



**Response to National Decertification Index (NDI) Request for Information from International Association of Directors of Law Enforcement Standards and Training (IADLEST)**

**August 20, 2021**

Victor McCraw  
National Decertification Index (NDI) Project Manager  
International Association of Directors of Law Enforcement Standards and Training (IADLEST)

RE: NDI Expansion Project

Dear Mr. McCraw:

CEO Action for Racial Equity (CEOARE) is pleased to submit our response to the Request for Information (RFI) for the NDI Expansion Project. We commend IADLEST's efforts to enhance the NDI and promote sharing of information among law enforcement agencies, which we believe will help improve each department's hiring practices, promote accountability and transparency in law enforcement and build trust between law enforcement and citizens in our communities.

The RFI presents an excellent opportunity for IADLEST to solicit design and technological leading practices informed by perspectives from advocacy organizations and business coalitions to confirm community interests are considered throughout the expansion project.

We have organized our response into two sections: 1) Key Project Considerations; and 2) Desired NDI System Enhancements. If you have any questions, please feel free to contact us. We welcome the opportunity to engage.

Sincerely,

CEO Action for Racial Equity

### Introductory Statement

CEOARE is a Fellowship of over 100 companies that mobilizes a community of business leaders with diverse expertise across multiple industries and geographies to advance public policy in four key areas — healthcare, education, economic empowerment, and public safety. Our mission is to identify, develop and promote scalable and sustainable public policies and corporate engagement strategies that will address systemic racism, social injustice and improve societal well-being.



Since October 2020, a team of fellows has been engaging in efforts to enhance data transparency and accountability within the ranks of federal, state, and local law enforcement agencies. Similar to IADLEST's focus on criminal justice standards, our goal is to assist with the passage of meaningful reform legislation that reduces the likelihood of problematic officers transferring to or being hired by an agency without that hiring department's knowledge of the applicant's full historical conduct record.

We recognize that the NDI has played and is likely to continue to play an important role in providing a framework for how state law enforcement licensing boards, such as Police Officer Standards and Training agencies (POSTs), regulate certifications and share and acquire information, which are critical to the hiring of qualified law enforcement officers. Participation in the NDI by state POSTs will go a long way to improving data transparency and sharing capabilities among law enforcement agencies, which are among the principal objectives of the "Safe Policing for Safe Communities" Executive Order ("Executive Order")<sup>1</sup>.

CEOARE has met with representatives from Oregon, Connecticut, and other state POSTs to understand the state-specific nuances of certification standards. To further inform our perspective on centralized registries, we also engaged with several organizations that have developed and maintain various law enforcement databases, including: the USC Safe Communities Institute and their LEWIS (Law Enforcement Work Inquiry System) registry<sup>2</sup>, the National Association of Criminal Defense Lawyers' Full Disclosure Project<sup>3</sup>, and a team of New York journalists from ProPublica involved with the NYPD Files Project <sup>4</sup>.

As representatives of the corporate community, we are excited for the opportunity to provide IADLEST with a racial equity perspective to enhance the NDI's design. Our commitment is to improve the quality of life for the 47M+ Black Americans through advocacy and advancement of solutions that seek to end systemic racism. As such, we are advocating for enhancements in line with our coalition's vision for safe and healthy communities. Our response herein includes what we consider to be critical principles for IADLEST's consideration for this iteration and future enhancements to the NDI.

*Disclaimer: CEOARE does not seek to be involved in the implementation of the enhanced NDI, nor provide any services as part of any Request for Proposal that may ensue from this RFI. Consequently, we are not responding with technical considerations nor a plan of action for completion of such a project.*

## RESPONSE TO REQUEST FOR INFORMATION

Enhancing the NDI to include additional data and incorporate submissions/requests from thousands of stakeholders is a massive undertaking, not just for IADLEST as the administrator, but for state POSTs as well. With more than 18,000 police agencies in this country, the NDI administrators need to identify where the biggest adoption challenges exist. We recognize that each provision within the categories below comes with feasibility challenges, including but not limited to cost and differing levels of complexity. We also recognize the desire to implement on-time and within budget will likely result in compromise over what can be implemented now versus in future iterations.



## KEY PROJECT CONSIDERATIONS:

Stakeholder Buy-in: Success of the NDI relies on support from and participation by local law enforcement agencies. NDI administrators would be well served to invite agencies into multiple focus group sessions to gather feedback, identify adoption challenges, listen to suggested solutions, and generate excitement for this new initiative. IADLEST should also leverage testimonials from the many police chiefs who have applied the NDI to help screen applicants for positions on their forces as examples of the positive impact the NDI could have. Public officials could also highlight municipal budget savings in legal costs and misconduct settlements that have resulted from vetting hires through the NDI. Lastly, an educational campaign on the benefits of NDI participation could accelerate use by law enforcement, and in turn help build community trust.

Funding/Resources: Lack of resources is cited as the primary challenge to complying with state and/or federal law enforcement mandates, as we learned through conversations with state POST departments, local law enforcement leaders, and other key stakeholders. Agencies have differing data management processes and will need varying levels of funds to enhance their technology to be able to maintain, secure and share the appropriate level of data. Funding will also be required to train personnel on how to better comply with new reporting requirements and to allocate staff to complete ongoing reporting requirements.

Timeline: IADLEST should engage in dialogue with each state POST to determine an aggressive but achievable timeline for the commencement of data submissions. IADLEST should identify dependencies for meeting key milestones and use program management leading practices to confirm that there is accountability for achieving such milestones. We recommend using larger, more mature agencies and state POSTs to test the functionality of the enhanced NDI.

Training: Local agencies would benefit from the efficacy and scalability of virtual training sessions that address: 1) the agency role in the success of the NDI; 2) how to submit/ maintain data records and 3) how to navigate the system for hiring purposes. IADLEST training coordinators should also be made available to answer questions posed by agencies in addition to offline training content (guides, FAQs, etc.).

## DESIRED NDI SYSTEM ENHANCEMENTS

### Main Dashboard:

- **Finding the NDI:** It is our hope that more and more police departments become aware of the NDI and its future updates. IADLEST should attempt to facilitate that search by featuring the NDI and its main dashboard prominently on the US Department of Justice and State POST websites and other public and private web forums. This could also be addressed as a component of the educational and awareness campaign recommended under “Key Project Considerations.”
- **Visual Appeal:** We recommend IADLEST retain a branding specialist to develop an IADLEST style guide identifying the appropriate fonts, balance of text, images and



white space, color palette, imagery, layout, and consistency (among other considerations) to enhance the user experience and represent the NDI as a reputable and secure organization. The NDI's main dashboard and landing page should demonstrate legitimacy and professionalism.

Functionality:

- **Intuitive Use Case-Driven Experience:** The NDI's functionality should largely be dictated by how users, which in future NDI iterations could include community groups, policymakers, and academics, will be able to obtain the information they need for their respective query, also referred to as "use cases." Both the homepage and supplemental websites can be designed to meet each of the various use cases. A website should provide both high level data and allow for further exploration by drilling into data points. Organizing content and creating navigation options with use cases in mind reduces "searching" within a website. For example, in the Chicago Citizen's Police Data Project<sup>5</sup>, users are first presented with a visual heat map of where misconduct complaints have occurred with the ability to drill into specific districts, explore officers with misconduct records in those districts, and ultimately information related to each of the officer's individual complaints. The site's home page also enables users to explore data on "repeaters" and review recently obtained documents.
- **Guides to Facilitate Usage:** CEOARE also supports the use of guides to facilitate NDI usage. Whether through on-screen tutorials, interactive wizards, or simple FAQs generated from user focus groups, anticipating stakeholder questions, and providing consistent responses adds to the validity and usability of a site. As the NDI expands its scope and functionality, more thorough, use-case, driven training needs to be supplied through channels convenient to stakeholders.
- **Access Methods:** The database administrators of the NDI should strive to adopt accessibility standards and offer various acceptable browsers and mediums (e.g., phone, tablet, desktop) to enable the same quality functionality and experience, regardless of access method.

NDI Record Entry:

- **Input Flexibility:** Every agency across the country likely operates with a slightly different technology base. Some may only use offline worksheets to track misconduct records while some may have advanced tools to share information. Data clerks across the country may also have varying levels of digital acumen or ability to input records. As such, we advise IADLEST to provide flexibility on how states contribute records (e.g., automated batch uploads, individual/ manual record entry and update). IDALEST should also consider making enhancements with an open-source database application that agencies could adopt to reduce the cost of building separate systems for reporting into NDI.
- **Frequency:** With input from stakeholders, IADLEST should consider a minimum frequency required for police departments and agencies to upload records into the system. Due to the dynamic nature of law enforcement, we believe that frequency should be at least once per quarter, with police departments and agencies



encouraged to submit data more frequently. More frequent submission requirements can be reassessed on an annual basis.

- **Entry Requirements:** The quality and accuracy of the content should also be verified. IADLEST should confirm that the database entry be designed flexibly to accommodate single and bulk record entry and that reporting submission standards be programmed to accept only the “appropriate” and approved types of data. This will improve the integrity and usability of the system and reduce the amount of incomplete or partial records.
- **Scope of Data Collected:** The NDI enhancements are aimed at increased data collection (e.g., “criminal convictions of law enforcement officers for on-duty conduct, and civil judgments against law enforcement officers for improper use of force”<sup>6</sup>). As such, the NDI should be revised to aggregate and report data in a way that is consistent with the Executive Order’s purpose and that could meaningfully support future policy making. Moving from a “pointer system” to a curated database will help increase efficiencies by reducing the need to contact state POSTs to gather additional details related to an officer’s records.

NDI Record Queries:

Though beyond the scope of this RFI, we think it important to highlight recently enacted state laws (e.g., Massachusetts: An Act Relative to Justice, Equity and Accountability in Law Enforcement in the Commonwealth<sup>7</sup> and Illinois House Bill 3653: Criminal Justice Omnibus Bill<sup>8</sup>) that would require law enforcement agencies to screen applicants for hire in the NDI and mandate states to report to the NDI. We view this requirement as a basic step to confirming that there is an appropriate level of due diligence in the screening and hiring process that will facilitate community protection from those more likely to engage in serious misconduct.

Reporting: IADLEST should conduct research and interact with user focus groups (including POST directors, data clerks, hiring officers, the DOJ, and community-based organizations) to identify key criteria for standardized reports. The database should be structured as a relational database that captures information about certifying agencies, police departments and individual officers. Data should also be captured in separate fields (i.e., first name captured separately from last name) to facilitate reporting and search functions. Users should be given the option to filter all data in the NDI using various criteria and then be able to download information, with appropriate disclaimers, in a variety of user-friendly file types. In addition, customizable alerts should be available for users who want to be notified when new records are added that meet certain search criteria (e.g., department, state, officer, etc.). Reporting and search categories should include, at a minimum:

- Officer first name\*
- Officer middle name
- Officer last name\*
- Officer birth date\*
- Officer’s prior police Dept. assignments
- Officer’s position/role/level



- Department name
- Department city
- Department county
- Department type (sheriff, university police, federal, etc.)
- Number/list of officers decertified by Department during a certain period
- Date of decertification
- Decertifying agency
- Reason for action

*\* denotes existing data field*

Security: Any design should consider the proprietary and confidential information held by NDI and how the technology will protect all such data from nefarious solicitations. The NDI must create controls to protect against the disclosure of non-public information and personal identifiable information. For example, if a unique identifier is published in-lieu of an officer's name, the mapping between identifier and name would likely sit within the backend database of the NDI. If such information falls into the wrong hands, it will compromise the security intended for the database.

In addition, if the NDI is to have various levels of access to categories of information for different groups of stakeholders, validated, encrypted, and password protected credentials need to be issued after each stakeholder's identity is verified and approved. In the case of a publicly accessible misconduct database, individual access credentials may become less important.

Data Migration: As IADLEST evaluates the migration of 40,000 records, we appreciate and agree with the 100% fidelity requirement. We also completely agree with IADLEST's expectations that "The new NDI must be reliable, thoroughly tested, scalable, and capable of handling the anticipated increase in usage and traffic," and "the volume and frequency of NDI usage are expected to increase significantly, and the content and types of data are likely to change or expand to comply with future national law enforcement reform requirements." This database should be developed to be scalable and sustainable (i.e., build for long-term success rather than constant short-term modifications). It should also be built to accommodate additional data migration efforts as decertification and use of force records are continually added while agencies come online including potentially servicing a mandatory national misconduct registry, if enacted into law. As such, a flexible migration process/ toolset should be established during this project.

Migration from other databases (or even from existing ones given the expanded scope of data to be included) could also be expedited by confirming that there is common agreement on terminology, data standards/ formats, and definitions (e.g., decertification). This will reduce the amount of customization necessary to meet the needs of individual departments and allow for future changes or upgrades to be made easier. IADLEST can gather feedback or agreement for these types of common elements, and others if necessary, as part of the stakeholder buy-in sessions mentioned previously.



## Additional Considerations: Design for Change

Police reform continues to be debated at the federal level. Governors and state legislatures have also advanced several reforms that aim to increase police transparency and accountability<sup>9</sup>. Local mayors and city councils have also pushed for reforms<sup>10</sup>. Accordingly, CEOARE urges IADLEST to design enhancements to the NDI that can evolve to meet the need for change. The NDI design should be flexible and nimble to respond quickly to the changing political, legal, and regulatory environment.

### Additional considerations include:

Public access: We acknowledge that the NDI is currently intended for law enforcement use only, but we recommend IADLEST explore having a public view available or other access level. Transparency of misconduct information in addition to decertification data is also consistent with practices in other professions, including public reporting of physician and attorney malpractice and disciplinary proceedings. Future policy changes could give members of the general public access to query records in the NDI, in some form, toward rebuilding trust between police departments and communities across the country in furtherance of the goals of the Executive Order, as highlighted in Section 1:

*“[T]here have been instances in which some officers have misused their authority, challenging the trust of the American people, with tragic consequences for individual victims, their communities, and our Nation. All Americans are entitled to live with the confidence that the law enforcement officers and agencies in their communities will live up to our Nation’s founding ideals and will protect the rights of all persons. Particularly in African-American communities, we must redouble our efforts as a Nation to swiftly address instances of misconduct.”*

Misconduct complaints: The NDI is currently designed to capture decertifications related to officer misconduct and is being expanded to accommodate excessive use of force data and other Executive Order mandates. In addition, we believe the NDI expansion should be structured in a way that would allow, if appropriate, misconduct complaints to eventually be included in the database. In order to meaningfully prevent problematic officers from being rehired, we also urge capturing data on officers who have resigned in lieu of termination and/or with an investigation pending. Users could select to include/ exclude records as needed, depending on their use case. POSTs should also be able to update such complaint records to reflect the latest status.

As known, standards for certification and decertification vary across states and definitions of misconduct similarly vary across local agencies. As such, we suggest IADLEST work with all POSTs on a standard definition of misconduct or common language/ criteria for the categories of misconduct and standards for certification/ decertification so that states are operating under a uniform framework for data submissions and reporting to the NDI. The standardization would also enable increased use of data for research and analysis across the jurisdictions. IADLEST could also recommend the appropriate time frame for agencies to submit this type of data and the appropriate retention period for each misconduct record.



Compliance Incentive/ Disincentives: To enable success of the NDI enhancements and the corresponding Executive Order, we suggest IADLEST engage in discussions with the local departments to determine costs of compliance. Though beyond the scope of this RFI, we think it is important to highlight the significant role that state and federal government grants can have in addressing setup and recurring maintenance costs (which may be covered under the scope of Edward Byrne Memorial Justice Assistance Grant (JAG) Program and the Community Oriented Policing Services (COPS) grants). Additionally, we believe state POSTs should consider appropriate and fair consequences for local agencies failure to timely and accurately report information to the NDI. In addition to potentially withholding JAG and COPS Program grants and to further incentivize cooperation, penalties for non-compliance need to be considerable enough to confirm the accuracy and quality of the data.

Audit Requirements: Ad-hoc human audits by IADLEST can be an effective way to identify POSTs submissions for data integrity. Audits should include a comparison of data in the NDI to source records at the state POST or local police department. Audits should also be structured to ensure that no data has been omitted from the system that should otherwise have been reported. For example, advanced technologies such as web scraping (e.g., comparing content about reported misconduct from news articles to the records submitted to the NDI by local agencies or state POSTs) could also be applied. Moreover, IADLEST should replace a data deletion policy (manually by an admin and/or auto-deletion after a certain number of years) with an “archived data” approach. This would enable data to be made available for auditing and record production.

#### CLOSING REMARKS

We would like to reiterate our gratitude to IADLEST for considering our response to this RFI. We stand ready to engage with you to help make the next iteration of the NDI an absolute success, both for law enforcement and the diverse communities it serves.

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#### Citations

[1] [The Federal Register. \(2020, June 19\). Retrieved August 18, 2021, from https://www.federalregister.gov/documents/2020/06/19/2020-13449/safe-policing-for-safe-communities](https://www.federalregister.gov/documents/2020/06/19/2020-13449/safe-policing-for-safe-communities)

[2] [“Research,” The Lewis Registry, accessed August 1, 2022, https://www.thelewisregistry.org/research, Civic Pulse Survey Results.](https://www.thelewisregistry.org/research)

[3] [Full disclosure project. NACDL Full Disclosure Project. \(n.d.\). Retrieved August 18, 2022, from https://www.nacdl.org/Landing/FullDisclosureProject](https://www.nacdl.org/Landing/FullDisclosureProject)





[4] [Umansky, Willis, D. \(2020, July 26\). The NYPD files: Search thousands of civilian complaints against New York City police officers. ProPublica. Retrieved August 18, 2021, from https://projects.propublica.org/nypd-ccrb/](https://projects.propublica.org/nypd-ccrb/)

[5] [Citizens Police Data Project, accessed March 22, 2021, https://data.cpdp.co/data/AG6Ple/citizens-police-data-project.](https://data.cpdp.co/data/AG6Ple/citizens-police-data-project)

[6] [Executive Order 13929 of June 16, 202, Safe Policing for Safe Communities, Section 3\(b\), https://www.federalregister.gov/documents/2020/06/19/2020-13449/safe-policing-for-safe-communities](https://www.federalregister.gov/documents/2020/06/19/2020-13449/safe-policing-for-safe-communities)

[7] [Section by section analysis of Police Reform Legislation. Will Brownsberger. \(n.d.\). Retrieved August 18, 2021, Section 4, MGL Ch. 6, MGL Sec. 116 https://willbrownsberger.com/section-by-section-analysis-of-police-reform-legislation](https://willbrownsberger.com/section-by-section-analysis-of-police-reform-legislation)

[8] [Summary of provisions in Illinois house Bill 3653: Criminal justice omnibus bill. About Us. Retrieved August 18, 2021, https://www.civicfed.org/iifs/blog/summary-provisions-illinois-house-bill-3653-criminal-justice-omnibus-bill](https://www.civicfed.org/iifs/blog/summary-provisions-illinois-house-bill-3653-criminal-justice-omnibus-bill)

[9] [Lo, K. \(2020, July 16\). Assessing the state of police reform. Center for American Progress. Retrieved August 18, 2021, from https://www.americanprogress.org/article/assessing-state-police-reform/](https://www.americanprogress.org/article/assessing-state-police-reform/)

[10] Ibid

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