

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.”