

Exhibit A



**GOVERNMENT OF THE DISTRICT OF COLUMBIA
METROPOLITAN POLICE DEPARTMENT**

February 3, 2022

The Honorable Charles Allen
Councilmember, Ward 6
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Dear Councilmember Allen:

This letter is in response to your correspondence dated January 3, 2022, regarding the Metropolitan Police Department's (MPD) Gang Tracking and Analysis System.

1. Please describe MPD's gang database, including its creation, the rationale for its use, and the technology/software that is used to maintain it.

The Metropolitan Police Department (MPD) Gang Tracking and Analysis System, herein referred to as the database, was created in 2009 to help prevent and reduce gang and crew-related crime and to aid in the successful prosecution of criminal offenses perpetrated by gangs and crews. The database tracks gangs and crews that meet the definition of a criminal street gang as defined by DC Official Code § 22-951. The purpose is to monitor and document criminal street gangs and crews and their members. Prior to being entered into the database, individuals must be validated pursuant to the requirements of this general order.

The database is a secure system available for use only by MPD members with authorized access and is only used for legitimate law enforcement purposes. MPD's validation criteria for the entry of individuals into the database is based on the Federal Bureau of Investigations (FBI) National Crime Information Center (NCIC) requirements for entering someone into the NCIC Violent Criminal Gang File. The database is also governed by federal regulations on criminal intelligence databases contained in the Code of Federal Regulations, Title 28, Part 23 (28 CFR Part 23), which requires that a criminal nexus must be established to enter an individual into GTAS, and that nexus must be confirmed every five years. If there is no nexus, the individual must be removed from the system.

The database, which was developed in house, is accessed from a secure website from within MPD's secure network. It cannot be accessed by any other agency or from outside MPD's secure network. Although some information about the database was accessed in the 2021 data breach, the information came from emails or presentations prepared from the database, not from the database itself.

As of December 19, 2021, MPD's Violent Crime Suppression Division (VCSD) is responsible for the administration of the database, validating gang and crew members for inclusion in the system, and serving as a liaison and resource to other MPD units in gang identification and validation. Responsibility for the database and function was moved from the Homeland Security Bureau to the Investigative Services Bureau. As part of its due diligence in taking on this responsibility, VCSD is working to revalidate the information in the database. In addition, the policy is being updated accordingly and is expected to be reissued in February.

2. *Please list the specific data elements in the gang database, such as personal or demographic information, criminal justice involvement, and gang affiliation data, and describe the source of this information (e.g., in-person contacts, social media, or informants).*

The database contains the following data elements. This information is sourced from in-person law enforcement encounters, social media, confidential informants, and collaboration with other law enforcement agencies/department of corrections.

- Name
- Nickname(s)
- DOB
- Race
- Height
- Weight
- SSN
- PDID
- Home address(es)
- Tattoos
- Scars
- Known associates
- Gang/Crew names
- Gang/Crew affiliations
- Gang/Crew conflicts
- Photos
- Social media username(s)
- MPD arrests

Please refer to the attached Special Order 09-03 for the parameters for sources of information. This policy is also available to the public on MPD's website at mpdc.dc.gov/directives. The new policy will be posted as well, and forwarded to you when it is issued.

3. *Please list the number of individuals included in the database and provide the following information with respect to those individuals, in the aggregate.*

Total number of validated individuals: 3,158, as of January 31, 2022.

a. Race/ethnicity

Race	% of Total
Black/African American	82%
Hispanic	12%
White/Caucasian	<1%
Asian/Pacific Islander	<1%
Null	5%
Unknown	<1%

b. Age

Age ranges are provided below. More detailed information is provided in response to question 4.

Age Range	% of Total
Under 18	4%
18-24	40%
25-34	49%
35-44	7%
45-54	<1%

c. Sex/Gender

This information is not captured in the database.

d. Geographic information (e.g., Ward, police district, police service area, or neighborhood);

The information in the database is not tracked by District, PSA, or Ward. The zip code information is provided below.

Zip Code	Count		Zip Code	Count
14303	1		20746	10
20001	153		20747	12
20002	355		20748	6
20003	62		20770	2
20005	2		20772	3
20008	11		20774	2
20009	108		20781	1
20010	131		20782	12
20011	319		20783	7
20012	25		20784	4
20016	3		20785	19
20017	59		20797	1
20018	107		20850	1
20019	513		20872	1
20020	451		20902	3
20024	99		20904	4
20032	337		20906	4
20037	2		20910	1
20059	1		20912	3
20165	1		21043	1
20602	3		21076	1
20616	1		21205	1
20706	5		21206	1
20707	1		21207	1
20708	1		21239	1
20711	1		21244	1
20712	1		21702	1
20715	1		22026	1
20721	1		22191	1
20722	2		22193	1
20724	2		22222	1
20735	2		22305	1
20737	1		22314	1
20740	1		24401	1
20743	11		27406	1

Zip Code	Count	Zip Code	Count
20744	7	27823	1
20745	6	Blank	258

4. Please provide dates of birth for each person in the gang database.

In the interest of the privacy of the individuals in the database, only the month and year of birth are provided in the frequency table below.

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1971									1			
1972								1				
1973			1							1		
1979							1				1	
1980										1		
1982		1	1	2	2	3	2	4	7	3	4	6
1983	5	1	2	4	2	3	5	5	3	2	6	
1984	3	7	4	3	2	1	4	3	2	2	2	3
1985		2	3	4	3	6	4	3	7	8	1	5
1986	5	3	5	7	1	5	7	6	6	7	3	5
1987	5	3	4	5	1	5	6	8	9	6	5	3
1988	8	6	7	4	3	8	15	7	5	9	6	6
1989	8	11	8	13	10	9	9	11	14	10	13	13
1990	14	13	15	9	11	12	14	18	14	17	16	20
1991	14	14	9	15	16	15	15	17	17	17	9	19
1992	10	16	18	11	12	14	20	16	7	22	12	13
1993	21	15	17	15	18	13	15	16	14	13	17	14
1994	18	18	23	16	20	12	16	21	13	18	18	20
1995	19	10	15	12	14	12	24	20	15	11	10	11
1996	20	16	9	13	15	9	16	17	16	13	12	15
1997	17	15	18	12	20	9	15	18	11	11	16	18
1998	22	21	22	16	14	20	23	15	13	16	15	18
1999	18	8	16	16	17	18	14	29	18	17	9	22
2000	14	18	16	14	17	21	29	22	22	24	18	16
2001	12	15	6	15	18	25	14	13	21	18	10	16
2002	15	8	14	10	15	17	14	13	9	14	11	10
2003	7	6	4	7	11	9	12	9	11	8	3	9
2004	9	6	11	8	6	7	5	4	4	6	6	2
2005	13	2	1	5	3	4	2	4	4	4	2	3
2006	2		2		2	1		1	3			2
2007	1		1				1		1	1		
2008					1							

5. Please provide any written directives and agency policies and procedures governing the gang database.

Please see attached MPD Special Order 09-03. As noted in response to questions 1 and 2, the policy is being updated. In addition, the database and its use are governed by the Code of Federal Regulations, Title 28, Part 23 (28 CFR 23).

28 CFR § 23.20 Operating principles.

(a) A project shall collect and maintain criminal intelligence information concerning an individual only if there is reasonable suspicion that the individual is involved in criminal conduct or activity and the information is relevant to that criminal conduct or activity.

(b) A project shall not collect or maintain criminal intelligence information about the political, religious or social views, associations, or activities of any individual or any group, association, corporation, business, partnership, or other organization unless such information directly relates to criminal conduct or activity and there is reasonable suspicion that the subject of the information is or may be involved in criminal conduct or activity.

(c) *Reasonable Suspicion or Criminal Predicate* is established when information exists which establishes sufficient facts to give a trained law enforcement or criminal investigative agency officer, investigator, or employee a basis to believe that there is a reasonable possibility that an individual or organization is involved in a definable criminal activity or enterprise. In an interjurisdictional intelligence system, the project is responsible for establishing the existence of reasonable suspicion of criminal activity either through examination of supporting information submitted by a participating agency or by delegation of this responsibility to a properly trained participating agency which is subject to routine inspection and audit procedures established by the project.

(d) A project shall not include in any criminal intelligence system information which has been obtained in violation of any applicable Federal, State, or local law or ordinance. In an interjurisdictional intelligence system, the project is responsible for establishing that no information is entered in violation of Federal, State, or local laws, either through examination of supporting information submitted by a participating agency or by delegation of this responsibility to a properly trained participating agency which is subject to routine inspection and audit procedures established by the project.

(e) A project or authorized recipient shall disseminate criminal intelligence information only where there is a need to know and a right to know the information in the performance of a law enforcement activity.

(f) (1) Except as noted in [paragraph \(f\)\(2\)](#) of this section, a project shall disseminate criminal intelligence information only to law enforcement authorities who shall agree to follow procedures regarding information receipt, maintenance, security, and dissemination which are consistent with these principles.

(2) [Paragraph \(f\)\(1\)](#) of this section shall not limit the dissemination of an assessment of criminal intelligence information to a government official or to any other individual, when necessary, to avoid imminent danger to life or property.

(g) A project maintaining criminal intelligence information shall ensure that administrative, technical, and physical safeguards (including audit trails) are adopted to insure against unauthorized access and against intentional or unintentional damage. A

record indicating who has been given information, the reason for release of the information, and the date of each dissemination outside the project shall be kept. Information shall be labeled to indicate levels of sensitivity, levels of confidence, and the identity of submitting agencies and control officials. Each project must establish written definitions for the need to know and right to know standards for dissemination to other agencies as provided in [paragraph \(e\)](#) of this section. The project is responsible for establishing the existence of an inquirer's need to know and right to know the information being requested either through inquiry or by delegation of this responsibility to a properly trained participating agency which is subject to routine inspection and audit procedures established by the project. Each intelligence project shall assure that the following security requirements are implemented:

- (1) Where appropriate, projects must adopt effective and technologically advanced computer software and hardware designs to prevent unauthorized access to the information contained in the system;
 - (2) The project must restrict access to its facilities, operating environment and documentation to organizations and personnel authorized by the project;
 - (3) The project must store information in the system in a manner such that it cannot be modified, destroyed, accessed, or purged without authorization;
 - (4) The project must institute procedures to protect criminal intelligence information from unauthorized access, theft, sabotage, fire, flood, or other natural or manmade disaster;
 - (5) The project must promulgate rules and regulations based on good cause for implementing its authority to screen, reject for employment, transfer, or remove personnel authorized to have direct access to the system; and
 - (6) A project may authorize and utilize remote (off-premises) system data bases to the extent that they comply with these security requirements.
- (h) All projects shall adopt procedures to assure that all information which is retained by a project has relevancy and importance. Such procedures shall provide for the periodic review of information and the destruction of any information which is misleading, obsolete or otherwise unreliable and shall require that any recipient agencies be advised of such changes which involve errors or corrections. All information retained as a result of this review must reflect the name of the reviewer, date of review and explanation of decision to retain. Information retained in the system must be reviewed and validated for continuing compliance with system submission criteria before the expiration of its retention period, which in no event shall be longer than five (5) years.
- (i) If funds awarded under the Act are used to support the operation of an intelligence system, then:
- (1) No project shall make direct remote terminal access to intelligence information available to system participants, except as specifically approved by the Office of Justice Programs (OJP) based on a determination that the system has adequate policies and procedures in place to insure that it is accessible only to authorized systems users; and

(2) A project shall undertake no major modifications to system design without prior grantor agency approval.

(ii) [Reserved]

(j) A project shall notify the grantor agency prior to initiation of formal information exchange procedures with any Federal, State, regional, or other information systems not indicated in the grant documents as initially approved at time of award.

(k) A project shall make assurances that there will be no purchase or use in the course of the project of any electronic, mechanical, or other device for surveillance purposes that is in violation of the provisions of the [Electronic Communications Privacy Act of 1986, Public Law 99-508, 18 U.S.C. 2510-2520, 2701-2709 and 3121-3125](#), or any applicable State statute related to wiretapping and surveillance.

(l) A project shall make assurances that there will be no harassment or interference with any lawful political activities as part of the intelligence operation.

(m) A project shall adopt sanctions for unauthorized access, utilization, or disclosure of information contained in the system.

(n) A participating agency of an interjurisdictional intelligence system must maintain in its agency files information which documents each submission to the system and supports compliance with project entry criteria. Participating agency files supporting system submissions must be made available for reasonable audit and inspection by project representatives. Project representatives will conduct participating agency inspection and audit in such a manner so as to protect the confidentiality and sensitivity of participating agency intelligence records.

(o) The Attorney General or designee may waive, in whole or in part, the applicability of a particular requirement or requirements contained in this part with respect to a criminal intelligence system, or for a class of submitters or users of such system, upon a clear and convincing showing that such waiver would enhance the collection, maintenance or dissemination of information in the criminal intelligence system, while ensuring that such system would not be utilized in violation of the privacy and constitutional rights of individuals or any applicable state or federal law.¹

6. Please describe how MPD:

a. Identifies, adds, and removes/expunges individuals and gangs/crews from the gang database;

As specified in Special Order 09-03:

A. An individual may be entered into the Intelligence Unit Gang Database as a gang member if there is documentation to support a reasonable suspicion to believe any one of the following:

i. Individual credibly admits membership with a gang; or

¹ <https://www.law.cornell.edu/cfr/text/28/23.20>

- ii. *Documented reliable informant credibly identifies an individual as a gang member.*
- B. *An individual may be entered into the Intelligence Branch Gang Database as a gang member if there is documentation to support a reasonable suspicion to believe any two of the following:*
 - i. *Individual is observed associating with documented gang members;*
 - ii. *Individual is observed displaying gang symbols and/or hand signs;*
 - iii. *Individual is observed with gang tattoos;*
 - iv. *Individual is observed attending gang meetings;*
 - v. *Individual is identified as a gang member by an unproven informant;*
 - vi. *Individual is arrested in a gang area for an offense that is part of that gang's criminal enterprise; or*
 - vii. *An in-custody Department of Corrections background screening supports the individual's gang affiliation.*

Under the current policy, an individual may be entered into the Intelligence Branch Gang Database as a gang *associate* if there is documentation to support a reasonable suspicion to believe any one of the criteria presented above. However, going forward this will no longer be the practice. This will be removed from the updated policy, and associates are being expunged from the database during the VCSD review.

If an individual meets the criteria for validation as a gang/crew member, an authorized MPD employee will first query the database to ensure the individual has not already been entered. If there is no existing record for the individual, the employee will create a "person" record for the individual by entering data such as name, date of birth, and address. Once the submission has been made, it is in a "pending verification" status. A supervisor will review the record and approve it if all submitted information meets the criteria set forth in MPD SO 09-03, or returns it to the member for additional information. If no further information is available, it will be removed. The removal or expungement of an individual is done by deleting the validation form and the person's profile. This is usually done when new information is obtained indicating that the individual no longer meets the requirements for validation. There is also an automatically generated list of everyone approaching the five-year anniversary of inclusion in the database. The designated analyst is responsible for reviewing this monthly and initiating the review of the validation information. In accordance with 28 CFR 23, current information is required to support the individual's re-validation. If there is no current information, the record is removed.

b. Define "reasonable suspicion to believe" an "individual [has been] observed associating with documented gang members":

Reasonable suspicion to believe that an individual has been observed associating with documented gang members is defined as an MPD member who witnesses an individual congregating and interacting with multiple known, validated gang/crew members. This may be an in-person observation or a virtual observation through social media (such as a YouTube video). However, a very brief one-on-one encounter (e.g., an individual greets a validated

gang member and continues on his/her way) does not constitute associating with gang members.

c. Maintains the security of data in the gang database:

Only members who have received 28 CFR Part 23 training and training on the database are granted access to it. This training includes maintaining control of the information contained in the database and not providing lists or print outs to unauthorized persons. Furthermore, the database can only be accessed from within the MPD network.

d. Receives and evaluates requests for sharing gang affiliation data with other agencies:

MPD provides gang affiliation information on a case-by-case basis only to other law enforcement agencies. The request must have a criminal nexus, and the agency must have a need-to-know in order for MPD to share the information. For instance, the agency must have a criminal case number or criminal offense associated with the information. Additionally, lists of validated gang/crew members are not provided to other law enforcement agencies; only validation information for specific individuals will be provided.

e. Reviews the gang database, including how frequently reviews are and have been conducted and data is validated:

Designated officials and analysts may use the information daily, and frequently validate information in use. If any discrepancies, errors, or missing/outdated information is observed, the validations are opened for corrections and returned to the MPD member submitting the information for corrections. Additionally, a list of everyone approaching the five-year anniversary of inclusion in the database is automatically generated by the database. The designated analyst is responsible for reviewing this monthly and initiating the review of the validation information. If there is no current information, the record is removed.

f. Uses information in the gang database to inform its policing strategies, including the Summer Crime Initiative:

The gang database can be used as a tool for authorized users to provide focused information to officials to develop deployment strategies. It is especially useful in identifying the potential for retaliation after a violent crime. When a violent crime occurs in a gang/crew area or involves known gang / crew member(s), and there is reasonable suspicion to believe that the offense occurred due to an active conflict between gangs/crews, this information is used to adjust deployment of manpower/resources to minimize the potential for retaliation or additional violence. This is not an infrequent occurrence; over the past five years, at least 83 individuals in the database have been the victims of a homicide in the District. While the database may have been used in the past in relation to the Summer Crime Initiatives (SCIs), in the past several years, the emphasis for the SCIs has shifted to known shooters. As you know, this is similar to the focus of the Criminal Justice Coordinating Council.

g. Monitors and audits use of the gang database:

The database has a function that tracks all user activity so that officials can review its use. This feature can be used to monitor and track any unauthorized activity.

7. *Please provide a list of MPD employees with direct access to the gang database and those with authority to add or remove information:*

Assistant Chief Leslie Parsons - Administrator
Commander Ramey Kyle - Administrator
Captain Sean Connors - Administrator
Inspector Lashay Makal - Administrator
Analyst Daniel Hall – Administrator
Lieutenant Shawn Rooney – Administrator
Sgt. Keenan Gallagher – Submitter/Officer
Sgt. Kevin Naus - Submitter/Officer
Officer Jeff Scharf –Submitter/Officer
Officer Andre Sturgis –Submitter/Officer
Officer Meghan Murrock –Submitter/Officer
Officer John Brennan –Submitter/Officer
Officer Christopher Brown –Submitter/Officer
Officer Andre Fleming –Submitter/Officer
Officer Alvin Lytle –Submitter/Officer
Officer Eliseo Medina –Submitter/Officer
Officer Airey Moore –Submitter/Officer
Officer Tracy Simmons –Submitter/Officer
Officer Onasis Ulloa –Submitter/Officer
Officer Robert Watlington –Submitter/Officer
Officer Richard Willis –Submitter/Officer

8. *Are individuals in the Gang Database informed of their inclusion, and is there a process for appealing one's inclusion:*

No, individuals are not informed of their inclusion. If a validated individual learns of his/her validation and wishes to appeal it, the evidence supporting the validation would be reviewed by the commanding officer and a decision would be made on whether to grant or deny the appeal.

9. *Does MPD encourage officers to add or recommend individuals for inclusion in the database, including through any form of performance metrics or quotas:*

No, MPD does not encourage officers to add or recommend individuals for inclusion in the database. There are no performance metrics or quotas used, and there is no incentive provided for adding individuals or recommending individuals for inclusion in the database.

10. *Does MPD use information from school resource officers in the database:*

Pursuant to the “Reducing Law Enforcement Presence in Schools Amendment Act of 2021” in the *Fiscal Year 2022 Budget Support Act of 2021* (L24-0045, effective November 15, 2021), MPD does not obtain or use information from School Resource Officers in the database. This prohibition has been added to General Order 310.08 Handling School-Based Incidents and Offenses, and will be added to the revised policy on the database.

11. *What is the relationship between an individual's membership in the gang database and sentencing in criminal proceedings, e.g. enhancements:*

Information contained in the database is primarily used by MPD to assist in deployment strategies to combat retaliations in gang violence and to assist MPD's Criminal Investigation Division with providing background information in criminal investigations. While District law does prohibit a variety of gang-related activities (D.C. Official Code § 22-951 Criminal Street Gangs), to our knowledge it is very rarely charged. The Office of the U.S. Attorney of the District of Columbia may be able to provide more information on its use. However, in the event that an individual was charged with this offense, MPD would provide the gang/crew validation form to the court as evidence to support the individual's validation as a gang/crew member.

12. Within the last five fiscal years:

a. Which law enforcement agencies and task forces – including the U.S. Immigration and Customs Enforcement – and non-law enforcement agencies have had direct access to MPD's gang database, and what has been the nature of their access and use:

No other law enforcement agency, task force, or non-law enforcement agency has direct access to the database.

b. Which law enforcement agencies and task forces – including the U.S. Immigration and Customs Enforcement – and non-law enforcement agencies have requested information from or derived from MPD's gang database:

Please see below the agencies that have requested information and whether MPD provided information.

Agency	Requested	Provided
DC Housing Authority Police Department	Yes	Yes
Department of Youth Rehabilitation Services	Yes	Yes
Metro Transit Police Department	Yes	Yes
FBI – Safe Streets Task Force	Yes	Yes
U.S. Immigration and Customs Enforcement	Yes	No

13. To which external databases that include gang affiliation does MPD have access:

MPD could have access to Washington/Baltimore High Intensity Drug Trafficking Areas (HIDTA) Program's Gang Intelligence System. This system is used to document gang/crew activity in the Washington/Baltimore area. However, although MPD would be allowed to access this system, MPD neither uses nor contributes information to it.

14. Has MPD ever audited or solicited an audit of its gang database:

The current team is not aware of an audit being conducted of the database. In January 2020, MPD's Office of Intelligence in the Homeland Security Bureau conducted a review of all gang/crew validations contained in the Gang Database. The VCSD is conducting a similar review as part of its due diligence with its new responsibility over the database.

I hope you find this information helpful. Please do not hesitate to contact me if you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. Contee", with a stylized flourish at the end.

Robert J. Contee
Chief of Police

cc: Muriel Bowser, Mayor
Chris Geldart, Deputy Mayor for Public Safety and Justice

Exhibit B

From: Tracy Siska tsiska@chicagojustice.org
Subject: Chicago Justice Project FOIA Request
Date: September 22, 2021 at 4:43 PM
To: foia.admin@dc.gov



NOTE: I used the web portal to submit this request originally but the space provided is inadequate so it cut off some of our requests. This email contains our entire set of requests. In the web portal our request was assigned tracking # 2021-FOIA-08263.

To: Metropolitan Police Department

Re: Gang Data Affiliation FOIA request

Inspector Vendette Parker
Metropolitan Police Department
300 Indiana Avenue, NW
Room 4153
Washington, D.C. 20001

Dear Sir or Madam,

Pursuant DC Code Title 2, Chapter 5, Subchapter II, Freedom of Information (“FOIA”), I, Tracy Siska, along with the Chicago Justice Project (the “Project”), respectfully requests copies of the below-listed public records from the District of Columbia Metropolitan Police Department (“MPD”).

DEFINITIONS

A. Records or Documents

“Record” and/or “Records” means any documents or electronically stored information of any kind—including writings, drawings, graphs, charts, photographs, video recordings, sound recordings, images, databases, and other data or data compilations—stored in any medium from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form.

B. Database

“Database” means any collection of data or information that are specially organized for rapid search and retrieval by any electronic device. Databases are structured to facilitate the storage, retrieval, modification, and deletion of data in conjunction with various data-processing operations.

C. Data Dictionary

“Data Dictionary” means a collection of names, definitions, and attributes about data elements that are being used or captured in a database, information system, or part of a research project. A Data Dictionary also provides metadata about data elements.

D. Gang Affiliation

“Gang Affiliation” means the identifying of an individual with an organization, group, or association of people under a common name or symbol.

E. Access (Accessible or any other form we use)

“Access” means the ability to view, obtain, examine, edit, submit, share, or retrieve data.

F. Private Entity

“Private Entity” means any entity that is not a unit of government, including but not limited to a corporation, partnership, company, nonprofit organization, other legal entity, or a natural person.

INSTRUCTIONS

A. The requests below seek only non-privileged data. Please provide all non-privileged tables and fields related to the below requests. The “at a minimum” lists below are intended as a starting point for specificity, but are not exhaustive.

B. All data provided related to individuals should have identifying data such as name, phone number, and/or social security number removed from the data. Home address data should be altered to include only the hundred blocks. As an example, “2004 W. Roscoe St.” would be transformed to “2000 W. Roscoe St.”

C. In any requests regarding data or information shared among MPD and other entities, all responses should be limited to data and information accessible to MPD. The below requests do not seek or require information outside that controlled by or shared with MPD.

D. Where available or obtainable, please provide the requested data, in order of preference, in comma delimited format, comma separated format, or other format common for databases. If necessary, a portable hard drive or other means of transmittal can be provided for the data. In order to ensure a compatible format and minimize exportation burden, I am willing to meet and confer before the data are transmitted.

E. If the MPD decides to withhold any document or information pertinent to the requests made herein, please identify the document or information in as much detail as possible, and describe and detail in specific language why each document or piece of information is being withheld.

F. If any information requested herein is withheld on the basis of a claim of privilege or other protection, then that claim shall be made expressly in a writing that describes the nature of the document(s), information, communications, or things not produced or disclosed, in a manner that will enable an assessment of the applicability of the claimed privilege or protection. With regard to each claim of privilege or protection, the following information should be provided in the response or the objection:

- 1) The type of Document, *e.g.*, letter or memorandum;
- 2) General subject matter of the Document;
- 3) The date of the Document;
- 4) Such other information as is sufficient to identify the Document for a subpoena duces tecum, including, where appropriate, the author, addressee, and any other recipient of the Document, and, where not apparent, the relationship of the author, addressee, and any other recipient to each other;
- 5) The nature of the claimed privilege or protection and why it is applicable; and
- 6) If applicable, the litigation or trial of which the document was created in anticipation.

G. If any Document identified herein has been lost, discarded, or destroyed, such Document(s) should be identified as completely as possible, including as to each such Document: its date, general nature (*e.g.*, letter, memorandum, email, telegram, telex, photograph, computer printout, etc.), subject matter, each author and/or originator, each person indicated as an addressee or copy recipient, and its former custodian(s). In addition, as to each such Document, the following information should be supplied:

- 1) Date of disposal, loss, or destruction;
- 2) Manner of disposal, loss, or destruction;
- 3) Reason for disposal or destruction, or any explanation of loss;
- 4) Persons authorizing the disposal or destruction;
- 5) Persons having knowledge of the disposal, destruction, or loss; and
- 6) Persons who destroyed, lost, or disposed of the Document or thing.

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SPECIFIC REQUESTS

REQUEST A

1. 1. Please provide Records sufficient to show the name of any Database that the MPD maintains that contains any data related to the supposed or actual Gang Affiliation of any person. Such Records should include, but not limited to, Documents related to the CIB Gang Tracking System maintained by MPD.
2. 2 Please provide Records sufficient to show the official name of any Database created or maintained by a third party that the MPD has access to that contains any data related to the supposed or actual Gang Affiliation of any person.

REQUEST B

1. Please provide Records sufficient to show the public or private entity that maintains each Database detailed in Request A 1.
2. Please provide Records sufficient to show the public or private entity that maintains each Database detailed in Request A 2.

REQUEST C

1. Please provide Records related to any public or private entity—whether on the federal, state, or local level—that can enter data into any Database detailed in Requests A 1 and A 2.
2. Please provide Records sufficient to show each public or private entity—whether on the federal, state, or local level—that can view or otherwise has access to the data within each Database detailed in Request A 1.
3. Please provide Records sufficient to show each public or private entity—whether on the federal, state, or local level—that can view or otherwise has access to the data within each Database detailed in Request A 2.
4. Please provide Records sufficient to show any agreements, memorandums of understanding, contracts, or data sharing agreements that grant permission or allow public or private entities outside of the MPD to view the data within each database detailed in Request A 1.
5. Please provide Records sufficient to show any agreements, memorandums of understanding, contracts, or data sharing agreements between the MPD and any public or private entities identified in Request B 2, that grant permission or allow public entities outside the MPD to view the data input by the MPD into each database identified in Request A 2.
6. Please provide Records sufficient to show the number of searches that each public or private entity detailed in Request C 2 has conducted in each Database. Please provide the information broken down by year for each year the Database has been maintained.
7. Please provide Records sufficient to show the number of searches that each public or private entity detailed in Request C 3 has conducted in each Database. Please provide the information broken down by year for each year the Database has been maintained.

REQUEST D

1. Please provide the following Records for each Database detailed in Request A 1:
 - a. Training materials
 - b. Criteria for assigning gang affiliation

- c. Policies
- d. Guidelines
- e. Contracts
- f. Memorandums of understanding
- g. Non-disclosure agreements
- h. Invoices
- i. Bills
- j. Cancelled checks
- k. Manuals

2. Please provide the following Records for each Database detailed in Request A 2, that have been provided to the MPD by the agency or public body that maintains each Database:

- a. Training materials
- b. Criteria for assigning gang affiliation
- c. Policies
- d. Guidelines
- e. Contracts
- f. Memorandums of understanding
- g. Non-disclosure agreements
- h. Invoices
- i. Bills
- j. Cancelled checks
- k. Manuals

REQUEST E

1. Please provide all Data Dictionaries for all Databases detailed in Request A 1.
2. Please provide all Data Dictionaries for all Databases detailed in Request A 2.

REQUEST F

1. Please provide Records sufficient to show any public or private entity that has the ability to alter, update, or change data already entered in to the Databases detailed in Request A 1.
2. Please provide Records sufficient to show any public or entity that has the ability to alter, update, or change data already entered in to the Databases detailed in Request A 2, that have been provided to the MPD by the public or private entity that maintains each Database.
3. Please provide Records sufficient to show the MPD's ability to alter, update, or change data already entered in to the Databases detailed in Request A 2.

REQUEST G

1. Please provide Records sufficient to show the number of individuals for whom Gang Affiliation data is stored for each Database detailed in Request A 1.
2. Please provide Records sufficient to show the number of individuals for whom Gang Affiliation data is entered by the MPD for each Database detailed in Request

REQUEST H

1. Please provide Records sufficient to show all data maintained on each individual for whom Gang Affiliation data are stored in each Database detailed in Request A 1, including, but not limited to:

- a. Race
- b. Age at the time the Gang Affiliation was entered into the Database
- c. Gender
- d. Criteria for entering this individual's Gang Affiliation in the Database
- e. Geographic area of identification for each Gang Affiliation detailed in the Database
- f. Entity that entered each Gang Affiliation in to the Database
- g. Date each Gang Affiliation was entered in to the Database
- h. Date of any alterations, updates, or changes to each Gang Affiliation
- i. Details of any crimes associated with the individual that led to any Gang Affiliation being entered, altered, updated, or changed in the Database.

2. Please provide Records sufficient to show all data submitted to the MPD on each individual for whom Gang Affiliation was submitted to a Database detailed in Request A 2, including, but not limited to:

- a. Race
- b. Age at the time the original Gang Affiliation was entered into the Database
- c. Gender
- d. Criteria for entering this individual's Gang Affiliation in the Database
- e. Geographic area of identification for each Gang Affiliation detailed in the Database
- f. Public body that entered each Gang Affiliation in to the Database
- g. Date each Gang Affiliation was entered in to the Database
- h. Date of any alterations, updates, or changes to each Gang Affiliation
- i. Details of any crimes associated with the individual that led to any Gang Affiliation being entered, altered, updated, or changed in the Database.

REQUEST K

4. Please provide Records sufficient to show all data submitted to the MPD on each individual for whom Gang Affiliation was submitted to a Database detailed in Request A 2, including, but not limited to:

1. Please provide Records sufficient to show the criteria used by the MPD to determine that an individual is affiliated with a gang.
2. Please provide the job titles of MPD staff with authority to input, alter, update, or make changes to data within the Databases identified in Request A 1.
3. Please provide the job titles of MPD staff with authority to input, alter, update, or make changes to data within the Databases identified in Request A 2.

REQUEST J

1. Please provide Records sufficient to show the data points detailed below for each Database detailed in Request A 1, including:
 - a. Each gang detailed in the Database;
 - b. Aggregate total number of individuals associated at any point with each gang in Part (a) of Request J 1;
 - c. Aggregate total number of individuals believed to be currently associated with each gang in Part (a) of Request J 1; and
 - d. Criteria for entering this individuals' affiliation in each Database details in Request J 1.
2. Please provide Records sufficient to show the data points detailed below for each Database detailed in Request A 2, including:
 - a. Each gang detailed in the Database;
 - b. Aggregate total number of individuals associated at any point with each gang in Part (a) of Request J 2;
 - c. Aggregate total number of individuals believed to be currently associated with each gang in Part (a) of Request J 2; and
 - d. Criteria for entering this individuals' affiliation in each Database details in Request J 2.

Pursuant to 1 DCMR § 408.9 of FOIA, I request that the searching and copying fees associated with these requests be waived because it would be in the public interest. The Chicago Justice Project is a non-profit organization with a focus on providing the public with transparency around justice system policies and police conduct.

I request a response to these requests within fifteen (15) business day of the receipt, as provided by law. If you have any questions regarding these requests, please contact me at tsiska@chicagojustice.org.

Sincerely,

Tracy Siska

Tracy Siska | Executive Director
Chicago Justice Project | 105 W. Madison St., Suite 1500 | Chicago, IL 60604 | Ph. (312) 971-6745 |

tsiska@chicagojustice.org | www.chicagojustice.org |
Twitter: CJPJustProj

Exhibit C

From: latrina.crumlin2@dc.gov
Subject: Acknowledgement Letter 2021-FOIA-08263
Date: September 22, 2021 at 3:37 PM
To: tsiska@chicagojustice.org
Cc: robert.eckert@dc.gov, latrina.crumlin2@dc.gov, lisa.archie-mills@dc.gov

L

Dear Ms./Mrs. Siska,

Our office is in receipt of your Freedom of Information Act (FOIA) request. Your FOIA request number is 2021-FOIA-08263 and your assigned FOIA Specialist is **Robert Eckert**.

If you have any questions regarding your request, please contact your assigned FOIA Specialist, who is included in this e-mail. Be advised, due to the current public health emergency, our office is working remotely and can be reached via e-mail. For ease of reference, we ask that you have your FOIA Request Number available when you contact our office.

NOTE: Pursuant to D.C. Official Code § 2-532(c), there is a 15 business day statutory allotted time, subject to the possibility of a ten (10) business day extension from the date of receipt to respond to a **FOIA request**.

If your request is for Body Worn Camera (BWC) footage, there is a 25 business day statutory allotted time, subject to the possibility of 15 working-day extension from the date of receipt to respond to a **Body Worn Camera (BWC) request**.

REQUEST FOR EXPEDITED SERVICE

If you seek expedited service relating to your FOIA request, please be advised, there is no provision or authority under the District of Columbia Freedom of Information Act laws, to provide expedited service. Therefore, your request will be processed under the provision of the D.C. Official Code §§ 2-531 et seq.

Regards,

Latrina Crumlin
Staff Assistant
Freedom of Information Act (FOIA) Office
Metropolitan Police Department
300 Indiana Ave NW, RM 4153
Washington, DC 20001

Exhibit D

From: Eckert, Robert (MPD) robert.eckert@dc.gov
Subject: Final Response for FOIA Request No. 2021-FOIA-08263, from Tracy Siska (Chicago Justice Project)
Date: November 23, 2021 at 4:15 PM
To: tsiska@chicagojustice.org
Cc: Eckert, Robert (MPD) robert.eckert@dc.gov

RE

November 23, 2021

Mr. Tracy Siska
Executive Director
Chicago Justice Project
443 New York Avenue, N.W., Unit 623
Washington, DC 20001
tsiska@chicagojustice.org

RE: FOIA Request No.: 2021-FOIA-08263

Dear Mr. Siska:

This concerns your Freedom of Information Act (FOIA) request for:

“01/01/1990 to 09/22/2021”

“Specific Requests

REQUEST A

- 1. Please provide Records sufficient to show the name of any Database that the MPD maintains that contains any data related to the supposed or actual Gang Affiliation of any person. Such Records should include, but not limited to, Documents related to the CIB Gang Tracking System maintained by MPD.**
- 2. Please provide Records sufficient to show the official name of any Database created or maintained by a third party that the MPD has access to that contains any data related to the supposed or actual Gang Affiliations of any person.**

REQUEST B

- 1. Please provide Records sufficient to show the public or private entity that maintains each Database detailed in Request A 1.**
- 2. Please provide Records sufficient to show the public or private entity that maintains each Database detailed in Request A 2.**

REQUEST C

- 1. Please provide Records related to any public or private entity—whether on the federal, state, or local level—that can enter data into any Database detailed in Requests A 1 and 2.**

2. Please provide Records sufficient to show each public or private entity---whether on the federal, state, or local level---that can view or otherwise has access to the data within each Database detailed in Request A 1.
3. Please provide Records sufficient to show each public or private entity---whether on the federal, state, or local level---that can view or otherwise has access to the data within each Database detailed in Request A 2.
4. Please provide Records sufficient to show any agreements, memorandums of understanding, contracts, or data sharing agreements that grant permission or allow public or private entities outside of the MPD to view the data within each database detailed in Request A 1.
5. Please provide Records sufficient to shown any agreements memorandums of understanding, contracts or data sharing agreements between the MPD and any public or private entities identified in Request B 2, that grant permission or allow public entities outside the MPD to view the data input by the MPD in to each data base identified in Request A 2.
6. Please provide Records sufficient to show the number of searches that each public or private entity detailed in Request C 2 has conducted in each Database. Please provide the information broken down by year for each year the Database has been maintained.
7. Please provide Records sufficient to show the number of searches that each public or private entity detailed in Request C 3 has conducted in each Database. Please provide the information broken down by year for each year the Database has been maintained.

REQUEST D

1. Please provide the following Records for each Database detailed in Request A 1.
 - a. Training materials
 - b. Criteria for assigning gang affiliation
 - c. Policies
 - d. Guidelines
 - e. Contracts
 - f. Memorandums of understanding
 - g. Non-disclosure agreements
 - h. Invoices
 - i. Bills
 - j. Cancelled checks
 - k. Manuals
2. Please provide the following Records for each database detailed in Request A 2, that have been provided to the MP?D by the agency o republic body that maintains each Database:

maintains each Database.

- a. Training materials**
- b. Criteria for assigning gang affiliation**
- c. Policies**
- d. Guidelines**
- e. Contracts**
- f. Memorandums of understanding**
- g. Non-disclosure agreements**
- h. Invoices**
- i. Bills**
- j. Cancelled checks**
- k. Manuals**

REQUEST E

- 1. Please provide Records sufficient to show any public or private entity that has the ability to alter, update, or change data already entered in to the e Databases detailed in Request A 1.**
- 2. Please provide Records sufficient to show any public or entity that has the ability to alter , update, or change data already entered to the Data bases detailed in Request A 2, that have been provided to the MPD by the public or private entity that maintains each database.**
- 3. Please provide Records sufficient to show the MPD's ability to alter, update, or change data already entered in to the Databases detailed in Request A 2.**

REQUEST G

- 1. Please provide Records sufficient to show the number of individuals for whom Gang Affiliations data I stored for each Database detailed in Request A 1.**
- 2. Please provide Records sufficient to show the number of individuals for whom Gang Affiliation data is entered by the MPD for each Database detailed in Request A 2.**

REQUEST H

- 1. Please provide Records sufficient to show all data maintained on each individual for whom Gang Affiliation data are stored in each Database detailed in Request A 1, including, but not limited to:**
 - a. Race**
 - b. Age at the time the Gang Affiliation was entered into the Database**
 - c. Gender**
 - d. Criteria for entering this individual's Gang Affiliation in the Database**
 - e. Geographic area of identification for each Gang Affiliation detailed in the Database**
 - f. Entity that entered each gang affiliation in to the Database**

- g. Data each Gang Affiliation was entered in to the Database
 - h. Data of any alterations, updates or changes to each Gang Affiliation
 - i. Details of any crimes associated with the individual that lead to any Gang Affiliation being entered, altered, altered, updated, or changed in the Database.
2. Please provide Records sufficient to show all data submitted to the MPD on each individual for whom Gang Affiliation was submitted to a Database detailed in Request A 2, including but not limited to:
 - a. Race
 - b. Age at the time the original Gang Affiliation was entered into the Database
 - c. Gender
 - d. Criterial for entering this individuals Gang Affiliation in the Database
 - e. Geographic area of identification for each Gang Affiliation detailed in the Database
 - f. Public body that entered each Gang Affiliation in to the Database
 - g. Date each Gang Affiliation was entered in to the Database
 - h. Date of any alteration, update, or changes to each Gang Affiliation
 - i. Details of any crimes associated with eth individual that led to any Gang Affiliation being entered, altered, updated, or changed in the Database.

Request K

1. Please provide Records sufficient to show the criterial used by the MPD to determine that an individual is affiliated with a gang.
2. Please provide the job titles of MPD staff with authority to input, alter, update, or make changes to data within the Databases identified in Request A 1.
3. Please provide the job titles of MPD staff with authority to input, alter, update, or make changes to data within the Databases identified in Request A 2.

Request J

1. Please provide Records sufficient to show the data points detailed below for each Database detailed in Request A 1, including:
 - a. Each gang detailed in the Database;
 - b. Aggregate total number of individual associated at any point with each gang in Part (a) of Request J 1;
 - c. Aggregate total number of individual believed to be currently associated with each gang in Part (a) of Request J 1; and
 - d. Criterial for entering individuals' affiliation in each Database details in Request J 1.
2. Please provide Records sufficient to show the data points detailed below for each Database detailed in Request A 2, including
 - a. Each gang detailed in the Database;
 - b. Aggregate total number of individual associated at any point with each gang in Part (a) of Request J 2;
 - c. Aggregate total number of individuals believed to be currently associated

- c. Aggregate total number of individuals believed to be currently associated with each gang in Part (a) of Request J 2; and
- d. Criteria for entering this individuals' affiliation in each Database details in Request J 2."

This request was considered; however, it cannot be granted. It has been determined by the searching unit within the Metropolitan Police Department (MPD) that it would take MPD employees more than 8 hours to search for and to produce the information you seek. Under D.C. Code § 2-532(a)(2), an agency can deny a request if the search would take more than "reasonable efforts", i.e., more than 8 hours to "reprogram or reformat records." The statute states that: (a-2) In responding to a request for records pursuant to this section, a public body shall make reasonable efforts to search for the records in electronic form or format, except when the efforts would significantly interfere with the operation of the public body's automated information system. (f) For purposes of this section, the term: (1) "Reasonable efforts" means that a public body shall not be required to expend more than 8 hours of personnel time to reprogram or reformat records. (1A) "Request" means a single demand for any number of documents made at one time to an individual public body. (2) "Search" means to review manually or by automated means, public records for the purpose of locating those records which are responsive to a request.

Further, this FOIA request essentially asks for **substantial** research to be performed on behalf of the requester. The courts have said that the FOIA was not intended to reduce government agencies to be investigators or to perform research on behalf of requesters. Again, the FOIA does not require agencies to conduct "unreasonably burdensome" searches for records. Please note that the District of Columbia (DC) FOIA, DC Code §§ 2-531-539, provides that while a person has the right to request access to existing records, it does not require agencies to do research, analyze data, answer written questions, or create records to respond to a FOIA request. We advise that a significantly more refined and limited description be provided for any future FOIA request(s) such that it is as specific as possible relative to allow a reasonable search for existing records to be completed.

Please know that, under D.C. Official Code § 2-537 and 1 DCMR § 412, you have the right to appeal this letter to the Mayor or to the Superior Court of the District of Columbia. If you elect to appeal to the Mayor, your appeal must be in writing and contain "Freedom of Information Act Appeal" or "FOIA Appeal" in the subject line of the letter as well on the outside of the envelope. The appeal must include (1) a copy of the original request; (2) a copy of any written denial; (3) a statement of the circumstances, reasons, and/or arguments advanced in support of disclosure; and (4) a daytime telephone number, an e-mail and/or U.S. mailing address at which you can be reached.


The appeal must be mailed to: The Mayor's Office of Legal Counsel, FOIA Appeal, 1350 Pennsylvania Avenue, N.W., Suite 407, Washington, D.C. 20004. Electronic versions of the same information can instead be e-mailed to The Mayor's Office of Legal Counsel at foia.appeals@dc.gov. Further, a copy of all appeal materials must be forwarded to the Freedom of Information Officer of the involved agency, or to the

agency head of that agency, if there is no designated Freedom of Information Officer there. Failure to follow these administrative steps will result in delay in the processing and commencement of a response to your appeal to the Mayor.

**Sincerely,
Bob Eckert
FOIA Specialist
Freedom of Information Act Office
Metropolitan Police Department
District of Columbia
Robert.eckert@dc.gov**

“Excellence is transferable.”

Exhibit E

From: Eckert, Robert (MPD) robert.eckert@dc.gov 
Subject: Follow-up to Final Response for FOIA Request No. 2021-FOIA-08263, from Tracy Siska (Chicago Justice Project)
Date: November 30, 2021 at 11:19 AM
To: tsiska@chicagojustice.org
Cc: Eckert, Robert (MPD) robert.eckert@dc.gov

RE

November 30, 2021

**Mr. Tracy Siska
Executive Director
Chicago Justice Project
443 New York Avenue, N.W., Unit 623
Washington, DC 20001
tsiska@chicagojustice.org**

RE: FOIA Request No.: 2021-FOIA-08263

Dear Mr. Siska:

This is a follow-up response to your Freedom of Information Act (FOIA) request. The responses for each item follow, respectively, as appropriate.

“01/01/1990 to 09/22/2021”

“Specific Requests

REQUEST A

- 1. Please provide Records sufficient to show the name of any Database that the MPD maintains that contains any data related to the supposed or actual Gang Affiliation of any person. Such Records should include, but not limited to, Documents related to the CIB Gang Tracking System maintained by MPD.**

The MPD Gang Tracking and Analysis System.

- 2. Please provide Records sufficient to show the official name of any Database created or maintained by a third party that the MPD has access to that contains any data related to the supposed or actual Gang Affiliations of any person.**

Not applicable.

The MPD does not have access to any third-party database that contains any data related to the supposed or actual gang affiliation of any person.

REQUEST B

- 1. Please provide Records sufficient to show the public or private entity that maintains each Database detailed in Request A 1.**

Not applicable.

- 2. Please provide Records sufficient to show the public or private entity that mains each Database detailed in Request A 2.**

Not applicable.

REQUEST C

- 1. Please provide Records related to any public or private entity-whether on the federal, state, or local level---that can enter data into any Database detailed in Requests A 1 and 2.**

Only MPD sworn members and a few civilian intelligence analysts who have received training on MPD's Gang Database have access. No outside law enforcement agency or other entity has access.

- 2. Please provide Records sufficient to show each public or private entity---whether on the federal, state, or local level---that can view or otherwise has access to the data within each Database detailed in Request A 1.**

Only MPD sworn members and a few civilian intelligence analysts who have received training on MPD's Gang Database have access. No outside law enforcement agency or other entity has access.

- 3. Please provide Records sufficient to show each public or private entity---whether on the federal, state, or local level---that can view or otherwise has access to the data within each Database detailed in Request A 2.**

Only MPD sworn members and a few civilian intelligence analysts who have received training on MPD's Gang Database have access. No outside law enforcement agency or other entity has access.

- 4. Please provide Records sufficient to show any agreements, memorandums of understanding, contracts, or data sharing agreements that grant permission or allow public or private entities outside of the MPD to view the data within each database detailed in Request A 1.**

Not applicable.

- 5. Please provide Records sufficient to shown any agreements memorandums of understanding, contracts or data sharing agreements between the MPD and any public or private entities identified in Request B 2, that grant permission or allow public entities outside the MPD to view the data input by the MPD in to each data base identified in Request A 2.**

Not applicable

6. Please provide Records sufficient to show the number of searches that each public or private entity detailed in Request C 2 has conducted in each Database. Please provide the information broken down by year for each year the Database has been maintained.

There is no existing mechanism to query the total number of searches of the system. It can only be accomplished by auditing each user's activity which would take over 10-15 hours as there are over 400 registered users.

7. Please provide Records sufficient to show the number of searches that each public or private entity detailed in Request C 3 has conducted in each Database. Please provide the information broken down by year for each year the Database has been maintained.

Not applicable.

REQUEST D

1. Please provide the following Records for each Database detailed in Request A 1.
 - a. Training materials
 - b. Criteria for assigning gang affiliation
 - c. Policies
 - d. Guidelines
 - e. Contracts
 - f. Memorandums of understanding
 - g. Non-disclosure agreements
 - h. Invoices
 - i. Bills
 - j. Cancelled checks
 - k. Manuals

Please see attached training material.

2. Please provide the following Records for each database detailed in Request A 2, that have been provided to the MP?D by the agency o republic body that maintains each Database:
 - a. Training materials
 - b. Criteria for assigning gang affiliation
 - c. Policies
 - d. Guidelines
 - e. Contracts
 - f. Memorandums of understanding
 - g. Non-disclosure agreements
 - h. Invoices
 - i. Bills
 - j. Cancelled checks
 - k. Manuals

Not applicable.

REQUEST E

- 1. Please provide Records sufficient to show any public or private entity that has the ability to alter, update, or change data already entered in to the e Databases detailed in Request A 1.**

Only the MPD has the ability to alter, update, or change data already entered in the database.

- 2. Please provide Records sufficient to show any public or private entity that has the ability to alter , update, or change data already entered to the Data bases detailed in Request A 2, that have been provided to the MPD by the public or private entity that maintains each database.**

Not applicable.

- 3. Please provide Records sufficient to show the MPD's ability to alter, update, or change data already entered in to the Databases detailed in Request A 2.**

Not applicable.

REQUEST G

- 1. Please provide Records sufficient to show the number of individuals for whom Gang Affiliations data I stored for each Database detailed in Request A 1.**

3,687 records as of November 24, 2021.

- 2. Please provide Records sufficient to show the number of individuals for whom Gang Affiliation data is entered by the MPD for each Database detailed in Request A 2.**

Not applicable.

REQUEST H

- 1. Please provide Records sufficient to show all data maintained on each individual for whom Gang Affiliation data are stored in each Database detailed in Request A 1, including, but not limited to:**
 - a. Race**
 - b. Age at the time the Gang Affiliation was entered into the Database**
 - c. Gender**
 - d. Criteria for entering this individual's Gang Affiliation in the Database**
 - e. Geographic area of identification for each Gang Affiliation detailed in the Database**

Database

- f. Entity that entered each gang affiliation in to the Database
- g. Data each Gang Affiliation was entered in to the Database
- h. Data of any alterations, updates or changes to each Gang Affiliation
- i. Details of any crimes associated with the individual that lead to any Gang Affiliation being entered, altered, altered, updated, or changed in the Database.

Some of the information responsive to this request is not maintained in a format that can be exported. In order to produce records responsive to this request the record for each individual contain in MPD's Gang Database (3,687) would have to be opened and the information manually extracted. It would take well over 100 hours of labor to produce these records. Additionally, data such as age at time of entry in the Gang Database is not captured and would have to be calculated manually.

2. Please provide Records sufficient to show all data submitted to the MPD on each individual for whom Gang Affiliation was submitted to a Database detailed in Request A 2, including but not limited to:
 - a. Race
 - b. Age at the time the original Gang Affiliation was entered into the Database
 - c. Gender
 - d. Criterial for entering this individuals Gang Affiliation in the Database
 - e. Geographic area of identification for each Gang Affiliation detailed in the Database
 - f. Public body that entered each Gang Affiliation in to the Database
 - g. Date each Gang Affiliation was entered in to the Database
 - h. Date of any alteration, update, or changes to each Gang Affiliation
 - i. Details of any crimes associated with eth individual that led to any Gang Affiliation being entered, altered, updated, or changed in the Database.

Not applicable.

Request K

1. Please provide Records sufficient to show the criterial used by the MPD to determine that an individual is affiliated with a gang.

See MPD Special Order 09-03 on MPD web page:

https://go.mpdonline.com/GO/SO_09_03.pdf.

2. Please provide the job titles of MPD staff with authority to input, alter, update, or make changes to data within the Databases identified in Request A 1.

The MPD Officers, Sergeants, and Lieutenant assigned to MPD Intelligence Branch; MPD District Intelligence (DIO) Officers and Captains; MPD Intelligence Research Specialists.

3. Please provide the job titles of MPD staff with authority to input, alter, update, or make changes to data within the Databases identified in Request A 2.

Not applicable.

Request J

- 1. Please provide Records sufficient to show the data points detailed below for each Database detailed in Request A 1, including:**
 - a. Each gang detailed in the Database;**

10th & Gangsta, 10th Place Killas, 12th & Hamlin, 1-4 Crew, 10-4 CRT, 14th & Allison, 16th & V, 1-7 Crew, 17th & Compton, 1-8 Zone, 18th & M Street, 18th & Q, 18th Street, 19th & Benning, 19th & Minnesota, 1st & Kennedy, 1st & O, 1st & Seaton Place, 21st & Maryland, 22 Crew, 30th Street. 3500 Crew. 36th & Blaine, 37th Street, 3rd World, 49th & Quarles, 4th & W, 4th Street Mob, 55th & Blaine, 5th & O. 7th & Girard, 7th & O. 7th & Taylor. Asian Dragon Family, Barry Farms, Benning Park, Bloods, Check It Crew. Choppa City. Clay Terrace. Clifton Terrace. Columbia Heights Village. Condon Terrace. Congress Park. Crips. Delafield Crew. Dung DC Gang. Edgewood Terrace. Florida Pak, F-Mob. Galveston Place. Garfield Terrace. Greenleaf Gardens. G-Rod. Ground Zero. Hobart Starz. Huntwood, Ivy City. James Creek, KDY, Kenilworth. La Raza. Langdon Park. Langston Terrace. Latin Crew. LeDroit Park. Let's Get Work Crew. Lincoln Heights. Lincoln Road. Lincoln Westmoreland. Mactown. Mara R. Master Crew. Mayfair Paradise. Montana Terrace. MS-13. Orleans Place. Oxford Manor, P & O Street SW, Park Chester, Park Morton, Parkland. Pitts Place. Potomac Gardens. Quarles Street. Redzone, Riggs Park. Rittenhouse. Rock Creek. Church Road. Rock Mafia, Rougaa Gang, Saratoga. Savannah Terrace, Show Out Crew, Simple City, Smoke Down Assassins. Splash Boyz. Stanton Oaks, STC, Surenos 13, Sursum Corda Crew, Syphax Gardens. T Street Crew, Third World, Todd Place, Trap Money, Trenton Place, Trinidad, Uno Mafia, Wahler Place, Washington View, Wayne Place, Wellington Park, Woodland Crew, Y6, Paradise Crew, MLK Crew, MTP Swagg Gang, 4Deen, Really Ready Gang, Stanton Glen, Lady Swagg Gang, Butler Gardens, Cedar Gardens, Hillside. YBS, PBY. 14th & R, 14th & V. 14th & W. Duffy Gang, CRB, 16th & Levis. Slider Crew, 58th, Fully Gang, Fort Chaplin

- b. Aggregate total number of individual associated at any point with each gang in Part (a) of Request J 1;**

Records do not exist.

- c. Aggregate total number of individual believed to be currently associated with each gang in Part (a) of Request J 1;**

Records do not exist.

- d. Criterial for entering individuals' affiliation in each Database details in Request J 1.**

**See MPD Special Order 09-03 on MPD web page:
https://go.mpdconline.com/GO/SO_09_03.pdf.**

2. Please provide Records sufficient to show the data points detailed below for each Database detailed in Request A 2, including
 - a. Each gang detailed in the Database;
 - b. Aggregate total number of individual associated at any point with each gang in Part (a) of Request J 2;
 - c. Aggregate total number of individuals believed to be currently associated with each gang in Part (a) of Request J 2; and
 - d. Criteria for entering this individuals' affiliation in each Database details in Request J 2."

Not applicable.

Please note, that for some items, such as item H., it has been determined by the searching unit within the Metropolitan Police Department (MPD) that it would take MPD employees more than 8 hours to search for and to produce the information you seek. Under D.C. Code § 2-532(a)(2), an agency can deny a request if the search would take more than "reasonable efforts", i.e., more than 8 hours to "reprogram or reformat records." The statute states that: (a-2) In responding to a request for records pursuant to this section, a public body shall make reasonable efforts to search for the records in electronic form or format, except when the efforts would significantly interfere with the operation of the public body's automated information system. (f) For purposes of this section, the term: (1) "Reasonable efforts" means that a public body shall not be required to expend more than 8 hours of personnel time to reprogram or reformat records. (1A) "Request" means a single demand for any number of documents made at one time to an individual public body. (2) "Search" means to review manually or by automated means, public records for the purpose of locating those records which are responsive to a request.

Further, these portions of the FOIA request essentially asks for substantial research to be performed **and/or** for the creation of new records on behalf of the requester. Please note that the District of Columbia (DC) FOIA, DC Code §§ 2-531-539, provides that while a person has the right to request access to existing records, it does not require agencies to do research, analyze data, answer written questions, or create records to respond to a FOIA request

Please note that some blackened areas on the released training document have been released as it was provided to the FOIA Office. The redacted material is withheld under D.C. Official Code § 2-534 (a)(2), which covers information of a personal nature, the release of which would constitute a clearly unwarranted invasion of personal privacy; and, (a)(3)(C), which protects investigatory records compiled for law-enforcement purposes, to the extent that the production of such records would constitute an unwarranted invasion of personal privacy. Such privacy information includes names/personal identifiers, other personal privacy information, and information that may lead to the identity of individuals.

Please know that, under D.C. Official Code § 2-537 and 1 DCMR § 412, you have the right to appeal this letter to the Mayor or to the Superior Court of the District of

Columbia. If you elect to appeal to the Mayor, your appeal must be in writing and contain "Freedom of Information Act Appeal" or "FOIA Appeal" in the subject line of the letter as well on the outside of the envelope. The appeal must include (1) a copy of the original request; (2) a copy of any written denial; (3) a statement of the circumstances, reasons, and/or arguments advanced in support of disclosure; and (4) a daytime telephone number, an e-mail and/or U.S. mailing address at which you can be reached.

The appeal must be mailed to: The Mayor's Office of Legal Counsel, FOIA Appeal, 1350 Pennsylvania Avenue, N.W., Suite 407, Washington, D.C. 20004. Electronic versions of the same information can instead be e-mailed to The Mayor's Office of Legal Counsel at foia.appeals@dc.gov. Further, a copy of all appeal materials must be forwarded to the Freedom of Information Officer of the involved agency, or to the agency head of that agency, if there is no designated Freedom of Information Officer there. Failure to follow these administrative steps will result in delay in the processing and commencement of a response to your appeal to the Mayor.

Sincerely,
Bob Eckert
FOIA Specialist
Freedom of Information Act Office
Metropolitan Police Department
District of Columbia
Robert.eckert@dc.gov

"Excellence is transferable."



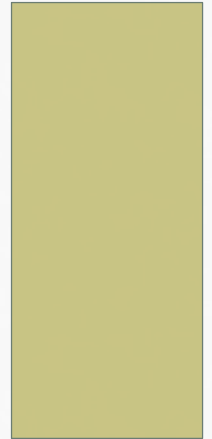
28 CFR - Gang
Validati...(1).pdf

Exhibit F



METROPOLITAN POLICE DEPARTMENT
PROCESS OF
VALIDATING CREW/GANG MEMBERS AND
SUBMITTING INTELLIGENCE REPORTS

INTELLIGENCE BRANCH





INTELLIGENCE BRANCH VALIDATION PROCESS



Understanding the Mandate of 28 CFR Part 23



INTELLIGENCE BRANCH VALIDATION PROCESS



- ❖ 28 CFR Part 23 is a federal regulation that provides guidance to law enforcement on the standards of operating a criminal intelligence database
- ❖ One of the fundamentals of 28 CFR is that a criminal nexus must be established to enter an individual into an intelligence database, and that nexus must be reestablished every 5 years in order to maintain that record. If that nexus is not maintained, the individual must be purged from the system
- ❖ It is also important to maintain ownership of this data and not share with other individuals or agencies without the permission of the Intelligence Branch in order to maintain compliance with 28 CFR Part 23



INTELLIGENCE BRANCH VALIDATION PROCESS



Special Order 09-03; Validation of Individuals as Members of a Criminal Gang



INTELLIGENCE BRANCH VALIDATION PROCESS



- ❖ The Chief of Police has assigned the Homeland Security Bureau Intelligence Branch the responsibilities of formally designating individuals as a gang members, maintaining MPD's Gang Database, and serve as a liaison to MPD Units in gang identification
- ❖ The District of Columbia has both gangs with a national affiliation (e.g. MS-13, 18th Street) as well as neighborhood based criminal street crews (e.g. Redzone, 37th Street, Simple City)
- ❖ Criminal Street Gang: An association of six or more persons that has, as a condition of membership or continued membership, the committing of or actively participating in a crime of violence, or has as one of its purposes or frequent activities the violation of the criminal laws of District of the United States except for acts of civil obedience. DC Official Code 22-1731(e) 1A and B



INTELLIGENCE BRANCH VALIDATION PROCESS



❖ Gang Member Validation Criteria

- ❖ An individual may be entered into the Intelligence Unit Gang Database as a gang member if there is documentation to support a reasonable suspicion to believe any one of the following:
 - 1. Individual credibly admits membership with a gang; or
 - 2. Documented reliable informant credibly identifies an individual as a gang member.
- ❖ An individual may be entered into the Intelligence Branch Gang Database as a gang member if there is documentation to support a reasonable suspicion to believe any two of the following:
 - 1. Individual is observed associating with documented gang members;
 - 2. Individual is observed displaying gang symbols and/or hand signs;
 - 3. Individual is observed with gang tattoos;
 - 4. Individual is observed attending gang meetings;
 - 5. Individual is identified as a gang member by an unproven informant;
 - 6. Individual is arrested in a gang area for an offense that is part of that gang's criminal enterprise; or
 - 7. An in-custody Department of Corrections background screening supports the individual's gang affiliation.
- ❖ An individual may be entered into the Intelligence Branch Gang Database as a gang associate if there is documentation to support a reasonable suspicion to believe any one of the criteria presented in Part III.B above.



INTELLIGENCE BRANCH VALIDATION PROCESS



Validating Known Gang and Crew Members



INTELLIGENCE BRANCH VALIDATION PROCESS



Metropolitan Police Department
Gang Tracking and Analysis System

Search Add Record Verification History Inbox Log Out

Search for Person(s)

First Name
Last Name
PDID
Gang Name -None Selected-

Export to Excel

	<input type="checkbox"/>	Person_ID	First Name	Last Name	Date of birth	PDID	Gang
			<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
>	<input type="checkbox"/>	2					10th Place Killas
>	<input type="checkbox"/>	3					Syphax Gardens,James Creek
>	<input type="checkbox"/>	5					30th Street
>	<input type="checkbox"/>	6					1-8 Zone
>	<input type="checkbox"/>	7					Redzone,Redzone
>	<input type="checkbox"/>	9					James Creek,P and O Street SW,James Creek
>	<input type="checkbox"/>	10					Y6
>	<input type="checkbox"/>	11					KDY,KDY
>	<input type="checkbox"/>	19					1-4 Crew,Master Crew,1-4 Crew
>	<input type="checkbox"/>	22					MS-13

Page size: 10 3271 items in 328 pages

Once an Officer logs into the Gang Database, they will start on the validation search page. This page allows users to search for an individual to see if they are a validated gang/crew member and it also allows users to search for all validated members of a gang/crew. From here, users can navigate via the top tool bar to "Add Record" (Either Validation or Intelligence) or check their verification history



INTELLIGENCE BRANCH VALIDATION PROCESS



Metropolitan Police Department
Gang Tracking and Analysis System

Home Search **Add Record** Admin 5 Year Queue History Verification History Inbox User Activity Maintenance Log Out

INTELLIGENCE BRANCH - GANG VALIDATION FORM

Person Information

First Name	Middle Name	Last Name	Nickname	Date of birth	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Race	Tattoos	Scars	Marks	Height	Weight
-None Selected-	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
SSN	PDID				
<input type="text"/>	<input type="text"/>				

Home Address

AddressType	Street	City	State	Zip	District	PSA	Delete
-------------	--------	------	-------	-----	----------	-----	--------

No records to display.

[+ Add New Home Address](#) [Refresh](#)

Gang Validation Form

Edit	Vehicle Type	Gang Name	Gang Associate	Location	Validation Date	Report Created By	Status	Print Report	Delete
------	--------------	-----------	----------------	----------	-----------------	-------------------	--------	--------------	--------

No records to display.

[Add Gang Validation Form](#)

Narrative

Date	Narrative	Created By
------	-----------	------------

No records to display.

[+ Add New Narrative](#) [Refresh](#)

File Upload

[Select](#)

[Upload](#)

File Name	File Type	File Size	Attached By	Open	Delete
-----------	-----------	-----------	-------------	------	--------

No records to display.

Once a user clicks on the "Add Record" tab they will be brought to the validation form to start completing on a new validated gang/crew member

The Gang Database allows for the inputting of information related to the individual, known addresses, the validation form, narratives, and any files related to the individual

The types of files uploaded include mugshots, warrant information, social media posts, YouTube video clips, BOLOs, and any other information the Intelligence Branch finds meaningful



INTELLIGENCE BRANCH VALIDATION PROCESS



Intelligence Branch Gang Validation FORM

Last Name: [] Nickname: [] Date of birth: []

First District (1D): []

An Individual may be entered into the Intelligence Branch Gang Database as a **gang member** if there is documentation to support a **reasonable suspicion** to believe any **one** of the following:

- ☐ Individual credibly admits membership with a gang
- ☐ A documented reliable informant credibly identifies an individual as a gang member

An Individual may be entered into the Intelligence Branch Gang Database as a **gang member** if there is documentation to support a **reasonable suspicion** to believe **two** of the following:

- ☒ Observed associating with documented gang members
- ☐ Observed displaying gang symbols and/or hand signs
- ☐ Observed with gang tattoos
- ☒ Observed attending gang meetings
- ☐ Identified as a gang member by an unproven informant
- ☒ Arrested in a gang area for an offense that is part of that gang's criminal enterprise
- ☐ In-custody department of corrections background screening supports the individual's gang affiliation

An Individual may be entered into the Intelligence Branch Gang Database as a **gang associate** if there is documentation to support a **reasonable suspicion** to believe **one** of the following:

- ☒ Observed associating with documented gang members

Intelligence Branch Gang Validation FORM

Last Name: [] Nickname: [] Date of birth: []

An Individual may be entered into the Intelligence Branch Gang Database as a **gang associate** if there is documentation to support a **reasonable suspicion** to believe **one** of the following:

- ☒ Observed associating with documented gang members
- ☐ Observed displaying gang symbols and/or hand signs
- ☐ Observed with gang tattoos
- ☒ Observed attending gang meetings
- ☐ Identified as a gang member by an unproven informant
- ☒ Arrested in a gang area for an offense that is part of that gang's criminal enterprise
- ☐ In-custody department of corrections background screening supports the individual's gang affiliation

Why were they made a crew Member?

[]

Validation Date

8/13/2014

The validation process involves completing a "Gang Validation Form"

This process was created several years ago in conjunction with the DC City Council to accurately identify and categorize known crew members

Officers assigned to the Intelligence Branch complete the pictured Gang Validation Form and Analysts assigned to the Intelligence Branch review the reports and approve them if information is correct and report is completed correctly



INTELLIGENCE BRANCH VALIDATION PROCESS



Gang Validation Form

Edit	Vehicle Type	Gang Name	Gang Associate	Location	Validation Date	Report Created By	Status	Print Report	Delete
Edit		Greenleaf Gardens			02/08/2012		Verified		
Edit		James Creek			09/10/2013		Verified		
Edit	Adult	James Creek			09/14/2017		Verified		
Edit	Adult	Syphax Gardens			08/13/2014		Verified		

[Add Gang Validation Form](#)













Narrative

	Date	Narrative	Created By
Edit	02/08/2012	A reliable informant credibly identified the subject as a gang member.	
Edit	02/08/2012	Subject was observed associating with validated gang members.	
Edit	06/27/2017	May-Aug 2017 Strategic Crime Briefing, Events: Was a recent victim of an AWIK (Gun) incident on March 9, 2017 in PSA 105 (James Creek crew area)	
Add New Narrative			Refresh

File Upload

Select

Upload

File Name	File Type	File Size	Attached By	Open	Delete
	image/jpeg	37801			
	image/jpeg	47367			
	image/jpeg	65656			
	image/jpeg	42712			
	image/jpeg	70730			

⏮

⏪

1

2

⏩

⏭

Page size: 5

8 items in 2 pages

[Update Information](#)

[Cancel](#)

A completed profile could include several validation forms, multiple narrative entries, as well as several file uploads. These person profiles help us establish a timeline of a validated persons activities, known associates, and areas where the individual is known to live or hang out.



INTELLIGENCE BRANCH VALIDATION PROCESS



Metropolitan Police Department
Gang Tracking and Analysis System

Home Search Add Record Admin 5 Year Queue History Verification History Inbox User Activity Maintenance Log Out

Home

Person

Export to Excel

Person_ID	First Name	Last Name	Date of birth	PDID	Gang	Sect
3262						

Copyright © 2018 Gang Tracking and Analysis System

Home Address

AddressType	Street	City	State	Zip	District	PSA	Delete
No records to display.							
Add New Home Address Refresh							

Gang Validation Form

Edit	Vehicle Type	Gang Name	Gang Associate	Location	Validation Date	Report Created By	Status	Print Report	Delete
Edit		10th and Gangsta			12/21/2018		Awaiting Verification	Print Report	Delete

[Add Gang Validation Form](#)

Narrative

Date	Narrative	Created By
No records to display.		
Add New Narrative Refresh		

File Upload

[Select](#)

Once the validation form has been completed and the person profile has been submitted, the validation and profile are placed in a pending status while a supervisor reviews the information. Once the information has been reviewed and approved, it is moved into the gang database



INTELLIGENCE BRANCH VALIDATION PROCESS



Metropolitan Police Department
Gang Tracking and Analysis System

Home **Search** Add Record Admin 5 Year Queue History Verification History Inbox User Activity Maintenance Log Out

Search for Person(s)

First Name
Last Name
PDID
Gang Name

Export to Excel

	Person_ID	First Name	Last Name	Date of birth	PDID	Gang
>	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
>	<input type="checkbox"/>	1				1-8 Zone
>	<input type="checkbox"/>	2				10th Place Killas
>	<input type="checkbox"/>	3				James Creek,Greenleaf Gardens,Syphax Gardens,James Creek
>	<input type="checkbox"/>	5				30th Street
>	<input type="checkbox"/>	6				1-8 Zone
>	<input type="checkbox"/>	7				Redzone,Redzone
>	<input type="checkbox"/>	9				James Creek,P and O Street SW,James Creek
>	<input type="checkbox"/>	10				Y6,Y6
>	<input type="checkbox"/>	11				KDY,KDY
>	<input type="checkbox"/>	15				Park Morton

Page size: 10 3282 items in 329 pages

Once information has been submitted and verified, it is incorporated into our gang tracking system and is searchable for at least 5 years when the person must be re-validated to maintain compliance with federal intelligence database guidelines (28 CFR part 23)





This validation person information and crew affiliation can then be exported into excel and shared with other units/agencies, although it may not be shared without the expressed permission of the Intelligence Branch as that could effect our compliance with Federal Guidelines



INTELLIGENCE BRANCH VALIDATION PROCESS



*Metropolitan Police Department*
Gang Tracking and Analysis System



Home Search Add Record Admin 5 Year Queue History **Verification History** Inbox User Activity Maintenance Log Out

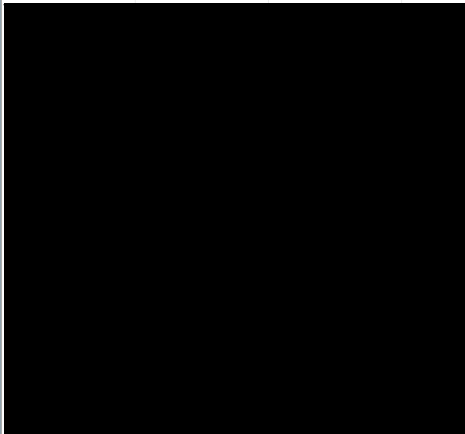









Verification History

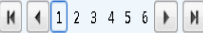
From Date

To Date

Search

Export to Excel

First Name	Last Name	DOB	PDID	Gang Name	Location	Validation Date	Report Created By	Print Report
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	12/01/2018	<input type="text"/>	<input type="text"/>
				KDY	Not Stopped - Source Information	12/04/2018		
				Redzone	1901 D STREET SE	12/06/2018		
				Simple City	4700 ALABAMA AVENUE SE	07/23/2020		
				Mactown	1901 D STREET SE	12/05/2018		
				Rittenhouse	1901 D STREET SE	12/05/2018		
				Woodland Crew	1901 D STREET SE	12/12/2018		
				1-8 Zone	1901 D STREET SE	12/06/2018		
				Potomac Gardens	1901 D STREET SE	12/05/2018		



Page size: 8

42 items in 6 pages

The “Verification History” tab allows users to query the data for who validated a person and on which date. This allows users to keep track of how many validations they have completed and for which gangs/crews. This tab is also used for monthly breakdowns of how many validations were completed by each user



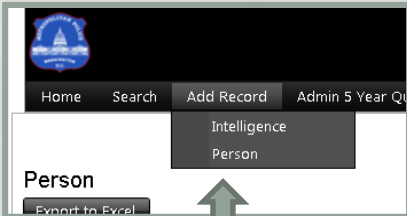
INTELLIGENCE BRANCH VALIDATION PROCESS



**Submitting Intelligence into the
Gang Database**



INTELLIGENCE BRANCH VALIDATION PROCESS



At the top of the homepage there is a section titled "Add Record" where you can then select the Intelligence portion

This will bring up the Intelligence submittal page that is similar in appearance to a Gang Validation Form, but is instead designed for submitting narrative intelligence into the database regarding gang/crew conflicts

There is also a section for uploading associated files

Metropolitan Police Department
Gang Tracking and Analysis System

Home Search Add Record Admin 5 Year Queue History Verification History Inbox User Activity Maintenance Log Out

INTELLIGENCE BRANCH - INTELLIGENCE FORM

Intelligence Information

Date Time Officer Submitting District

Crew or Gang Crew's Sect

Conflict With Conflict's Sect

Narrative

Created Date	Source	Narrative	Created By
No records to display.			
+ Add New Narrative			Refresh

File Upload

File Name	File Type	File Size	Attached By	Open	Delete
No records to display.					



INTELLIGENCE BRANCH VALIDATION PROCESS



The intelligence submissions are then searchable which allows users to search for intelligence related to a particular gang or conflict in reverse chronological order, so the user sees the most recent intelligence first

Metropolitan Police Department
Gang Tracking and Analysis System

Search Add Record Admin 5 Year Queue History Verification History Inbox User Activity Maintenance Log Out

Search for Intelligence

Date Range - From 08/01/2018 Through 12/19/2018

Gang Name -None Selected-

Sect Name -None Selected-

Gang's Previous Name -None Selected-

District -None Selected-

Narrative Keyword MS-13 x

Search

Export to Excel

	ID	Date Created	Gang/Crew Name	Gang/Crew Previous Name	Sect of Crew	Conflict With Gang	Beef Previous Name	Sect of Beef	District	Created By
▶	1038	12/12/2018	1. MS-13	1. MS-13(2016-11-17) 1. MARA SALVATRUCHA (MS-13)(2016-11-17)		1. 18th Street	1. 18th Street(2016-11-17)		Fourth District (4D)	
▶	1015	11/27/2018	1. MS-13	1. MS-13(2016-11-17) 1. MARA SALVATRUCHA (MS-13)(2016-11-17)		1. 18th Street	1. 18th Street(2016-11-17)		Third District (3D)	
▶	1011	12/04/2018	1. MS-13	1. MS-13(2016-11-17) 1. MARA SALVATRUCHA (MS-13)(2016-11-17)		1. 18th Street	1. 18th Street(2016-11-17)		Third District (3D)	
▶	1009	12/03/2018	1. 18th Street	1. 18th Street(2016-11-17)		1. MS-13	1. MS-13(2016-11-17) 1. MARA SALVATRUCHA (MS-13)(2016-11-17)		Fourth District (4D)	
▶	1005	11/27/2018	1. MS-13	1. MS-13(2016-11-17) 1. MARA SALVATRUCHA (MS-13)(2016-11-17)		1. 18th Street	1. 18th Street(2016-11-17)		Third District (3D)	

Page size: 5 29 items in 6 pages



INTELLIGENCE BRANCH VALIDATION PROCESS



All of this information
contributes to
the various products
of the Intelligence Branch

Daily Subject Report

Gang Conflict Report

Combined Reports

Various POI Lists

Summer Crime Initiative

Intelligence Presentations




INTELLIGENCE BRANCH VALIDATION PROCESS



QUESTIONS?

Exhibit G

From: Tracy Siska tsiska@chicagojustice.org 
Subject: Freedom of Information Act Appeal
Date: February 4, 2022 at 2:16 PM
To: foia.appeals@dc.gov



February 2, 2022

The Mayor's Office of Legal Counsel
FOIA Appeals
John A. Wilson Building
1350 Pennsylvania Avenue, N.W., Suite 407
Washington, D.C. 20004
foia.appeals@dc.gov

VIA D.C. FOIA PORTAL, ELECTRONIC MAIL, AND USPS

RE: FOIA Appeal of Partial Denial of Request No. 2021-FOIA-08263 on the grounds that MPD erroneously withheld public records in violation of D.C. Code § 2-532

To Whom It May Concern:

Please accept this letter as an administrative appeal of D.C. FOIA Request No. 2021-FOIA-08263. The request concerned the use by the Metropolitan Police Department ("MPD") of gang databases, which has recently been the subject of significant news coverage. The Mayor's Office should grant this appeal because MPD's refusal to disclose – or even to search for – records that exist (or should exist) in response to our request demonstrates that MPD did not conduct an adequate search as required by D.C. Official Code § 2-532 (the "D.C. FOIA").

I. Summary of FOIA Correspondence with MPD

On September 22, 2021, I and the Chicago Justice Project submitted a Freedom of Information Act ("FOIA") request via the D.C. FOIA Portal (<https://foia-dc.gov/App/Index.aspx>) and via email to the MPD. *See* Exhibit 1. The FOIA request sought various documents in connection with the databases that MPD has access to that contain gang affiliation data. On September 22, 2021, MPD briefly acknowledged our FOIA request via email and provided the tracking number 2021-FOIA-08263. *See* Exhibit 2. This email noted, "Pursuant to D.C. Official Code § 2-532(c), there is a 15 business day statutory allotted time, subject to the possibility of a ten (10) business day extension from the date of receipt to respond to a **FOIA request**." *Id.* (emphasis in original).

Despite having acknowledged the response timeframe required by law, MPD violated D.C. Official Code § 2-532 by failing to either respond within that 15-day timeframe or provide written notice of its reasons for an extension. It was not until 43 business days after the original request, on November 23, 2021, when MPD finally responded to the FOIA request by denying the request in its entirety. *See* Exhibit 3. Specifically, MPD vaguely claimed that "it would take MPD employees more than 8 hours to search for and to produce the information" sought. *Id.* On November 24, 2021, MPD designated this FOIA request as "closed." *See* Exhibit 4.

Despite this seemingly final response, MPD contradicted its prior correspondence by sending a "follow-up response" to our FOIA request on November 30, 2021. *See* Exhibit 5. In this second response, MPD partially granted and partially denied the FOIA request. *See id.* Without explaining why the MPD suddenly changed its prior position, MPD provided information in partial response to Requests A(1), C(1), C(2), C(3), D(1), E(1), G(1), K(1), K(2), and J(1). *See id.* MPD produced only a single, redacted document.

For a subset of the remaining requests, MPD responded, "Not applicable" or "Records do not exist."^[1] *See id.* Meanwhile, MPD denied Request C(6), which requested the number of searches conducted in the MPD gang database. MPD claimed, "There is no existing mechanism to query the total number of searches of the system. It can only be accomplished by auditing each user's activity which would take over 10-15 hours as there are over 400 registered users." *Id.*

Similarly, MPD denied Request H(1), which sought, among other things, information concerning the race, gender, and geographic area of individuals with gang affiliation data in MPD's database. MPD claimed, "Some of the information responsive to this request is not maintained in a format that can be exported. In order to produce records responsive to this request the record for each individual contain [sic] in MPD's Gang Database (3,687) would have to be opened and the information manually extracted. It would take well over 100 hours of labor to produce these records. Additionally, data

such as age at time of entry in the Gang Database is not captured and would have to be calculated manually.”

MPD argued that granting these requests would take more than the “reasonable efforts” required by D.C. Code § 2-532(a-2). MPD also claimed, generally, that portions of our FOIA request “essentially ask[] for substantial research to be performed and/or for the creation of new records.”

II. MPD’s Denials Demonstrate That MPD Failed to Conduct an Adequate Search

This appeal concerns three types of MPD’s denials. First, MPD denied specific requests (under Requests C and H) by preemptively claiming that the burden to search and produce these records would be too great. Second, MPD denied numerous other requests by claiming either that these were “not applicable” or that the requested records did not exist, despite contrary evidence in the public record. Third, MPD incorrectly asserted a substantial research and creation of new records exemption. All three denials demonstrate that MPD failed to make reasonable efforts to search for and produce the requested records. As the Mayor’s Office of Legal Counsel has previously found, D.C. FOIA requires the government’s search to be “reasonably calculated to produce the relevant documents.”^[2] Here, MPD has not demonstrated that it has conducted an adequate or reasonably calculated search for the reasons set out below. Accordingly, this appeal should be granted and MPD should be required to produce all responsive records.

a. MPD May Not Preemptively Claim That An Undue Burden Exists

MPD failed to conduct an adequate search when it claimed that documents responsive to Requests C(6) and H(1) would take more than “10-15 hours” and “100 hours,” respectively, to search for and produce. An excuse of this kind has been flatly rejected by the D.C. Court of Appeals. In *Fraternal Order of Police v. District of Columbia*, the Government argued that “the effort required to respond [to the FOIA request at issue]—including the necessary search and review process—imposed too great a burden on the District.” 139 A.3d 853, 862 (D.C. 2016). The Court disagreed. Relying on both the statutory language and legislative history of the D.C. FOIA, the Court held that “there is nothing in the statute that allows a prospective determination of undue burden to void a FOIA request.” *Id.* at 863. MPD, therefore, may not preemptively decide that searching for and producing the requested information is overly burdensome, and use that as a basis to deny the request. By doing so, MPD has failed to perform an adequate search as required by D.C. Code § 2-532.

Further, MPD’s explanation for this denial implies that at least some of the information requested in Requests C(6) and H(1) is already captured in MPD’s gang database. For example, MPD explained how the data requested in Request C(6) could be compiled by reviewing “each user’s activity.” MPD likewise explained that the information responsive to Request H(1) was “not maintained in a format that can be exported.” Because these explanations suggest that MPD already has in its possession the information we requested, an adequate search should have resulted in at least some responsive records. Despite this, MPD produced no information responsive to either Request C(6) or Request H(1). This is improper.

b. MPD’s Assertions That “Records Do Not Exist” and That Requests Were “Not Applicable” Are Unreasonable

MPD failed to conduct an adequate search when, instead of searching for and producing responsive records, MPD asserted that the records requested under Requests J(1)(b) and J(1)(c) “did not exist” and that Requests A(2), B(1), B(2), C(4), C(5), C(7), D(2), E(2), E(3), G(2), H(2), K(3), and J(2) were “not applicable.” The public record demonstrates that MPD should, in fact, have records responsive to these requests. For example, Request J(1)(c) requests the number of individuals currently associated with each gang. MPD should easily be able to produce this information, as an article published by *The Intercept* on June 18, 2021 states that MPD maintains a spreadsheet with the names of supposed gang members and crews.^[3] MPD could have simply produced that spreadsheet. MPD’s inaccurate response, therefore, that “records do not exist” reveals that MPD failed to use reasonable efforts to search for and produce such records.

Furthermore, MPD’s claim that certain requests are “not applicable” is specious. In this context, we are unable to determine what MPD intends to convey by declaring a request “not applicable.” It is unclear what exemption, if any, MPD is asserting here. In addition, public news sources again confirm that MPD possesses information responsive to at least some of the requests that MPD deemed “not applicable.” For example, Request C(2) asks for records that “show each public or private entity...that can view or otherwise has access to the data within each Database.” The above-mentioned *Intercept* article expressly states that “MPD shares information from the database [] with outside agencies and larger regional gang databases.”^[4] The article further asserts that data from MPD’s gang database is “accessible to more than 9,400 law enforcement agencies.” MPD’s response, therefore, that such a FOIA request was “not applicable” indicates that, at the very least, MPD failed conduct a reasonable search for the requested information, which MPD has in its possession.

c. The FOIA Request Does Not Require “Substantial Research” Or the “Creation of New Records”

MPD broadly and incorrectly claimed an exemption to FOIA when it stated that “portions of the FOIA request essentially asks [sic] for substantial research to be performed and/or for the creation of new records.” No such exemption exists in D.C. Code § 2-534. Further, the U.S. District Court for the District of Columbia has found, with respect to the federal FOIA, that “sorting a pre-existing database of information to make information intelligible does not involve the creation of a new record.” *National Security Counselors v. Central Intelligence Agency*, 898 F. Supp. 2d 233, 270 (D.D.C. 2012).^[5] Sorting a pre-existing database is precisely what we have requested. By denying our FOIA request on the ground that it requires new records or substantial research, MPD has failed, at the least, to conduct an adequate search.^[6]

Further, it is unclear from MPD’s response which portions of the FOIA request were denied based on this improper objection. It is reasonable to assume, however, that this objection was part of the basis for MPD’s failure to conduct an adequate search of every above-mentioned request (*i.e.*, Requests A(2), B(1), B(2), C(4), C(5), C(6), C(7), D(2), E(2), E(3), G(2), H(1), H(2), K(3), J(1)(b), J(1)(c), and J(2)).

I. MPD Failed to Seek Out Information Needed to Fulfill the FOIA Request

In addition to improperly denying our FOIA request, MPD violated D.C. Code § 2-531 and 1 DCMR § 402 by failing to seek clarification from the requester in processing the request. The D.C. FOIA provides:

The public policy of the District of Columbia is that all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees. To that end, provisions of this subchapter shall be construed with the view toward expansion of public access and the minimization of costs and time delays to persons requesting information.

D.C. Code Ann. § 2-531. In the same vein, 1 DCMR § 402 states:

Where the information supplied by the requester is not sufficient to permit the identification and location of the record by the agency without an unreasonable amount of effort, the requester shall be contacted and asked to supplement the request with the necessary information. Every reasonable effort shall be made by the agency to assist in the identification and location of requested records.

1 DCMR § 402.5. Both laws illustrate MPD’s duty as a public servant to make reasonable efforts to engage with FOIA requesters to provide the information sought. In violation of that duty, MPD denied our FOIA request in its entirety on November 23, 2021, and then partially on November 30, 2021. See Exhibits 3 and 5. To the extent that MPD needed clarification about any portion of the FOIA request, MPD failed to contact us with any questions about the specific requests.

This lack of engagement, however, is not only against D.C. regulations, but also D.C. case law. As the D.C. Court of Appeals held in *Fraternal Order of Police*, “when the officer is unsure what the requester wants or where it might be found, the regulations impose an affirmative obligation on the FOIA officer to engage with the requester and seek out the information needed to fulfill the request.” 139 A.3d at 861. Because MPD failed to engage with the requester to develop any means to obtain the requested information, MPD has not demonstrated that it has made reasonable efforts to conduct an adequate search.

D. Conclusion

For the foregoing reasons, the Chicago Justice Project and I petition the Mayor to review the withheld records to determine whether they should be produced for public inspection as provided by D.C. Code § 2-537(a).

Thank you for your attention to this appeal. A copy of these appeal materials will be forwarded to MPD’s FOIA Officer, Robert Eckert. Should you have any questions or need any additional information, please feel free to contact me at tsiska@chicagojustice.org or (312) 971-6745.

Sincerely,

Tracy Siska
Chicago Justice Project
105 W. Madison Street, Suite 1500
Chicago, IL 60602
...

tsiska@chicagojustice.org
(312) 971-6745

Enclosures

cc: Robert Eckert
FOIA Specialist
Freedom of Information Act Office
Metropolitan Police Department
District of Columbia
Robert.eckert@dc.gov

[1] “Not applicable” was MPD’s response to 13 specific requests included in Requests A, B, C, D, E, G, H, K, and J. See Exhibit 5. “Records do not exist” was MPD’s response to two specific requests included in Request J. *Id.*

[2] 2018-74 FOIA Appeal Decision, MAYOR’S OFFICE OF LEGAL COUNSEL, p. 2, https://dc.gov/sites/default/files/dc/sites/DC/publication/attachments/2018-074_FOIA_Appeal_Decision.pdf (Feb. 20, 2018).

[3] See Chris Gelardi, *Hacked Emails Give Unfiltered View into the D.C. Police Gang Database*, THE INTERCEPT (June 18, 2021), <https://theintercept.com/2021/06/18/dc-police-gang-database-hacked-emails/>.

[4] *Id.*

[5] The Mayor’s Office of Legal Counsel has previously acknowledged that such decisions regarding the federal FOIA are instructive. See 2018-74 FOIA Appeal Decision, *supra* note 3, at 2 (“The DC FOIA was modeled on the corresponding federal Freedom of Information Act... Accordingly, decisions construing the

federal statute are instructive and may be examined to construe the local law.”) (internal citations and quotations omitted).

[6] In support of its denial, MPD cited D.C. Code § 2-532(a)(2) as the basis for its claim that it can deny a request that would require more than eight hours to collect the requested documents. The reliance on this provision of the D.C. Code is misplaced and MPD’s interpretation is inconsistent with the case law of the D.C. Court of Appeals and the U.S. District Court for the District of Columbia discussed herein. The eight-hour time limit described in D.C. Code § 2-532(f)(1) relates to the reprogramming or reformatting of records. MPD conflated the time for reprogramming or reformatting with the time for conducting a search. Further, MPD has not indicated which databases need to be reprogrammed or which documents, if any, would need to be reformatted. It is also unclear why any documents might need to be reformatted rather than a simple export from the database. Nevertheless, even if the eight-hour limit applied to the time spent conducting a search, MPD’s FOIA response did not indicate that MPD even attempted to search/produce any records within that timeframe.



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Exhibit H

From: Appeals, Foia (EOM) Foia.Appeals@dc.gov 

Subject: FOIA Appeal 2022-079

Date: March 1, 2022 at 2:23 PM

To: FOIA, MPD (MPD) mpd.foia@dc.gov, Admin, FOIA (MPD) foia.admin@dc.gov, Quon, Teresa J.A. (MPD) Teresa.Quon@dc.gov

Cc: tsiska@chicagojustice.org

FA

Hello,

This Office adjudicates administrative FOIA appeals on behalf of the Mayor. We received the attached appeal based upon a FOIA decision (or lack of decision) issued by your agency. Please provide us with your response to the appeal within five (5) business days of this communication. Please include the following in your response:

- (a) The justification for your decision not to grant review of records as requested;
- (b) A *Vaughn* index of documents withheld, and an affidavit or declaration of a knowledgeable official or employee testifying to the decision to withhold documents; and
- (c) A copy of the public record or records in dispute on the appeal; provided, that if the public record contains personal, sensitive, or confidential information, you may redact such information.

If no response is received, a final decision will be made on the record before us.

Please be advised that your agency's response may be shared with the requester when the final decision is issued. Therefore, please clearly mark any confidential information contained in your response.

Thank you for your assistance.

Sincerely,

Mayor's Office of Legal Counsel (MOLC)
1350 Pennsylvania Avenue, N.W.
Suite 407
Washington, D.C. 20004
(202) 727-8812



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