

NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

# THE FULL DISCLOSURE PROJECT

NOVEMBER 2020

## GETTING STARTED GUIDE

---

**PREPARED BY**

JULIE CICCOLINI  
DIRECTOR OF LAW ENFORCEMENT ACCOUNTABILITY

# CONTENTS

PROJECT OVERVIEW .....	2
ABOUT THIS GUIDE .....	3
HOW TO USE THIS GUIDE .....	4
PART 1: DECIDE ON PROJECT SCOPE .....	5
LAW ENFORCEMENT AGENCIES .....	5
PROJECT COLLABORATION .....	8
PROJECT HOST .....	11
PART 2: FIND YOUR DATA SOURCES .....	13
MISCONDUCT SOURCES .....	14
BACKGROUND DATA SOURCES .....	19
BARRIERS TO ACCESSING DATA .....	25
PART 3: DEFINE A DATA COLLECTION PLAN .....	25
BARRIERS TO ACCESSING DATA .....	25
DEFINE A DATA COLLECTION PLAN .....	27
PART 4: CATEGORIZE YOUR DATA .....	29
PART 5: ORGANIZE YOUR DATA .....	33

# Project Overview

The Full Disclosure Project (FDP) aims to disrupt the culture of secrecy that systematically and pervasively shields law enforcement misconduct by changing police secrecy laws and empowering the defense community to track police misconduct.

As many recent high-profile cases of police misconduct in the United States have demonstrated, a singularly important, persistent, and corrosive problem throughout the nation's criminal justice systems has been the lack of transparency and accountability when it comes to law enforcement misconduct.

Failure to expose law enforcement misconduct, excessive use of force, and abusive behavior contaminates the criminal legal systems. It deprives decision-makers and fact finders in criminal proceedings of vital evidence impacting credibility determinations. It leaves the most abusive officers free to harm individuals and allows everyday police harassment and rights violations in communities to go unchecked. And it undermines public confidence in the criminal legal system.

FDP provides defense with direct support, training, and technical assistance in implementing a database application to track, aggregate, and analyze bad acts by individual officers and units. The database can host data from a wide range of both public and legally privileged sources, including judicial decisions, lawsuits, community complaints and body cam videos. Through a web application, defense attorneys can immediately and easily search the database, ensuring that police conduct can be scrutinized in every case from the first appearance. The project will also provide litigation support for obtaining the misconduct information and skills training for trial-level criminal defense attorneys so they can maximize the value of the information.

FDP also works with defender offices, innocence organizations, and other state and local partners to repeal secrecy laws and promote efforts to "de-certify" officers who engage in serious misconduct. In addition, the project will be part of a network of academic institutions, press entities, and other stakeholders working to support public online databases of police misconduct.

# About This Guide

This guide is intended to provide organizations with steps to prepare for beginning a database to track law enforcement misconduct. FDP has created this guide to enable organizations to prepare for the installation and use of the Full Disclosure Project Database Application (FDP App). However, any group interested in tracking police misconduct may find the steps listed in this guide helpful. Organizations that plan to work with NACDL are not required to complete these steps in their entirety. NACDL is willing to help with these steps once we are working directly with your office. This guide is intended to serve you in the interim and get you thinking in the right direction. It may make sense for you to complete the steps in a different order than listed in this guide. Updated versions of this guide will be released as the project progresses.

# How to Use This Guide

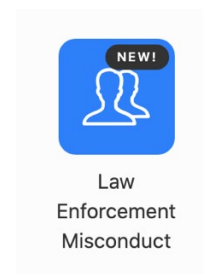
We have created an online workbook that you can use as a tool to follow the tasks listed in this guide. The workbook uses the online service [Airtable](#). While you do not need to use the workbook, we encourage you to do so to make the process easier. You should feel free to edit and change the workbook to make it the most useful for your needs.

To begin using the workbook, you must register for a free Airtable account:

<https://airtable.com/signup>

After you've created an account, go to Universe and search for Full Disclosure Project. You can also follow this link: <https://airtable.com/universe/expi6WylgUf9Auf1b/full-disclosure-project>

Click on this template and choose "Copy base"



You should now see the base in your homepage. Open the base.

If you are not familiar with Airtable, you should briefly review this help page that goes over all the basics: <https://support.airtable.com/hc/en-us/articles/360021333094-Getting-started-tables-records-and-fields>

Additional support guides are available here: <https://support.airtable.com/hc/en-us/sections/360009677453>

# PART 1: DECIDE ON PROJECT SCOPE

## PART 1: DECIDE ON PROJECT SCOPE

The first step to planning a database project is to determine your project's scope. This section will assist you in defining exactly what you want to track and who will manage and access it. With any project, the scope can change as the project unfolds. Thinking through this process now will make sure you set up your system so that it is equipped for any future growth.

### LAW ENFORCEMENT AGENCIES

The project scope will largely depend on which law enforcement agencies you want to track. These questions will walk you through the process of deciding the most important agencies to focus your attention on in your jurisdiction. If you plan on sharing this database with other organizations, then each organization should work through this process. If your organization represents a large jurisdiction (such as a state-wide system), you might want to delegate this work to smaller divisions.

#### TASK

List all of the law enforcement agencies in your jurisdiction and the approximate number of cases you handle involving their personnel per year.

#### USING THE WORKBOOK

Go to the "Law Enforcement Agencies" tab in the workbook.

In the "Agency Name" column, list all of the law enforcement agencies in your jurisdiction.

If helpful, describe the agency, the agency type, and the counties they cover using the additional fields.

# PART 1

In the “Number of Officers” column, provide a rough estimate of the number of officers in the agency.

In the “Number of Cases Annually” column, provide a rough estimate of the number of cases you handle involving their personnel per year.

In the “Ratio Officer/Cases” column, the ratio of officers in the agency compared to the number of cases will be automatically calculated.

## THINK

There is no exact ratio of officers to cases that makes a department worthy or not worthy of tracking. Generally, the lower the number, the more it makes sense to track that agency. However, there are many factors to consider. For each law enforcement agency listed, you should think through the following questions:

- Which law enforcement agencies bring the majority of the cases your office deals with?
- Is it worth tracking a large department where you may only see a few cases a year?
- Are some departments worth tracking because of the amount of misconduct that exists, even if you rarely handle cases by them?
- Are your cases the only purpose of this database or do you plan on using this information outside of the courtroom, such as for academic study?

## DECIDE

Rank order the agencies from most important to least important to track. Click and drag the agencies using the dotted button that appears at the far left of the row.

<input type="checkbox"/>	A Name
<input type="checkbox"/>	New York Police Departm...

# PART 1

Once you have decided your order, click the plus sign to add a field and select Autonumber. Name the field "Priority Ranking."

Created by

Last modified by

Autonumber

Barcode

Button

Cancel



# PART 1

## PROJECT COLLABORATION

Now that you have determined which law enforcement agencies you'd like to track, it may make sense to collaborate on a single database with other organizations or groups that also deal with those law enforcement agencies. The FDP application allows you to collaborate with other organizations in a single database, sharing as much information as you want while protecting legally privileged information. Depending on how criminal defense representation is determined in your jurisdiction, there may be alternate/conflict providers or assigned counsel that represent cases stemming from the same law enforcement agency. There might also be other watchdog groups or civil rights organizations that could benefit from access to non-confidential information in the database or that also collect police misconduct data themselves.

### TASK

Make a list of all organizations that represent cases stemming from the same law enforcement agencies as you, track police misconduct in those agencies, or could benefit from access to that information.

### USING THE WORKBOOK

Go to the "Collaborating Organizations" tab in your workbook.

Enter in the names for other groups and organizations that represent cases stemming from the same law enforcement agencies as you. In the "Collaboration Type" column, choose the option that says "Cases from same Agency."

Next, add records for other groups that already track police misconduct information relevant to you. In the "Collaboration Type" column, choose the option that says "Could provide information."

# PART 1

Next, add records for other groups that could benefit from access to information about law enforcement misconduct. Think about law clinics, innocence organizations, watchdog agencies, or civil or human rights organization.

In the "Collaboration Type" column, choose the option that says "Could benefit from information."

\*Keep in mind that there are many groups, including the general public, that benefit from police misconduct data. Nothing prevents your organization from optionally choosing to share data with others external to the system. In this situation, try to think about groups that you could share information with that you would otherwise not share publicly. For example, you might not be comfortable putting an internal affairs file obtained through a subpoena on a public website, but you would share that with this group.

## THINK

For each organization listed, you should think through the following questions:

- Can we share information with them that we would not be comfortable sharing publicly? Would this group be better served by us simply making a public website, rather than collaborating on a database?
- Does this group have important information they could add to the database that we would otherwise not be able to obtain?
- Does sharing information with this group present a conflict of interest? Is there a way to mitigate that, by only sharing a subset or redacted version of that information?
- What resources does this group have to dedicate to this project?

Write down why you might or might not want to work with them in the "Benefits of Collaboration" field.

# PART 1

For organizations that you might want to collaborate with, begin having conversations with them. Once you have come to some understanding, use the “Will Collaborate” field to select whether or not you believe you will collaborate with another organization.

The next section will explain the different types of relationships that you can have with other groups. If there are no other groups that you plan to work with, then skip to the next section.

# PART 1

## PROJECT HOST

If you identified organizations with whom you believe you can have a mutually beneficial relationship, then you should think about the best way to maintain a system together. While NACDL can help you decide on the best fit for your situation, this section will explain the different options available.

The FDP application allows you to collaborate with other organizations in a single database, sharing as much information as you want while protecting legally privileged information. Any system users will be assigned to the organization(s) to which they belong, which will ensure that they only see what the organization is permitted to view. For example, people, cases, files and more can be isolated to only see what that organization is permitted to view.

There are a few ways you can collaborate on a database:

- **Limited Access Option:** One host organization administers the database (hosts it, enters all the data, and manages the users). The host organization approves and manages a limited number of external users from other organization(s) to access to the database. The other organization(s) do not have any administrative access to the system.
- **Administer Users Option:** One host organization administers the database (hosts it, enters all the data, manages internal users) but allows an external organization(s) to have an administrator with the ability to manage their users. The external organization cannot enter in any data.
- **Lopsided Administration Option:** One host organization does the majority of administration on the database (hosts it, enters all the public data, manages users) but external organization(s) also have an administrator, who can manage their users and enter in their legally privileged information.
- **Shared Administration Option:** Each organization has their own administrator(s), who share responsibility for managing users and entering both public and legally privileged information.

# PART 1

Reach out to organizations that you plan on working with and see what relationship makes the most sense for the time being. You can change the relationship you have with them in the future. Once you reach a conclusion, select the option you are choosing for each organization you are collaborating with in the “Administration Option” in the workbook.

\*Any group you plan to work with should also go through the previous section and review the law enforcement agencies they deal most with. Based on the administration plan you have laid out with that group, it might make sense to combine or compare answers and reprioritize accordingly. This largely depends on how much the agencies that you plan to track overlap and how much capacity each organization has to submit data.

## PART 2: FIND YOUR DATA SOURCES

### PART 2: FIND YOUR DATA SOURCES

#### MISCONDUCT SOURCES

The next step in this process is determining what potential sources of misconduct information exist for the law enforcement agencies you are tracking.

We know that all law enforcement misconduct is not captured in official police records and in many circumstances, official police records are not publicly available. For these reasons, we encourage you to broaden your view of what misconduct data might be. At the same time, this requires you to evaluate what might be missing in that data and what biases exist in it.

This section will walk you through common sources of misconduct data that may be available to you. Sources of misconduct data and barriers to access will vary by jurisdiction and law enforcement agencies. This is not an exhaustive list but rather, select examples to help you think through where you can look. You should evaluate these sources for each agency you plan on tracking.

#### TASK

Review the sources of misconduct data that are available in your jurisdiction.

#### WORKBOOK

Go to the “Data Sources” tab.

Using the sources listed below as a guide, check and see if it exists for each law enforcement agency that you want to track.

In the “Source” column, enter a name for each source that you identify. Be specific. For example, rather than listing “civil rights lawsuits”, you should make a record for every source where they may be obtained, like PACER, RECAP, or local court websites.

## PART 2

In the “Data Description” column, describe what data is available from the source. For example, on the PACER and RECAP records, you should list “civil rights lawsuits.”

In the “Law Enforcement Agencies” column, select the agencies for which this source exists from the agency list that you defined in Part 1.

In the “Data Limitations” column, write down your thoughts on any inherent biases or issues with the source of the data. What are the limitations of this data? What biases might exist in the data? Are records getting expunged? Does the data only go back so far?

## POTENTIAL SOURCES OF MISCONDUCT DATA

### OFFICIAL POLICE DATA

#### *LAW ENFORCEMENT INTERNAL AFFAIRS DEPARTMENT*

Many Law enforcement agencies have an internal affairs department which investigates misconduct and corruption internally on the police force. There also might be another city department that investigates misconduct across all city agencies.

#### *OVERSIGHT AGENCIES*

In many cities across the US, review boards, watchdog groups, or oversight agencies have been established to investigate complaints of police misconduct. The National Association for Civilian Oversight of Law Enforcement (NACOLE) has a list of police oversight agencies by jurisdiction on their website:

[https://www.nacole.org/police\\_oversight\\_by\\_jurisdiction\\_usa](https://www.nacole.org/police_oversight_by_jurisdiction_usa)

#### *INTERNAL AGENCY FORMS*

In some agencies, officers may have to document when they engage in certain kinds of activity, such as a stop and frisk or use of force. It might be helpful to review the department’s patrol guide to see what types of forms might be available.

## PART 2

### ***DISTRICT ATTORNEYS***

District attorneys may keep lists of officers they know have credibility issues or substantial impeachment material. These are sometimes referred to as brady lists. They also might keep data on declined prosecutions, cases where evidence was suppressed, or an officer was found incredible.

## **PUBLICLY AVAILABLE DATA**

### ***FEDERAL LAWSUITS***

Civil rights lawsuits filed against law enforcement agencies and their officers can be a wealth of insight into police misconduct.

### **PACER**

Lawsuits filed in federal court are available on the federal website PACER at <https://pacer.uscourts.gov/>. While you can create a free account to search PACER, the government charges fees to view documents over a certain amount. However, you may be eligible for a fee waiver.

More information about PACER fees is available on the Free Law Project website:

<https://free.law/pacer-facts/>

PACER fee waiver is available here: <https://pacer.uscourts.gov/my-account-billing/billing/fee-exemption-request-researchers>

### **RECAP Archive**

The RECAP Archive is a free searchable collection of millions of PACER documents and dockets, created and managed by the Free Law Project in partnership with The Center for Information Technology Policy at Princeton University. No account or user-registration is necessary to search this database. Users may search by jurisdiction, docket number, document, case name, judge, case type, party name, and attorney name. Visit the RECAP Archive at <https://www.courtlistener.com/recap/>



## PART 2

### *STATE LAWSUITS*

Lawsuits filed in local courts may be available electronically or at the local courthouse. Local civil rights attorney may be able to provide helpful insight into when a case would be filed in federal versus state court.

### *LEGAL RESEARCH SITES*

Legal research sites, such as Westlaw, LexisNexis and Bloomberg Law, might also include case information indicative of police misconduct. A search for an officer's name may turn up civil rights lawsuits against police departments or other noteworthy cases that the officer was involved in.

### *NEWS AND PUBLICATIONS*

Local news sources might also be a great source of police misconduct data. Press entities and reporters may have special access to police discipline records that they might be willing to share. You can also set up news alerts about the agency you want to track. Review a sample of news articles from your jurisdiction that discuss police misconduct and check if there is anything they have in common that you could use to specify your alert. For example, maybe an Internal Affairs Department spokesperson is always quoted when an officer is being investigated.

### *PUBLIC CIVILIAN COMPLAINTS*

There are a few national initiatives to make it easier for civilians to publicly complain about police misconduct. A few initiatives are [openpolicecomplaints.org](http://openpolicecomplaints.org) and [Raheem.ai](http://Raheem.ai). You should consider connecting with these groups and ask how they might be able to share data with you. [Raheem.ai](http://Raheem.ai) also offers the ability for organizations to add a widget to their website where civilians can make complaints about the police.

### *OVERTIME DATA*

While overtime data alone is not indicative of misconduct, it can provide helpful insight. Since officers can sometimes game the overtime system, an officer earning a significant amount of

## PART 2

overtime could raise a red flag. Overtime data is typically accessible through an agency's payroll office.

### ***SOCIAL MEDIA***

Officers' public social media profiles can illuminate biases or provide information that might taint their credibility as a witness. You may be able to find officers on social media by searching for people who have tagged their employer as the law enforcement agency. There also might be some forums, blogs, and groups which are frequented by officers in an agency. The Plain View Project has aggregated a database of problematic social media posts by officers from a variety of police departments: <https://www.plainviewproject.org/>

### ***OTHER PUBLIC PROJECTS***

There is a large wave of academics, journalists, civil rights groups and individuals who have begun initiatives to track police misconduct. There might be a university or local group who is already aggregating police misconduct data in your jurisdiction. A limited, non-exhaustive list of organizations with police accountability projects is available here:

<https://justicetech.info/tags/police-accountability/>

Some examples of national projects are:

Washington Post Fatal Force tracks police killings in the US

<https://www.washingtonpost.com/graphics/investigations/police-shootings-database/>

The Police Data Accessibility Project is scraping court records across the country

[https://www.reddit.com/r/DataPolice/wiki/how\\_to\\_contribute](https://www.reddit.com/r/DataPolice/wiki/how_to_contribute)

The Counted by The Guardian counts the number of people killed by law enforcement

<https://www.theguardian.com/us-news/ng-interactive/2015/jun/01/about-the-counted>

The Stanford Open Policing Project collects and standardizes data on vehicle and pedestrian stops from law enforcement departments across the country

<https://openpolicing.stanford.edu/>

FBI National Use of Force Data

<https://www.fbi.gov/services/cjis/ucr/use-of-force>

## PART 2

### CASE-RELATED DATA

Defense organizations do not have to rely solely on other sources for police misconduct data since it may be disclosed or occur in the cases you represent. You should think through what types of misconduct may become apparent through the course of a case and how you could categorize that information. Some ideas are below:

#### *DISCLOSURES*

Prosecutors may be required to disclose certain police misconduct information, such as under Brady, that is shareable with others in your organization. There may also be requirements to turn over lists of lawsuits to the defense. In certain cases, information may be disclosed as a result of a subpoena or court order.

#### *JUDICIAL FINDINGS*

Certain judicial findings of misconduct can also be considered sources of police misconduct data. Judicial decisions finding an officer incredible or suppressing evidence, for example, can be helpful to track.

#### *CLIENT COMPLAINTS*

If you do not have a system to document when a client complains about potential police misconduct, consider setting up an informal way to track this.

#### *CASE NOTES*

You can often expose themes and patterns of misconduct by simply tracking details in your cases. For example, think about documenting every time a client is charged with drug possession and a lab disputes the finding or when an officer uses an untrustworthy confidential informant.

#### *CASE MANAGEMENT SYSTEM*

If you have an electronic case management system, consider tracking the law enforcement officers involved in each case and details about the arrest, charges, and case outcomes. This can help identify patterns of enforcement that officers and commands might engage in. For example, you might find an officer frequently makes drug arrests that get dismissed or makes arrests at intervals that indicate they are under a quota system.

## PART 2

### BACKGROUND DATA SOURCES

While misconduct data is the main component of a database, there is also some background information and data you will want to collect regularly. This will ensure your database is set up properly and sustainably.

#### TASK

For each category of data below, try to figure out which agency might have possession of it and the best way to obtain it. This will likely involve some trial and error with different agencies and submitting different types of Freedom of Information Act (FOIA) requests. Note that under FOIA, agencies are only required to provide you with records that already exist but are not obligated to create new ones. Therefore, you should tailor the language in your requests according to records you believe are in their possession.

Muckrock.com is a great resource on FOIA and can also assist you in submitting FOIA requests.

Other examples of FOIA requests are available here, although you will need to tailor the law to fit your state: [https://www.dos.ny.gov/coog/Right to know.html#requestsample](https://www.dos.ny.gov/coog/Right%20to%20know.html#requestsample)

#### WORKBOOK

Go to the “Data Sources” tab.

In the “Data Description” column, make a record for each category of data listed below. Be specific to each agency and make separate records for each type of information. For example, you should make one record for “Los Angeles Police Department Roster” and a separate record for “Los Angeles Police Department Command List.”

In the “Source” column, enter the source where the information can be obtained.

## PART 2

In certain cases, it might make sense to make individual records for each agency. For example, if there is not a single source where you can obtain rosters for all the agencies you plan on tracking, then make a record for each agency roster.

In the “Law Enforcement Agencies” column, select the agency or agencies for which this source pertains.

### DEPARTMENT ROSTERS

You will want to obtain the officer rosters for all the law enforcement agencies that you wish to track. A standard request might look like, “For every employee in \_\_ Department, please provide their last name, first name, middle name, agency start date, rank/title, command/precinct assignment, badge/shield number, and any other unique identifier.”

#### *WHY?*

There are many reasons to include every officer, not just those who have engaged in misconduct, in the database. For one, there is helpful data to have on every officer, such as the command they work in, their salary information, their rank, and how long they have been on the force. But most importantly, it is the best way to maintain the integrity of your data. By tracking every officer, year over year, you will be better equipped to differentiate between officers, accurately link officers to their misconduct, and identify holes or errors in the data.

#### *POTENTIAL SOURCES:*

This information is typically considered public information, making it obtainable under FOIA. You can try to submit a request to the Law Enforcement Agency directly. If that does not work, you can try to submit one to the government entity that manages payroll. It might even be available on any “OpenData” websites in your city.

## PART 2

### *HOW OFTEN?*

The first time you request this, you will want to ask for sufficient data to go back at least 5-10 years. Then we recommend requesting this bi-annually, or every time a new police class joins the department.

## DEPARTMENT COMMANDS/PRECINCTS

Most law enforcement agencies will have some sort of hierarchical structure that determines where an officer works and who they report to. This information is helpful to have because you can identify which officers are working together, where misconduct is happening, and who might be orchestrating it. It helps identify structural misconduct, rather than individual.

You will want to obtain a list of all Department commands and/or precincts, their command codes (if applicable), address, phone number, and if available, their supervisory command.

### *POTENTIAL SOURCES:*

Try to submit a FOIA request to the Law Enforcement Agency directly.

### *HOW OFTEN?*

We recommend requesting this information once a year or when you expect a change in command structure has been made.

## COURTS

Getting a list of all the courts in your jurisdiction will help you be able to track which cases and decisions are happening in each. You will want a list of all the federal and state courts in your jurisdiction where civil, criminal, or juvenile cases may occur.

### *WHY?*

Tracking the court in which any civil or criminal cases of interest occur is pertinent to ensuring your case information is accurate and not duplicative. Entering all the official court names into the database when you first begin will make sure everything is entered consistently for the future.

## PART 2

### *POTENTIAL SOURCES:*

Wikipedia has a list of every court by jurisdiction:

[https://en.wikipedia.org/wiki/List\\_of\\_courts\\_of\\_the\\_United\\_States](https://en.wikipedia.org/wiki/List_of_courts_of_the_United_States).

You should cross reference this information with your own understanding and local court websites.

### *HOW OFTEN?*

You should only have to compile this list once and update only if the court system changes in your jurisdiction.

## DISCIPLINARY ALLEGATIONS AND DISPOSITIONS

For every agency that has the ability to investigate and discipline officers that you identified in the last section, obtain a list of all the possible allegations that they investigate and the possible outcomes/dispositions of those allegations. You will want a list of the types of misconduct the agency investigates, including the specific allegation categories (e.x. excessive force, unlawful search, etc.) and a list of all possible dispositions of misconduct allegations (e.x. substantiated, exonerated, etc.)

### *WHY?*

It's helpful to know how agencies categorize allegations of misconduct so that you can mimic a similar structure. This will allow you to analyze, for example, if punishment is consistent across similar types of allegations.

### *POTENTIAL SOURCES:*

Submit a FOIA request to the investigatory agency. For Internal Affairs, this information might exist in the Patrol Guide. If you are unable to obtain this information through FOIA, you should begin compiling this list based on the allegations you have seen on investigations in your possession.

## PART 2

### *HOW OFTEN?*

After you have obtained a list, you should only feel the need to update it if you begin seeing records with new allegations on them.

## **PATROL GUIDE/DEPARTMENT DOCUMENTS**

An agency's patrol guide can provide helpful information about their policies, procedures, and internal structures. Any training manuals, recruit study guides, or officer handbooks can also provide insight into the department. You will want to obtain a copy of the Department's Patrol Guide and any training manuals, study guides, or handbooks provided to new recruits or promoted officers.

### *WHY?*

Having a copy of the Patrol Guide on hand can help you determine what proper police procedures are and whether or not they were followed in certain cases. Additionally, it can provide you with data, like the command structure or disciplinary process, that you might otherwise not be able to obtain

### *POTENTIAL SOURCES:*

Submit a FOIA to the Law Enforcement Agency. You should also check online for any police training and promotion company websites that service the agency. Sometimes, they will have copies of their guides uploaded online.

### *HOW OFTEN?*

At least annually, since Patrol Guides often get updated as a result of new policies.

## **OTHER PERSONS OF INTEREST**

While the Full Disclosure Application is set up mainly to track law enforcement officers, you can also systematically track other persons of interest in the system. For example, you might want to track the local prosecutors that you deal with, so that you can link them to any brady disclosures that they make. Similarly, maybe you want to include the local judges in your system so that you



can link them to any judicial findings of incredibility. You might even want to track your own attorneys and their contact information so that you can quickly call them about case information they submitted to the database.

You should evaluate how useful this information will be compared to the effort it will take to track, which will likely be pretty significant.

If there are any other people of interest that you want to track in the database, you should obtain and update their rosters/staff listings in the same manner that you would police officers.

# PART 3: DATA COLLECTION PLAN

## PART 3: DATA COLLECTION PLAN

### BARRIERS TO ACCESSING DATA

Each type of misconduct data may present different barriers to access. Even in situations where data is subject to FOIA, there can still be financial or capacity barriers. The next step in this process is determining if and how you can access the data sources that you previously identified.

#### TASK

For each type of data source, identify the access limitations. Use the “Barriers to Access” field to describe any access issues that might exist.

#### WORKBOOK

Go to the “Data Sources” tab

In the “Confidentiality” column, enter your understanding of the confidentiality level of the information. Is this data considered public information? Protected under attorney-client privilege? Protected under a court order? Statutorily confidential? You might need to change the options available to better describe your situation.

In the “How to Obtain” column, enter in how you could access the information, if applicable. Do you need to submit a Freedom of Information Act Request? Do you need a subpoena? Is it available online?

In the “Barriers to Access” column, write down any issues you might encounter trying to obtain the data. Are there any fees to access this information? Can you get an exemption to those fees? Will it require significant manual capacity?

## PART 3

In the “Improve Access” column, write down any laws, consent decrees, or procedures that you believe could be changed to increase access to information. Are records being expunged because of a police union contract? Are prosecutors or police departments seeking protective orders? This may not make sense for all of your data sources.

In the “Sharing Limitations” column, write down any limits there could be on sharing this information if you were able to obtain it. Does it depend on the purpose and with whom?

# PART 3

## DEFINE A DATA COLLECTION PLAN

Now that you have a list of your sources of data and barriers to accessing them, you will want to come up with a data collection plan.

### TASK

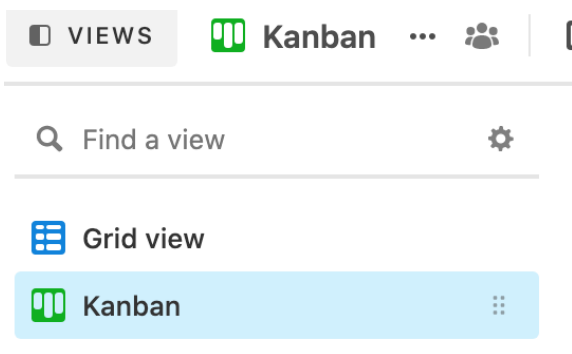
Define how frequently you will obtain data from each of the sources you previously identified.

### WORKBOOK

Click the square on the lefthand side of the spreadsheet next to "Grid View"

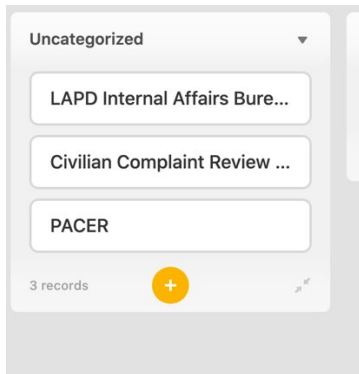


Select "Kanban" view



You will now see all of the data sources that you just identified listed in a column called uncategorized.

## PART 3



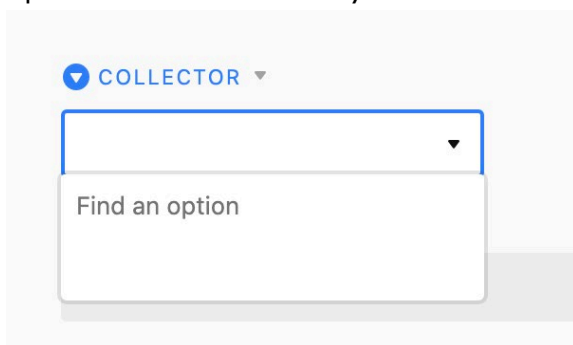
Decide how frequently you would like to check those sources and click and drag them to the corresponding category.

For public sources, this will ideally be as frequently as you have capacity.

For information obtained through cases, this will likely be “As Submitted” by attorneys to the database.

For background sources, suggestions for how frequently to make requests is listed above.

If you are collaborating with another organization or have more than one person responsible for collecting data, then you should decide who has the responsibility for each source. To do this, click on each source and select the “Collector.” The first time you do this you will need to add options for the names of your Collectors.



## PART 4: CATEGORIZE YOUR DATA

In order to use the FDP application, you will first need to decide on how you will categorize your data. The FDP App allows you to categorize data using either tags or types. The key distinction between the two is whether the categories are mutually exclusive or not.

### Types

Types are mutually exclusive categories that can be applied to data. An example is the outcome of a case; each case can have at most one outcome, and there is no overlap between the different outcomes.

### Tags

Tags are categories that can be applied in groups to the data. An example is the traits for a person; multiple traits can be used to categorize a single person.

The strength of categories lies in their precision. Categories should only be added when there is a specific and necessary utility - whether for aggregation, analysis, or interface purposes - to categorizing that content under a single name. Data administrators' interpretations of a category are key to maximizing precision. This interpretation will likely change over time for a single data administrator and will vary from one data administrator to another. So, the longer the system is used, the more likely that the precision of categories, the systematicity and consistency with which they are applied, is diluted by changing interpretation.

To help slow down this degradation, it is recommended to have small sets of clearly defined and intuitive categories.

### TASK

Define various types and tags that you will use to categorize your data throughout the system

## PART 4

### WORKBOOK

The Airtable workbook is set up so that you can begin defining your categories. Every tab that begins with “T-” is a place where you will define your Types and Tags. For each table listed below, decide on the categories you would like to use in your system.

#### T-Allegations

In the “Allegations” column, list all of the official allegations that can be levied against an officer by a disciplinary agency like internal affairs or a review board. You should have compiled this list in the previous step.

In the “Agency” column, list the disciplinary agencies that can bring those allegations against a law enforcement officer.

#### T- Allegation Outcomes

In the “Allegation Outcomes” column, list all of the possible outcomes of an allegation, such as substantiated, unfounded, exonerated, etc. This is different from any possible penalty or charges that can be brought because of a substantiated allegation.

#### T-Content Types

In the “Content Types” column, categorize the types of content that you will be adding to the database. This should generally be a simplification of what you listed in the data description in the “Data Sources” tab. Examples could be “civil rights lawsuit”, “media article”, “criminal decision.”

In the “Content Identifier” column, list any unique identifiers that you might be able to use to categorize that content. For example, a “docket number” can be used to identify a criminal case.

#### T- Case Outcomes

In the “Case Outcomes” column, list all the possible types of outcomes for any cases you add into the system, like criminal investigations or lawsuits. Examples are “dismissed”, “settled”, or “guilty verdict”.

## PART 4

### **T- Counties**

In the “Counties” column, list all of the counties where any agencies that you are tracking operate or where any incidents might occur.

In the “State” column, list the state those counties are in.

### **T-Courts**

In the “Courts” column, list of the names for all of the courts that exist in your jurisdiction. You should have compiled this list in the previous step.

### **T-Encounter Reasons**

In the “Encounter Reasons” column, optionally list categories that describe the reason for the initial encounter between law enforcement and a civilian. These categories can be used to tag any incident that you add to the database. Examples could be “execution of a warrant” or “police initiates stop/question/frisk.” If you are not interested in tagging this, then leave it blank.

### **T-Incident Tags**

In the “Incident Tags” column, list any tags that you would like to be able to link to an incident. Tags might be categories of misconduct or any other data points of interest that you want to track on an incident basis. Examples might be “excessive force”, “unlawful search”, or “racial profiling”

### **T-Person Identifier**

In the “Person Identifier” column, list any types of identifiers that you will use to track and identify people. Think of identifiers that can be used to uniquely identify and help differentiate officers and any other people you are tracking in the database, like civilians or judges. Examples might be “shield number”, “bar registration number”, or a “book and case number”



## PART 4

### T-Title

In the "Title" column, list any title or rank that a person might have. Examples might be "detective", "sergeant", or "district attorney."

### T-Traits

Traits allow you to link demographic or other characteristics to a person.

In the "Trait Type" column, list any categories of traits that you would like to be able to link to people. Examples might be "race", "gender", or "immigration status."

In the "Trait" column, define the options for each trait. For example, options for the Trait Type "gender" might be "female", "male", or "gender non-conforming."

# PART 5: ORGANIZE YOUR DATA

## PART 5: ORGANIZE YOUR DATA

Once you begin collecting data, you should organize it in a way that is easy to upload to the FDP application in the future. If you have time to prepare the data now, it will be easier to bulk upload into the FDP app rather than entering it one by one.

### TASK

Organize your data in a similar structure to the FDP application.

### WORKBOOK

While the Airtable workbook offers a simplified version of the FDP application data model, you should have a basic understanding of the main components in order to organize your data appropriately.

### PEOPLE

This table holds anybody and everybody that you want to track, whether it's officers, prosecutors, attorneys, sources, civilians, etc. The table is general enough to track different types of people, keeping in mind that some fields will only be relevant for some and not others.

Use the "Law Enforcement" column to identify people whose misconduct you would like to track. In the FDP app, this checkmark will determine which people show up in user searches for officers.

### GROUPS

These are all the various agencies in which people can belong. If you are only tracking officers, this would be a list of all the law enforcement agencies that you are tracking as you defined in Part 1. If you are also tracking prosecutors or judges, these might be the law firms of courts that they work in.

Groups can have hierarchies within one another as well to show that a smaller command is part of a larger grouping or a unit/squad of officers exists within a precinct. In Part 2, you should have obtained a list of all of the commands and/or precincts that exist within each agency. You will want to add those to this table as well. Use the "Belongs to" column to link the command to

## PART 5

the agency that it belongs to. Use the “Reports to” command to indicate a hierarchy within a department. For example, if Precinct A reports to Command B, then you would put Command B in the Reports to column of Precinct A.

You can link people to the groups they belong in using the “Groups” field in the People tab.

### CONTENT

This table holds all of the misconduct data which will be categorized by the types you defined in the “Content Types” field in the “T-Content” tab. This allows you to track the many misconduct sources that may be available to you in the same place. You can track online content, such as news articles, social media posts; cases and investigations, such as lawsuits, civilian complaint investigations, internal affairs investigations, criminal prosecutions; or any other generic information, like transcripts, testimony, or disclosures. This table is not necessarily meant for you to parse out the misconduct that happened in each situation but rather to track the data sources that come in and make sure you do not have duplicate data.

Use the identifiers that you defined in the “Content Identifiers” field in the “T-Content” tab to uniquely identify your misconduct data.

Use the “People” field to link any people that were involved in that content.

Use the “Allegations” field to link people to any allegations as described in the section below.

Use the “Incidents” field to link the content to the incidents described in the section below.

### ALLEGATIONS

This table allows you to track any formal allegations or punishment that might have been described in the content, such as an internal affairs investigation. You want to track this separately, since each individual officer named in that investigation might have different allegations brought against them.

If a piece of content lists out allegations, under the “Content” tab, click the plus sign in the “Allegations” field and select “Add New Record.” Make a record for each person who had

## PART 5

allegations brought against them. In each record, select the person the allegations relate to and select the corresponding allegations, outcomes, and penalty.

### INCIDENTS

The incidents table is used to parse out the actual misconduct that happened in the content that you added. This allows you to code and identify any human or civil rights violations separate from the content/source it comes through. While you can track lawsuits, civilian complaints, and other sources in the content section, here you can flesh out the actual incidents the sources describe, i.e. a news article might name three separate wrongdoings which we link into three different incidences here. Or three different contents (a lawsuit, a news article, and a criminal case) may all refer to the same incident so we link them all here in order to make sure it isn't counted more than it should be.

For every content you add, under the "Content" tab, click the plus sign in the "Incidents" field and select "Add New Record." Make a record for each incident described in the content. If the content describes an incident you have already added, then select that incident.

Use the "Summary" field to write a summary of the incident. Use the "Date", "Location", "Encounter Reason", and "Incident Tags" fields to track other relevant data about the incident.

Use the "People" field to link any people involved in the incident. In many cases, this will be similar to the people involved in the linked content. However, keep in mind that one piece of content may describe multiple incidents and so the relevant people should be linked to each incident accordingly.



**NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS**

1660 L STREET NW 12 FL WASHINGTON, DC 20036 | [NACDL.ORG](https://www.nacdl.org)