



REQUEST FOR INFORMATION RESPONSE: NDI EXPANSION PROJECT

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INTRODUCTORY STATEMENT

Description: *This section is an introductory statement about your organization, and your experience with projects similar in function and scope as the IADLEST NDI*

The National Association of Criminal Defense Lawyers (NACDL) is a professional bar association founded in 1958 with 9200 direct members in 28 countries – and 90 state, provincial and local affiliate organizations totaling up to 40,000 attorneys – including private criminal defense lawyers, public defenders, military defense counsel, law professors, and judges committed to preserving fairness and promoting a fair, rational, and humane criminal justice system. The Association’s mission is to serve as a leader, alongside diverse coalitions, in identifying and reforming flaws and inequities in the criminal justice system, and redressing systemic racism, and ensuring that its members and others in the criminal defense bar are fully equipped to serve all accused persons at the highest level.

In 2020, NACDL launched the Full Disclosure Project (FDP) to disrupt the culture of secrecy that shields law enforcement misconduct. The project works to change police secrecy laws and empowers the defense community to track police misconduct.

FDP manages an open-source web application designed to track, aggregate, and analyze law enforcement misconduct. The application is meant to host data from a wide range of both public and legally privileged sources, including personnel records, judicial decisions, lawsuits, community complaints and body cam videos. The project has already provided six state-wide defense organizations with direct support, training, and technical assistance in implementing the application for their local jurisdiction. These applications currently require authentication to access based on credentials provided by defense organizations.

FDP also collaborates with partners in advanced computing and data science fields to develop tools and processes that automate the collection and digestion of certain police misconduct data. Additionally, FDP is in conversations with other stakeholders to discuss how data sharing can take place across industries and with the public.

The Full Disclosure Project has an interest in the successful expansion of a National Decertification Index as it aligns with our goals of better police misconduct tracking and

sharing across the county. The project has first-hand expertise with the challenges of tracking heterogenous data from law enforcement agencies and a framework for doing it effectively. While FDP does not expect to be involved in the expansion of the NDI or submit a proposal in response to any potential Request for Proposals, the project is willing and eager to share their expertise.

RESPONSE TO REQUEST FOR INFORMATION

<i>Description:</i>	<i>This section is for providing the information requested in the RFI. [Briefly explain your recommended strategy or high-level plan, and reasonable expected timeline, for accomplishing the work effort described in this RFI. (1 page max.)]</i>
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The Full Disclosure Project implores IADLEST to proceed in the manner most aligned with the mission of the NDI – preventing the uninformed employment of police officers with a history of misconduct in other jurisdictions – rather than narrowly tailored to fit the executive order. IADLEST should use this as an opportunity to seek insight from relevant stakeholders and leverage its own experience to identify areas where the Executive Order is insufficient to resolve the problem and include those insights into the expansion.

System buy-in and adoption by law enforcement agencies will be the most crucial aspect to an effective NDI. Without broad adoption, law enforcement officers who lose their certifications or otherwise engage in serious misconduct can simply move to non-participating agencies. To that end, the expansion project should make agency adoption the forefront of its mission. To encourage participation, FDP recommends these strategies:

- 1) Make it easy for POST agencies to track and report certifications in a standardized way.** Lack of resources is a common barrier to participation in any government program, especially when it relates to developing new technology. IADLEST should consider developing a simple, open-source application which agencies can adopt to track officer certification and actions. The application could be outfitted with built-in data sharing capabilities, like an API, that automatically reports the actions that fall into the applicable categories for reporting. This would open the door to participation for agencies with few IT resources or expertise. Additionally, it would ensure accurate and timely reporting of information without the need for agencies to expend extra labor performing data entry. NDI should also support an API for querying the system, which could be connected to agency HR systems, allowing them to automatically check the system for new officers without relying on administrators.
- 2) Collect POST information through records requests.** FDP strongly encourages IADLEST to consider conducting primary data collection rather than relying solely on agency reports. In jurisdictions where the law permits, IADLEST should submit Freedom of Information/Open Records Requests for certification and decertification data. Data from agencies that do not voluntarily participate will undoubtedly make the system more effective. Additionally, agencies that are indirectly reporting their data in response to IADLEST's requests may be encouraged to do so voluntarily in the future to obtain the other compliance incentives.

The Full Disclosure Project also encourages IADLEST to revisit two aspects of the Executive Order that were not mentioned in the RFI:

- 1) Section 3(b) of the Executive Order indicates the database shall include “criminal convictions of law enforcement officers for on-duty conduct.” The Order does not distinguish between infractions, misdemeanors, or felonies. IADLEST should evaluate whether it’s possible to rely solely on POST agencies for this data, as laws vary as to what level or type of criminal conviction triggers POST action. In jurisdictions where it seems criminal convictions may not be reported through POST, IADLEST should conduct primary data collection through records requests to law enforcement agencies, police unions, or other third-parties where convictions may be reported.
- 2) Section 3(b) of the Executive Order states the database shall include “civil judgments against law enforcement officers for improper use of force.” FDP is not aware of civil judgments being tracked by POST agencies and has found that very few police departments track civil litigation against their department or officers. In order to track this data, IADLEST will need to monitor both federal and local civil litigation. FDP is aware of the scale of this task as the project is currently working on a model to automate the tracking of civil litigation against law enforcement officers. IADLEST should submit records requests to city law departments, comptrollers, or whichever agency locally handles civil litigation against public officials for a list of lawsuits filed against any law enforcement officials. When possible, IADLEST should set up court scrapers to automate the tracking of this information.

DESIRED NDI SYSTEM ENHANCEMENTS

MAIN DASHBOARD

The main dashboard for the database should be publicly-accessible in accordance with Section 3(d) of the Executive Order. IADLEST should do extensive research on the use-cases for this data, not just with POST agencies and law enforcement stakeholders, but also with community groups, policymakers, academics, and criminal justice advocates.

These stakeholders are imperative to preventing problematic officers from transferring departments and abusing their power. Time and again, the government has failed to provide effective safeguards and law enforcement agencies have failed to do their due diligence. The consequences are dire. Twelve-year old Tamir Rice, for example, was shot and killed by Cleveland police officer Timothy Loehmann, who was in the process of being fired by another police department before resigning and transferring to Cleveland.

While the Executive Order calls for sharing aggregated and anonymized data, IADLEST should share as much disaggregated and deanonymized data as legally allowed. Where IADLEST encounters limitations, it should pursue opportunities to expand what information can be shared publicly. The sharing of this information will help rebuild trust between communities and law enforcement agencies and add additional, necessary checks and balances to the current system.

FUNCTIONALITY

The expanded database should include functionality for automated queries of the system through an API. It should also offer the ability to download the data in modern structured

formats, like .csv and .json.

The NDI application should be open-source, with the application code posted publicly, so that interested stakeholders could volunteer additional development resources.

NDI RECORD ENTRY

As mentioned in the introductory statement, FDP encourages IADLEST to consider automated reporting to the NDI as well as manual record entry. This will reduce the administrative burden needed to check and report data to the system, thereby increasing usage, enhancing data integrity, and reducing training needs.

In FDP's experience, name and date of birth are insufficient to uniquely identify a person. At the same time, there are numerous, diverse identifiers used for law enforcement officers that vary by jurisdiction. To account for this, the NDI system should allow an unlimited number of identifiers to be linked to people in the database. The system should also allow for the creation of new identifier types as needed. In a relational database system, this could be resolved by having an "identifier types" table, with categories such as "state certification number", "driver's license number", "passport number", "date of birth" etc. If there are identifiers which exist across all jurisdictions, they should be required. When new officers are added to the database, entry clerks should be advised to add as many identifiers as they know. They would first select the identifier type and then input the number/code.

In a similar fashion, contact information, such as phone number and home address, should also be collected for the person. If a person's contact information changes, the new information should be added and linked to the person while the outdated information should be kept in the system and linked to the person, with some indication as to which information is current.

Combined, these additional data points will reduce the ability for de-certified officers to switch departments without detection. Direct stakeholders will be able to check across multiple data points to identify a person. If a person appears to be similar based on the limited information the direct stakeholder has, and the NDI has additional identifying information, then the stakeholder could request that from the person to verify the accuracy of the connection.

The NDI system can also run periodic checks and validations to identify any duplicate people in the system. Upon identification of a duplicate, records should be consolidated. Information in the system should be archived, rather than deleted, so that there is a log of behavior.

NDI RECORD QUERIES

Queries to the database should be open to whatever information the direct stakeholder has. A search algorithm should search across all person identifying data points, using techniques like fuzzy matching, and return matches in a tiered order of most to least likely related.

ADDITIONAL CONSIDERATIONS

The Full Disclosure Project is heartened by IADLEST's request for information to expand the NDI and appreciates your consideration of this response. To comply with the RFI deadline, the project was not able to provide all the details it would have liked in this response. FDP is willing to provide additional clarification or guidance if desired.