiian or
18 Other Pacific Islander, White, or two or more races.

19 (4) Whether the peace officer is a former active-duty member of the United
20 States Armed Forces.

21 §2907. General requirements regarding law enforcement data collection and
22 retention; phase implementation; applicability

23 A. Phased implementation. Law enforcement agencies shall become subject
24 to the requirements of this Chapter according to the following schedule:

25 (1) Law enforcement agencies overseeing fifty or more peace officers shall
26 begin collecting data on January 1, 2020 and shall make their first submissions to the
27 commission not later than April 1, 2021.

1 (2) Law enforcement agencies overseeing twenty-five to forty-nine peace
2 officers shall begin collecting data on January 1, 2021 and shall make their first
3 submissions to the commission not later than April 1, 2022.

4 (3) Law enforcement agencies overseeing twenty-four or fewer peace
5 officers shall begin collecting data on January 1, 2022 and shall make their first
6 submissions to the commission not later than April 1, 2023.

7 B. No liability for good-faith reporting. Any peace officer who in good faith
8 records information pursuant to the requirements of this Chapter shall not be held
9 civilly liable for the act of recording such information.

10 C. Non-applicability to correctional facilities. The provisions of this Chapter
11 shall not apply to encounters between peace officers and inmates.

12 D. Public access to data. Notwithstanding any other provision of law, the
13 data required to be submitted to the commission pursuant this Chapter shall be a
14 public record within the meaning of R.S. 44:1. The data required to be submitted to
15 the commission pursuant to this Chapter shall not be exempt from public disclosure
16 under R.S. 44:3 et seq. Nothing in this Chapter shall require law enforcement
17 agencies to submit names, residence addresses, home telephone numbers, social
18 security numbers, driver's license numbers, and other unique personally identifying
19 information to the commission, except for peace officers' badge numbers, other
20 unique identifying numbers, and the demographic information required to be
21 submitted pursuant to R.S. 40:2906(C).

22 E. Law enforcement agencies who have maintained a qualifying
23 accreditation for the entirety of the calendar year for which they are required to
24 collect and submit data pursuant to this Chapter may satisfy the requirements of this
25 Section by submitting a copy of the annual report and other documents provided to
26 or reviewed by the accrediting agency in order to complete the accrediting process.
27 Such documents shall include the full assessment report for the accrediting period
28 and the annual compliance reports that are required for accreditation. For the
29 purposes of this Section "qualifying accreditation" shall mean accreditation by a

1 body that awards accreditation on a periodic basis not to exceed five years and has
2 standards and protocols for the profession including recommended or required
3 professional training and which requires a period of self assessment to determine
4 alignment with those standards and which requires independent external assessment
5 of the agency's practices to verify compliance with those professional protocols and
6 standards, and which requires annual compliance reports prior to re-accreditation.

7 B. Agencies who have maintained a qualifying accreditation and submitted
8 such documentation to the commission shall not be subject to penalties for non-
9 compliance as provided by this Chapter.

10 §2908. Responsibilities of the Louisiana Commission on Law Enforcement and
11 Administration of Criminal Justice

12 A. Administrative rulemaking. Not later than March 1, 2020, the commission
13 shall begin the process of promulgating rules and regulations, by publishing notice
14 of the intent to promulgate rules and regulations in accordance with the Louisiana
15 Administrative Procedure Act, R.S. 49:950 et seq., for the collection and submission
16 of data required by this Chapter. Such proposed rules and regulations may provide
17 standards, definitions, and technical specifications to ensure uniform collection and
18 submission practices across all law enforcement agencies. To the extent possible,
19 such proposed rules and regulations shall be compatible with any similar federal data
20 collection and reporting program.

21 B. Data submission. Not later than July 1, 2020, the commission shall
22 establish, through electronic data processing and related procedures, a system by
23 which the data required by this Chapter to be collected can be electronically
24 submitted by law enforcement agencies to the commission in a standardized format.
25 The commission shall also develop and disseminate to law enforcement agencies
26 paper forms to standardize data collection and to assist peace officers in collecting
27 the types of data that are best recorded at the scene of stops and incidents. To the
28 extent possible, the system for electronic data submission and the paper forms shall
29 be compatible with any similar federal data collection and reporting program. Not

1 later than October 1, 2020, the commission shall disseminate to all law enforcement
2 agencies detailed instructions for how they may submit data using either the
3 electronic system or paper forms developed by the Commission. The commission
4 shall solicit periodic feedback from law enforcement agencies on how the electronic
5 reporting system, paper forms, and instructions could be improved and shall update
6 the electronic reporting system, paper forms, and instructions as appropriate.

7 C. Annual reports. Not later than December 31, 2021 and December
8 thirty-first of each subsequent year, the commission shall publish an annual report
9 that analyzes the data submitted to it pursuant to this Chapter . The commission
10 shall make all such annual reports available for download on its website. Such
11 annual reports shall include the name and contact information for each law
12 enforcement agency that failed to submit the data required by this Chapter.

13 (1) Such annual reports shall also include, at a minimum, an analysis of the
14 following:

15 (a) Whether there are statistically significant disparities in the rates at which
16 drivers, passengers, and pedestrians of different racial and ethnic groups are stopped,
17 searched, issued a citation, ticket, or summons, found to possess contraband, and
18 arrested.

19 (b) Whether there are statistically significant disparities in the rates at which
20 drivers and passengers of different racial and ethnic groups are subjected to traffic
21 stops during daytime versus nighttime periods.

22 (c) For law enforcement agencies overseeing at least fifty peace officers, the
23 distribution in the rates at which peace officers overseen by the same agency stop,
24 search, issue citations, tickets, and summons to, find contraband on, and arrest
25 drivers, passengers, and pedestrians of different racial and ethnic groups.

26 (d) Whether there are statistically significant disparities in the rates at which
27 peace officers use force against people of different racial or ethnic groups.

1 (e) For law enforcement agencies overseeing at least fifty peace officers, the
2 distribution of total uses of force and the distribution of uses of force against people
3 of a particular racial or ethnic group by peace officers overseen by the same agency.

4 (2) To measure statistical significance, the commission shall use indicators
5 that are widely accepted in statistical and econometric disciplines, including, but not
6 limited to, significance levels of five percent or less. The commission shall consult
7 evidence-based research, including research published in peer-reviewed scholarly
8 journals, to determine reasonable benchmark populations for use in all comparative
9 analyses.

10 (3) The commission may enter into a contract with an accredited institution
11 of higher education for the institution to analyze the data and draft the annual report.
12 The report shall list the academic institutional authors as co-authors with the
13 commission staff. To the best extent possible, any such contract entered into
14 pursuant to this Subsection shall be with a Louisiana public institution of higher
15 education.

16 D. Publication of raw data. The commission shall make available for
17 download on its website all raw data received from law enforcement agencies. All
18 data shall be made available for download in a comma-separated values format and
19 in any other formats the commission determines would facilitate public access and
20 analysis. To the best extent possible, the publication of raw data pursuant to this
21 Subsection shall be done using an "Open Data" website that is included in the U.S.
22 General Service Administration's "Data.gov" catalog. The commission shall not
23 remove past years' data, even if these data are older than three years.

24 E. Public access to data. Notwithstanding any other law, the data and reports
25 required to be made available pursuant to this Section shall be public records within
26 the meaning of R.S. 44:1. The data and reports required to be made available
27 pursuant to this Section shall not be exempt from public disclosure under R.S. 44:3.
28 Nothing in this Chapter shall be intended to authorize the commission to publish or
29 release names, residence addresses, home telephone numbers, Social Security

1 numbers, driver's license numbers, and other unique personally identifying
2 information, except for law enforcement officers' badge numbers.

3 §2909. Penalties for law enforcement agency's failure to collect or submit data

4 A. Withholding of funds for non-compliance. If a law enforcement agency
5 fails to comply with the provisions of this Chapter, the commission shall withhold
6 all federal- or state-sourced funds that the commission would otherwise disburse to
7 the agency, except for funds whose primary purpose is to enhance the capacity of the
8 agency to collect and submit the data required by this Chapter, until the commission
9 has verified that the agency has submitted all the data the agency is reasonably
10 capable of collecting and submitting. The funds that the commission shall withhold
11 from non-compliant agencies include, but are not limited to, funds from the Edward
12 Byrne Memorial Justice Assistant Grant program that the state of Louisiana makes
13 available to units of local government under 34 U.S.C. § 10156(c)(2) and (e)(2). The
14 commission shall promulgate rules and regulations for carrying out its duties under
15 this Subsection.

16 B. Civil penalties for non-compliance. If a sheriff, chief of police of a police
17 department, the superintendent of the New Orleans Police Department, or the
18 superintendent of the Louisiana State Police intentionally fails to collect and submit
19 the data required by this Chapter, the law enforcement agency shall be liable to the
20 state for a civil penalty in an amount not to exceed five thousand dollars for each
21 intentional, substantial failure to submit data in accordance with this Chapter, for
22 each year in which the agency is required to collect and submit data. The attorney
23 general may sue to collect a civil penalty under this Subsection in accordance with
24 the following provisions:

25 (1) Before commencing suit, the attorney general shall provide written notice
26 to the official that sets forth with particularity the ways in which the attorney general
27 believes the law enforcement agency overseen by the official is failing to comply
28 with the provisions of this Chapter. If, after the passage of thirty days from the date
29 on which the attorney general sends written notice, the attorney general is not

1 satisfied that the official has come into substantial compliance with the provisions
2 of this Chapter, the attorney general may file suit in the district court with
3 jurisdiction over the official to be named as the defendant.

4 (2) The court shall determine the matter de novo and the burden is on the
5 official overseeing the law enforcement agency to demonstrate, by a preponderance
6 of the evidence, that the agency has exhibited no intentional and substantial failures
7 to comply with the provisions of this Chapter.

8 (3) Any suit filed by the attorney general pursuant to this Subsection shall
9 be tried by preference and in a summary manner in the district court of original
10 jurisdiction.

11 (4) If the court determines that the official has committed an intentional and
12 substantial failure to submit data for required by the provisions of this Chapter, it
13 shall impose a civil penalty not to exceed five thousand dollars for each such
14 intentional and substantial failure, for each year in which the intentional and
15 substantial failure has persisted. Such penalty shall be payable to the state.

16 §2910. Civil injunctive remedies for law enforcement agency's failure to collect or
17 submit data

18 A. Organizational standing to sue. An organization with tax-exempt status
19 under Section 501(c)(3) of the U.S. Internal Revenue Code (26 U.S.C. § 501(c)(3))
20 and whose mission is to advance civil rights or human rights or to combat various
21 forms of discrimination is hereby determined by the legislature to hold a special
22 interest apart from the interest of the general public sufficient to create a real and
23 actual interest in ensuring that law enforcement agencies comply with the provisions
24 of this Chapter. Such organizations may seek appropriate injunctive relief in a civil
25 action against any head of a law enforcement agency for failing to collect or submit
26 data pursuant to this Chapter. The organization need not be registered with the
27 Louisiana Secretary of State.

28 B. Required notices. Before filing a civil action under this Section, the
29 organization shall send a written notice to the law enforcement agency that is failing

1 to comply with the provisions of this Chapter. The notice shall set forth with
2 particularity the ways in which the organization believes the law enforcement agency
3 is failing to comply with the provisions of this Chapter. The organization shall send
4 copies of the notice to the attorney general and the commission. The organization
5 shall wait thirty days from the date of sending written notice and comply with the
6 following provisions:

7 (1) If, before the thirty-day period passes, the organization receives written
8 notice from the attorney general that the attorney general has commenced a civil
9 action against the agency pursuant to Subsection C, the organization must wait until
10 the attorney general's suit concludes to institute its own action.

11 (2) If, after the passage of thirty days, the organization receives no written
12 notice from the attorney general that the attorney general has commenced a civil
13 action against the agency pursuant to Subsection C, the organization may institute
14 a civil action pursuant to the requirements of Subsection D. Nothing in this
15 Subsection shall require the organization to file a civil action.

16 C. Suit by the Attorney General. The attorney general may, pursuant to the
17 requirements set forth in Subsection D, commence a civil action for injunctive relief
18 against any law enforcement agency that is failing to comply with the provisions of
19 this Chapter.

20 D. Procedural requirements. In any suit filed by an organization or the
21 attorney general pursuant to this Section, the head of the agency shall be named in
22 his official capacity as the defendant. The civil action shall be filed in the district
23 court having jurisdiction over the agency. The suit shall be tried by preference and
24 in a summary manner. The court shall have jurisdiction to enjoin the head of the law
25 enforcement agency from failing to comply with the provisions of this Chapter. The
26 court shall determine the matter de novo and the burden is on the head of the law
27 enforcement agency to demonstrate, by a preponderance of the evidence, that the law
28 enforcement agency is in substantial compliance with the requirements of this

1 Chapter. Any noncompliance with the order of the court may be punished as
2 contempt of court.

3 E. Costs and fees. Any organization that meets the requirements of
4 Subsection A may be awarded costs, attorneys' fees, and expert fees if it prevails in
5 a civil action filed pursuant to this Section. If the court orders costs and fees to be
6 paid, the official found to be in non-compliance with the provisions of this Chapter
7 shall pay any such costs, attorneys' fees, and expert fees out of the budget of the
8 agency overseen by the official. An award for attorney fees in any suit brought under
9 the provisions of this Section shall not exceed the amounts approved by the attorney
10 general for the employment of outside counsel.

11 §2911. Civil injunctive remedies for a failure by the commission to publish annual
12 reports or data

13 A. Organizational standing to sue. An organization with tax-exempt status
14 under Section 501(c)(3) of the U.S. Internal Revenue Code (26 U.S.C. § 501(c)(3))
15 and whose mission is to advance civil rights or human rights or to combat various
16 forms of discrimination is hereby determined by the legislature to hold a special
17 interest apart from the interest of the general public sufficient to create a real and
18 actual interest in ensuring that the commission comply with the provisions of this
19 Chapter. Such organizations may seek appropriate injunctive relief in a civil action
20 against any the chairman of the commission for failing to publish annual reports or
21 raw data pursuant to this Chapter. The organization need not be registered with the
22 Louisiana Secretary of State.

23 B. Procedural requirements. In any suit filed by an organization pursuant to
24 this Section, the chairman of the commission shall be named as the defendant in his
25 official capacity as the chairman. The civil action shall be filed in the nineteenth
26 judicial district court. The suit shall be tried by preference and in a summary
27 manner. The court shall have jurisdiction to enjoin the executive director of the
28 commission from failing to publish the annual reports and raw data required by this
29 Chapter. The court shall determine the matter de novo and the burden is on the

1 executive director of the commission to demonstrate, by a preponderance of the
2 evidence, that the commission has complied with the provisions of this Chapter.
3 Any noncompliance with the order of the court may be punished as contempt of
4 court.

5 C. Non applicability of anti-injunction prohibition. Any injunction issued
6 by a court pursuant to this Section is hereby determined not to violate R.S. 13:4062
7 or Louisiana Code of Civil Procedure Article 3601(A) and shall be considered an
8 exception to those provisions.

9 D. Costs and fees. Each party shall bear its own costs and fees in litigating
10 any action instituted pursuant to this section.

11 Section 2. R.S. 15:1204.2(A) and (B)(1) and (8)(c), 1204.5, 1212(B)(4) and
12 1212.1(F) are hereby amended and reenacted and R.S. 15:1204.2(B)(8)(d)
13 is hereby enacted to read as follows:

14 §1204.2. Creation of system; functions; powers; duties

15 A. There is hereby created within the Louisiana Commission on Law
16 Enforcement and the Administration of Criminal Justice, hereinafter referred to as
17 the "commission", a Louisiana Uniform Crime Reporting System, hereinafter
18 referred to as the "system". All Louisiana law enforcement agencies employing one
19 or more peace officers as defined in R.S. 40:2402 shall report to the system all data
20 requested by the Federal Bureau of Investigation. The commission may appoint such
21 employees, agents, consultants, and special committees as it may deem necessary to
22 properly manage the system.

23 B. The system, by and through the commission, shall have the following
24 functions, powers, and duties:

25 (1) To establish, through electronic data processing and related procedures,
26 a system by which relevant information can be collected, coordinated, analyzed, and
27 made readily available to serve qualified agencies concerned with the administration
28 of criminal justice located anywhere in the state. The commission shall prescribe
29 standards and technical specifications to ensure uniform data collection submission

1 practices across all law enforcement agencies and shall prescribe the terms and
2 conditions under which ~~such~~ all law enforcement agencies shall ~~contribute or gain~~
3 access to information contained in the system files.

4 * * *

5 (8)

6 * * *

7 (c) The report shall specifically contain a section related to clearance rates
8 that shall include statistics showing the clearance rates for all crimes reported to the
9 system, including statistics comparing clearance rates for homicide crimes based on
10 the race and ethnicity of the victim.

11 (d) A sufficient number of copies of all reports shall be printed for
12 distribution to the governor, the chairman of the House Committee on
13 Administration of Criminal Justice, and the chairman of the Senate Committee on
14 Judiciary C, and as many others as may be requested. The report shall be made
15 available electronically on the commission's website to all public officials in the state
16 dealing with crimes or criminals and for general distribution in the interest of public
17 enlightenment.

18 * * *

19 §1204.5. Penalties

20 The commission ~~may impose reasonable administrative sanctions as it deems~~
21 ~~appropriate against~~ shall withhold from those law enforcement agencies ~~who~~ that fail
22 to comply with the reporting requirements of the Uniform Crime Reporting System
23 all federal or state sourced funds that the commission would otherwise disburse to
24 the agency, except for funds whose primary purpose is to enhance the capacity of the
25 agency to comply with the reporting requirements of the Uniform Crime Reporting
26 System, until the Commission has verified that the agency has reported all the data
27 the agency is reasonably capable of collecting and reporting. ~~These sanctions~~
28 ~~include the preclusion of a subject agency's participation in any of the grant~~
29 ~~programs operated by the commission.~~ The funds that the commission shall

1 withhold from non-compliant agencies include, but are not limited to, funds from the
2 Edward Byne Memorial Justice Assistant Grant program that the State of Louisiana
3 makes available to units of local government under 34 U.S.C. § 10156(c)(2) and
4 (e)(2).

5 * * *

6 §1212. Creation of database; functions

7 * * *

8 B. The commission shall be the central depository for all information
9 submitted for entry into the database by law enforcement agencies, correctional
10 agencies, and institutions and shall have the following functions, powers, and duties:

11 * * *

12 (4) To prepare and distribute, to all such persons and agencies, forms to be
13 used in reporting data to the database. The forms shall provide for detailed
14 information regarding the following information for all law enforcement officers
15 overseen by the agency:

- 16 (a) ~~the~~ The name of the law enforcement officer;
- 17 (b) ~~the~~ The law enforcement officer's designated position;
- 18 (c) ~~the~~ The status of all P.O.S.T. certifications and decertifications related
19 to training and qualifications of the law enforcement officer;
- 20 (d) ~~the~~ The law enforcement officer's hire date;
- 21 (e) Paid and unpaid suspensions and paid and unpaid administrative leaves
22 of the law enforcement officer.
- 23 (f) ~~the~~ The final disposition of disciplinary actions against the law
24 enforcement officer that result in involuntary termination, resignations in lieu of
25 termination, resignations pending an investigation;
- 26 (g) ~~final~~ Final judgments in civil cases against the law enforcement officer
27 related to civil rights violations under the provisions of 42 U.S.C. 1983, including
28 the amounts paid in compensatory damages, punitive damages, and attorneys' fees.

- (4) Traffic stops
- (5) Pedestrian and bicycle stops
- (6) Complaints against peace officers
- (7) 911 emergency calls

Proposed law requires peace officers to report identifying information regarding individuals involved in these proposed law incidents including but not limited to sex, age, race, state of residence, English proficiency, and presence of disabilities.

Proposed law requires peace officers to report information regarding their interactions with individuals including specific information about whether they were on duty, used force, discharged a weapon, or gave any commands.

Proposed law also requires the collection of information specific to peace officers of each law enforcement agency.

Proposed law allows for the collection of data to be phased in to law enforcement agencies across the state. Larger agencies are required to make their first submission of collected information no later than April 1, 2021. Smaller agencies can make their submission by April 1, 2023. Provides for an alternative method of compliance with proposed law in certain cases where a law enforcement agency is already collecting this information for accreditation purposes.

Proposed law requires data collected pursuant to proposed law to be a public record.

Proposed law provides that if law enforcement agencies fail to comply, the Louisiana Commission on Law Enforcement and Administration of Criminal Justice has the ability to withhold all federal or state funds that would otherwise be disbursed to them, including funds from the Edward Byne Memorial Justice Assistant Grant Program. Law enforcement agencies could be forced to pay civil penalties for intentionally being non-compliant. Additionally, organizations with tax-exempt status can seek injunctive relief in a civil action if the law enforcement agencies fail to comply with the submission of data or publishing of annual reports.

Proposed law requires all law enforcement agencies to report all data requested by the FBI to the Louisiana Uniform Crime Reporting System. Additionally, it requires the commission to create standards and technical specifications to ensure that all data submissions are uniform.

Proposed law requires the commission to report on clearance rates that include statistics on all crimes reported to the system.

Present law (R.S. 22:398.10) requires peace officers to collect information on the number of persons stopped for traffic violations made and the demographics of those persons, the nature of the stop, and whether a citation or warrant was issued, an arrest made, or a search conducted. Present law provides that present law is inapplicable if the department adopts a written policy against racial profiling. Proposed law repeals present law.

(Amends R.S. 15:1204.2(A) and (B)(1) and (8)(c), 1204.5, 1212(B)(4) and 1212.1(F); Adds R.S. 15:1204.2(B)(8)(d) and R.S. 40:2901-2911; Repeals R.S. 32:398.10)