

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

K. DENISE RUCKER KREPP,)
)
 Plaintiff)
)
 v.)
)
 UNITED STATES DEPARTMENT)
 OF JUSTICE,)
)
 Defendant)
 _____)

Civil Action No. 16- 926 (KBJ)

DECLARATION OF TRICIA FRANCIS

I, Tricia Francis, declare the following to be a true and correct statement of facts:

1. I am an Attorney-Advisor with the Executive Office for United States Attorneys ("EOUSA"), United States Department of Justice ("DOJ"). I am assigned to the component of EOUSA that administers the Freedom of Information Act ("FOIA"), 5 U.S.C. §552 (2006), amended by the OPEN Government Act of 2007, Pub. L. No. 110-175, 121 Stat. 2524, and the Privacy Act of 1974 ("PA"), 5 U.S.C. §552a (2006).

2. As an Attorney-Advisor, my duties include the following: 1) acting as a liaison with other divisions and offices of DOJ when responding to FOIA/PA requests; 2) reviewing FOIA/PA requests for records located in this office and in the ninety-four United States Attorney offices ("USAO") around the country and in U.S. territories; 3) reviewing searches conducted in response to FOIA requests, and preparing EOUSA's responses to these requests to assure that determinations to withhold or release records are in accordance with FOIA and DOJ regulations 28 C.F.R. §§ 16.3 *et seq.*, and 16.40 *et. seq.*; and 4) assisting with the defense of EOUSA's position in FOIA/PA cases that are filed in U.S. District Court, where EOUSA is a Defendant.

3. Due to the nature of my official duties, I am familiar with the procedures that were followed by EOUSA in response to Plaintiff's FOIA request of November 5, 2015. The statements I make in this Declaration are based upon my review of the official files and records of EOUSA, my own personal knowledge, and information acquired by me through the performance of my official duties.

4. On November 5, 2015, the Plaintiff submitted her FOIA request to EOUSA by way of electronic mail, in which she asked for the following information:

- Please provide by category of crime within years 2010 through 2015 (January 1, 2010 – December 31, 2015) the number of criminal homicide, rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft, and arson arrests that DOJ attorneys reviewed by ward. (District of Columbia's wards 1 through 8),
- Please provide information within years 2010 through 2015 (January 1, 2010 – December 31, 2015), the number of criminal homicide, rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft, and arson cases DOJ attorneys prosecuted by wards 1 through 8. Please separate this information by category of crime.
- Of those prosecuted, what is the conviction rate of each crime within each ward (1-8) between 2010 and 2015 (January 1, 2010 – December 31, 2015)?
- How many criminal homicide, rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft, and arson arrests were resolved by plea deals by ward (1-8) between 2010 and 2015 (January 1, 2010 – December 31, 2015)?

See Attachment A (FOIA Request, November 5, 2015).

5. On or about November 13, 2015, EOUSA submitted the Plaintiff's FOIA request to the U.S. Attorney's Office for the District of Columbia ("USAO-C"), for a search for responsive records to be conducted at the District.

6. The USAO-DC was identified as the appropriate District to conduct the search for responsive records due to the subject of the Plaintiff's request, and because the District "serves as

both the local and federal prosecutor for the [District of Columbia] . . . [T]he local prosecutions extend from misdemeanor drug possession cases to murders.” <https://www.justice.gov/usao-dc> (last visited July 27, 2016).

7. On November 23, 2015, a letter was sent to the Plaintiff from EOUSA’s FOIA/PA Staff, in which EOUSA acknowledged receiving Plaintiff’s FOIA request, and among other things, informed the Plaintiff of the possibility of a fee assessment, and provided Plaintiff an opportunity to state how much in fees she would be willing to pay in connection with her FOIA request of November 5, 2015. *See* Attachment B (EOUSA’s Acknowledgment Letter, November 23, 2015).

8. On December 11, 2015, EOUSA received Plaintiff’s response to its acknowledgment letter, in which Plaintiff agreed to pay up to \$1,000.00 for search time. *See* Attachment C (Plaintiff’s Response to EOUSA’s Acknowledgment Letter, November 30, 2015). Plaintiff signed this document on November 30, 2015. *Id.*

9. Also, on December 14, 2015, Plaintiff, by way of a letter, informed EOUSA that she would agree to pay \$1,867.00 for the processing of this FOIA request. *See* Attachment D (Letter from Plaintiff to EOUSA, December 14, 2015).

10. On or about December 17, 2015, the USAO-DC informed EOUSA of the result of its search for responsive records.

11. On January 5, 2016, EOUSA informed the Plaintiff, by way of a letter, that a search for the requested records was done at the USAO-DC, that the District did not “track” this information, and that the District did not have a means of searching for or retrieving it. *See* Attachment E (Letter from EOUSA to the Plaintiff, January 5, 2016).

12. On January 8, 2016, Plaintiff, by way of a letter, requested the status of her FOIA request, which was received by EOUSA on February 2, 2016. *See* Attachment F (Letter from

Plaintiff to EOUSA, January 8, 2016). In this letter, Plaintiff stated that she willing to pay \$1,000, plus an additional \$1,000 that she had raised from “community contributions” to process this request. *Id.*¹

13. On January 21, 2016, Plaintiff prepared an appeal letter, which was submitted to the Office of Information Policy (“OIP”) through OIP’s online FOIA system. *See* Attachment G (Letter from Plaintiff to OIP, January 21, 2016). That letter was received by OIP on February 1, 2016. *Id.*

14. On February 4, 2016, OIP, by way of a letter, acknowledged receiving Plaintiff’s administrative appeal. In its letter, OIP informed Plaintiff of the appeal number that was assigned to her case – AP-2016-01425, and that they would notify her of the result of her appeal. *See* Attachment H (Letter from OIP to Plaintiff, February 4, 2016). However, on February 2, 2016, OIP sent the Plaintiff a separate acknowledgment letter in response to her letter of January 21, 2016, in which it assigned a different appeal number to her case – AP-2016-01556. *See* Attachment I (Letter from OIP to Plaintiff, February 2, 2016).

15. On March 16, 2016, by way of a letter, OIP affirmed EOUSA’s action regarding Plaintiff’s request in FOIA Request No. 16-000356. *See* Attachment J (Letter from OIP to Plaintiff, March 16, 2016). Also, in that letter, OIP noted that Plaintiff’s appeal in AP-2016-01556 was a duplicate of her appeal in AP-2016-01425. *Id.* Accordingly, Plaintiff’s appeal in AP-2016-01556 was administratively closed, and Plaintiff’s appeal was adjudicated in AP-2016-01425. *Id.*

¹ Pursuant to EOUSA’s administrative record, EOUSA prepared and sent a response to Plaintiff’s letter of January 8, 2016. On February 16, 2016, EOUSA informed the Plaintiff, in error, that it was still awaiting a response from the local USAO for a response. *See* Attachment K (Letter from EOUSA to Plaintiff, February 16, 2016).

16. Also, in its letter of March 16, 2016, OIP informed the Plaintiff that an “adequate and reasonable” search was conducted for responsive records. *Id.* Furthermore, OIP informed the Plaintiff that “police service areas, also known as the districts, are used for reporting purposes. The USAO does not track this information by ward or in the specific matter which you are requesting.” *Id.*

17. EOUSA did not assess any fees for the processing of the Plaintiff’s FOIA request, nor did it adjudicate her request for a waiver of fees, because the District’s personnel had determined, in under two hours of search time, which is free to the Plaintiff pursuant to the FOIA, that it did not possess records that were responsive to Plaintiff’s request. *See* 5 U.S.C. §552(a)(4)(A)(iv)(II).

Pursuant to 28 U.S.C. § 1746, I declare under the penalty of perjury that the foregoing is true and correct, to the best of my knowledge and belief.

Executed this 29 day of July, 2016.

A handwritten signature in cursive script, appearing to read "T. Francis", is written over a horizontal line.

TRICIA FRANCIS
Attorney-Advisor
Executive Office for United States Attorneys
FOIA/PA Staff

ATTACHMENT A

From: USAEO-FOIA Requests
Sent: Thursday, November 05, 2015 10:36 AM
To: (USAEO)
Subject: FW: Krepp FOIA request - DOJ Prosecution Rates
Attachments: Krepp DOJ FOIA Final.pdf

New request

From: Krepp, K. Denise Rucker (SMD 6B10) [<mailto:6B10@anc.dc.gov>]
Sent: Thursday, November 05, 2015 10:10 AM
To: USAEO-FOIA Requests
Subject: Krepp FOIA request - DOJ Prosecution Rates

Ms. Gerson,

Good morning. My name is K. Denise Rucker Krepp and I am the elected Advisory Neighborhood Commissioner for ANC6B10. I am submitting a FOIA request for information concerning DOJ prosecution rates in Washington DC. Please let me know if you have any questions regarding my request.

Thank you for your help.

K. Denise Rucker Krepp
ANC6B10 Commissioner

November 5, 2015

Susan B. Gerson, Acting Assistant Director
FOIA/Privacy Unit
Executive Office for United States Attorneys
Department of Justice
Room 7300, 600 E Street, N.W.
Washington, DC 20530-0001
USAEO.FOIA.Requests@usdoj.gov

Re: Freedom of Information Act Request

Dear Ms. Gerson,

On behalf of residents who live within the boundaries of Advisory Neighborhood Commission 6B10, I am filing a Freedom of Information Act request for information regarding the U.S. Department of Justice's prosecution rates for crimes that have occurred in Washington, D.C from 2010-2015.

I have already requested this information three times without attaining success in receiving the data. Twice, in private meetings with Department of Justice (DOJ) officials this summer. The third time during an October 27, 2015 community meeting hosted by Councilmember Charles Allen and attended by U.S. Representative Eleanor Holmes Norton, Metropolitan Police Department (MPD) Chief Cathy Lanier, and Assistant U.S. Attorney Doug Klein.

Each time, I requested that DOJ provide information on the number of rape, assault, theft, burglary, and homicide prosecutions that occur each year in every ward of Washington, D.C. I am the elected Advisory Neighborhood Commissioner for 6B10 and my residents demand to know if the crimes that have been committed are being prosecuted. Sadly, DOJ officials declined my requests stating that DOJ could only provide me with information on a case by case basis instead of categories divided by ward.

DOJ's claim that it does not track the number of prosecutions by crime in Washington, D.C. is puzzling given that MPD is required to provide categorized crime information to the Federal Bureau of Investigations, a DOJ agency. In 2014, MPD reported that there were 40,838 incidents of crime.¹ These crimes were divided into groups - criminal homicide, rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft, and arson. If DOJ keeps track of categorized crime by arrest, surely it can keep track of prosecutions in the same manner.

Currently, the Department of Justice divides prosecutions into two categories - felony and misdemeanor. In the Fiscal Year 2014 United States Attorneys' Annual Statistical Report, DOJ claims to have reviewed 24,978 arrests - 20,576 misdemeanors and 4,402 felonies.² Of those cases, 322 felonies and 9 misdemeanors were disposed of by jury trials. The cases disposed by court trials were equally minimal - 43 felonies and 1,078 misdemeanors.

Given the significant discrepancy between the MPD and DOJ data, I respectfully request the following information:

- ▲ Please provide by category of crime within years 2010 through 2015 (January 1, 2010 - December 31, 2015), the number of criminal homicide, rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft, and arson arrests that DOJ attorneys reviewed by ward. (District of Columbia's wards 1 through 8).
- ▲ Please provide information within years 2010 through 2015 (January 1, 2010 - December 31, 2015), the number of criminal homicide, rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft, and arson cases DOJ attorneys prosecuted by wards 1 through 8. Please separate this information by category of crime.
- ▲ Of those prosecuted, what is the conviction rate of each crime within each ward (1-8) between 2010 and 2015 (January 1, 2010 - December 31, 2015)?

1 2014 Metropolitan Police Department Annual Report.
http://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/MPD%20Annual%20Report%202014_lowres_0.pdf.

2 Fiscal Year 2014 United States Attorneys' Annual Statistical Report,
<http://www.justice.gov/sites/default/files/usao/pages/attachments/2015/03/23/14stairpt.pdf>.

- ▲ How many criminal homicide, rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft, and arson arrests were resolved by plea deals by ward (1-8) between 2010 and 2015 (January 1, 2010 - December 31, 2015)? Please separate this information by category of crime.

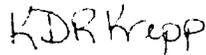
In accordance with 5 U.S.C. 552(a)(4)(A)(iii), I request a waiver of fees associated with processing this request. The subject of this request concerns prosecution rates and the disclosure will contribute to a better understanding of DOJ's efforts to prosecute individuals that have committed crimes in Washington, D.C. I will be sharing the information with Washington, DC residents who live within the boundaries of ANC6B, approximately 2,000 individuals.

If you have any questions about this request or foresee any problems in releasing fully the requested records, please contact me at:

K. Denise Rucker Krepp
1837 A Street, SE
Washington, DC, 20003
202 546 2533
6B10@anc.dc.gov

Thank you for your assistance.

Sincerely,



K. Denise Rucker Krepp
Advisory Neighborhood Commissioner 6B10

ATTACHMENT B



U.S. Department of Justice

*Executive Office for United States Attorneys
Freedom of Information & Privacy Staff
600 E Street, N.W.*

*Suite 7300, Bicentennial Building
Washington, DC 20530-0001*

(202) 252-6020 FAX: 252-6047 (www.usdoj.gov/usao)

November 23, 2015

K. Denise Rucker Krepp
1837 A. Street, SE
Washington, District of Columbia 20003

Re: Request Number: FOIA-2016-00356
Date of Receipt: November 5, 2015
Subject of Request: DOJ Prosecution Rates USAO D.C.

Dear Ms. Krepp:

The purpose of this letter is to acknowledge receipt of your Freedom of Information Act/Privacy Act request dated **November 5, 2015** and received in the Executive Office for United States Attorneys (EOUSA) on November 5, 2015. You requested records concerning DOJ Prosecution Rates USAO D.C.. Your request has been assigned Tracking Number FOIA-2016-00356.

For your information, EOUSA assigns incoming requests to one of three tracks: simple, complex, or expedited. Each request is then handled on a first-in, first-out basis in relation to other requests in the same track. As an estimate, the likely median response time for simple requests is approximately 30 business days, whereas complex requests necessarily take longer. At this time, your request has been assigned to the Complex track.

Please be advised that there may be certain costs associated with processing your request. Consequently, you may be responsible for paying those costs, unless you have requested and been granted a waiver or reduction in fees. In most instances, the first 100 pages to duplicate and the first two hours to search for records responsive to your request, will be provided to you free of charge. Thereafter, search and review fees by professional personnel are charged at \$40 per hour and duplication fees are assessed at five cents per page.

Requests that are specific, concrete and of limited scope (in time and/or subject matter) generally enable us to respond to you more quickly and possibly assess less fees. You may decide to limit or reduce the estimated fees, or obtain a quicker response, by modifying your request in one or more ways specified in the attachment to this letter. If after making those allowances we determine that the cost to process your request will amount to more than \$25.00, we will notify you in writing at a later date.

If you have any questions regarding any aspect of your case, you may contact EOUSA by telephone or in writing using the contact information listed above. Please refer to your assigned tracking number, should you contact EOUSA seeking information about your request.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan B. Gerson". The signature is fluid and cursive, with a prominent initial "S" and "B".

Susan B. Gerson
Assistant Director

Attachment

THIS IS NOT A BILL. DO NOT SEND MONEY

K. Denise Rucker Krepp FOIA-2016-00356

CHOOSE ONE

___ Please do not search any longer. I understand that I am entitled to the first 100 pages free. Please do not search beyond two hours, nor duplicate beyond 100 pages.

___ I wish to withdraw my request.

___ I wish to modify my request in an attempt to reduce fees or to obtain a quicker response, as follows:

___ I agree to pay up to the following amount for search time: \$ _____
I understand that this payment is required even if no documents are located or released to me. In the event that documents are located and released to me, I understand that I may be charged duplication fees in addition to search fees.

Signature

Date

Please return to:

EOUSA
FOIA/PA
600 E Street, N.W., Room 7300
Washington, DC 20530

ATTACHMENT C

THIS IS NOT A BILL. DO NOT SEND MONEY

EOUSA/FOIA STATE

K. Denise Rucker Krepp FOIA-2016-00356

2015 DEC 11 PM 2: 21

CHOOSE ONE

Please do not search any longer. I understand that I am entitled to the first 100 pages free. Please do not search beyond two hours, nor duplicate beyond 100 pages.

I wish to withdraw my request.

I wish to modify my request in an attempt to reduce fees or to obtain a quicker response, as follows:

I agree to pay up to the following amount for search time: \$ 1,000
I understand that this payment is required even if no documents are located or released to me. In the event that documents are located and released to me, I understand that I may be charged duplication fees in addition to search fees.

K. DR Krepp
Signature

November 30, 2015
Date

Please return to:

EOUSA
FOIA/PA
600 E Street, N.W., Room 7300
Washington, DC 20530

ATTACHMENT D

December 14, 2015

DOJ/EOUSA/FOIA STAFF

2016 JAN -7 PM 2:49

Susan B. Gerson, Acting Assistant Director
FOIA/Privacy Unit
Executive Office for United States Attorneys
Department of Justice
Room 7300, 600 E Street, N.W.
Washington, DC 20530-0001
USAEO.FOIA.Requests@usdoj.gov

copy

Re: FOIA-2016-00356

Dear Ms. Gerson,

Thank you for your November 23, 2015 letter notifying me that the Department of Justice (DOJ) has received my Freedom of Information Act (FOIA) request.

As I stated in my response to you on November 30, 2015, I am willing to pay \$1000 for information concerning DOJ's prosecution of crimes that have occurred in Washington, DC over the past five years.

Yesterday, I hosted a #foiacakes bake sale and raffle to raise funds to pay for the request. Due to the generosity of Capitol Hill residents, my neighbors and I raised \$1097. I have also received an additional \$770 in contributions. The total sum to date in the #foiacakes fund is \$1867. I will give DOJ all of this money so that DC residents can better understand the number and types of crimes DOJ is prosecuting in each ward of the city.

Since my original FOIA request, crime has continued to increase in my single member district (SMD):

- ▲ On December 13th at 12:00am, there was an armed carjacking on the 1800 block of Burke Street, SE.
- ▲ On December 7th at 11:15pm, on the unit block of 19th Street, SE, nine to twelve juvenile males approached an individual and began assaulting him. The juveniles took the individual's currency and a backpack containing personal papers and a cell phone.
- ▲ On November 10th at 11:05pm, four suspects forcibly took property at gunpoint from an individual on the 1800 block of C Street, SE.
- ▲ On November 9 at 5:51pm, four high school age males robbed at individual on the 1700 block of East Capitol Street, SE. The robbery included a gun.
- ▲ On November 9th at 5:52pm, four males on bikes robbed an individual on the unit block of 19th Street, SE.
- ▲ On November 9th at 3:50pm, three males robbed an individual on the 1800 block of Independence Avenue, SE.

Similar incidents are occurring throughout Washington, DC. Residents are extremely alarmed by these crimes and we don't understand why DOJ doesn't keep track of the number and types of crimes that you are prosecuting. Additionally, we don't understand why residents have to pay for the data. Shouldn't this be something you would want to share with DC residents at no cost? I'm going to share it with everyone as soon as I receive it.

Please let me know when I should expect to receive the information I requested. In addition, please let me know if my neighbors and I need to raise additional funds to cover the costs associated with this request. Each cake counts in our quest to receive the data and we will bake as many cakes, cookies, and brownies as necessary to get it.

Thank you for your assistance.

Sincerely,



K. Denise Rucker Krepp
Advisory Neighborhood Commissioner 6B10

K. Krupp
1887 A St, SE
Washington DC 20003

INSPECTED 11

INSPECTED 2

CAPITAL DISTRICT 208

X-RA ~~XXXX~~ DEC 2015 PM 11

JAN 05 2016

DOJ MAILROOM

Susan B. Gerson, Acting Asst. Dir.

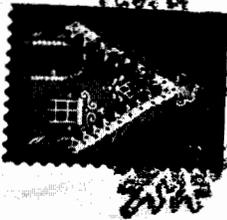
FOIA / Privacy Unit

Executive Office for U.S. Attorneys

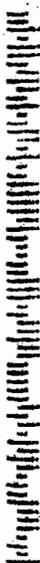
Dept. of Justice

Room 7300, 600 E St. NW

Washington DC 20530-0001



2005380001 0000



ATTACHMENT E



U.S. Department of Justice
Executive Office for United States Attorneys
Freedom of Information & Privacy Staff
600 E Street, N.W.
Suite 7300, Bicentennial Building
Washington, DC 20530-0001
(202) 252-6020 FAX: 252-6047 (www.usdoj.gov/usao)

January 5, 2016

K. Denise Rucker Krepp
1837 A. Street, SE
Washington, District of Columbia 20003

Re: Request Number: FOIA-2016-00356
Date of Receipt: November 5, 2015
Subject of Request: DOJ Prosecution Rates USAO D.C.

Dear Ms. Krepp:

In response to your Freedom of Information Act and/or Privacy Act request, the paragraph(s) checked below apply:

1. [] A search for records located in EOUSA-_____ has revealed no responsive records regarding the above subject.
2. [x] A search for records located in the United States Attorney's Office(s) for the District of Columbia has revealed no responsive records regarding the above subject. The USAO does not track this information and has no means of searching for or retrieving.
3. [] After an extensive search, the records which you have requested cannot be located.
4. [] Your records have been destroyed pursuant to Department of Justice guidelines.
5. [] Please note that your original letter was split into separate files ("requests"), for processing purposes, based on the nature of what you sought. Each file was given a separate Request Number (listed below), for which you will receive a separate response:

This is the final action on this above-numbered request. If you are not satisfied with my response to your request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's eFOIA portal at <http://www.justice.gov/oip/efoia-portal.html>. Please note that OIP is in the process of

transitioning from its current eFOIA portal to the portal on FOIAonline. Please visit the link above for instructions for submitting an appeal electronically. Your appeal must be postmarked or transmitted electronically within sixty (60) days from the date of this letter. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." If you are dissatisfied with the results of any such administrative appeal, judicial review may thereafter be available in U.S. District Court, 28 C.F.R. § 16.9.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan B. Gerson", with a stylized flourish at the end.

Susan B. Gerson
Assistant Director

ATTACHMENT F

January 8, 2016

DOJ/EUSA/FOIA STAFF
2016 FEB -2 PM 12:31

Susan B. Gerson, Acting Assistant Director
FOIA/Privacy Unit
Executive Office for United States Attorneys
Department of Justice
Room 7300, 600 E Street, N.W.
Washington, DC 20530-0001
USAEO.FOIA.Requests@usdoj.gov

Re: FOIA-2016-00356

Dear Ms. Gerson,

Please let me know when I should expect to receive a response to the FOIA I submitted on November 5, 2015 regarding the prosecution of crimes in Washington, DC.

Violent crime in my police service unit (PSA 108) rose significantly in 2015. There were 130 reported incidents of violent crime compared to 107 incidents during the same time period in 2014.¹ These violent offenses included robberies with guns and assaults with dangerous weapons. The victims of these crimes are my residents, their friends, and family.

I was therefore surprised to learn on Wednesday that keeping track of violent crimes is not a priority for the U.S. Attorney's Office. At a press conference hosted by Washington DC Mayor Muriel Bowser, a representative from the U.S. Attorney's Office informed me that the U.S. Attorney wants his prosecutors to focus on prosecutions instead of collecting data.² I agree that the act of prosecution is important. But surely, so is keeping track of the number of cases that you are prosecuting. How can your office measure success or failure if you don't know what your baseline looks like?

Late last year I informed your office that I was willing to pay \$1000 for the prosecution data. I agreed to this payment despite the fact that I had originally requested a fee waiver. You didn't grant this request in your November 23rd response and while I am saddened by this fact, I am still willing to pay your office \$1000 plus an additional \$1000 I have raised in community contributions.

Please let me know when I can give you this money. In addition, please let me know if I will be charged more than \$2000 for the information. Based on the Wednesday press conference, it's my understanding that the U.S. Attorney's Office doesn't keep track of prosecution data so please tell me how much money I have to pay for you to find it.

Thank you for your assistance.

Sincerely,



K. Denise Rucker Krepp
Advisory Neighborhood Commissioner 6B10

¹ Metropolitan Police Department, crimemap.dc.gov, January 7, 2016.

² <https://www.youtube.com/watch?v=oJ-EP-zdThQ&feature=youtu.be&t=31m38s>.

ATTACHMENT G

Protected

Request Summary Report
AP-2016-01425 / PB - Krepp, Kathryn [Other Requester]

Summary:
Request Text:

January 21, 2016

Melanie Ann Pustay
Director
Office of Information Policy (OIP)
U.S. Department of Justice
Suite 11050
1425 New York Avenue, NW
Washington, DC 20530-0001

Re: FOIA Appeal, Case # 2016-00356

Dear Director Pustay, [REDACTED]

I am appealing the January 5, 2016 response I received from the Executive Office for United States Attorneys (USAO) regarding the Freedom of Information Act (FOIA) request I submitted on November 5, 2015 concerning prosecutions in Washington, DC.

Crime is skyrocketing in the city. In just my single member district (SMD), we've had shootings, a rape, armed robbery, thefts from cars, a carjacking, simple assaults, and many more violent crimes that have left neighbors fearful and afraid to walk alone at night. Mostly recently, three students and an adult were shot at Eastern High School on January 8, 2016. Bullet casings were found scattered along East Capitol Street and yet again, the police knocked on doors asking for information.

My November 5, 2015 FOIA was a simple request. I just want to know by category of crime within years 2010 through 2015, the number of criminal homicide, rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft, and arson arrests that USAO attorneys reviewed and prosecuted by ward. I also asked for the conviction rate of each crime and how many of the arrests were resolved by plea deals. The Metropolitan Police Department compiles arrest information in this manner¹ so logically I assumed that the USAO keeps the matching prosecution data. Otherwise, how would the police and the USAO know when a case is resolved?

Sadly, the USAO claims that a search for documents located in their office "revealed no responsive records." Huh? We live in Washington, DC, the capital of the United States, the most powerful city in the world, and the USAO can't find records outlining how many criminal homicides and rapes they've prosecuted in the past five years? I don't accept that answer and I hope you don't as well.

In addition, I don't accept the statement that "the USAO does not track this information and has no means of searching for or retrieving (it)". Richard Tischner, Chief, USAO Superior Court Division stated in a press conference hosted by Washington DC Mayor Muriel Bowser on January 6, 2016 that "there are over 300 robbery defendants" awaiting trial before the DC Superior Court.² If the USAO can find the number of robbery defendants for a mayoral press conference, it's reasonable to assume that they can find similar information for the average DC citizen.

If the USAO needs help finding the prosecution data, my recommendation is that they review their monthly reports. Mr. Tischner told the press on January 6th that these reports are public so surely someone in the USAO could compile them into a database. Alternatively, the USAO could follow the same method they used when compiling information for their 2012 Annual Report.³ In that document, the USAO states that "in 2012, we also took approximately 400 cases to jury verdicts, including 56 homicide cases, and secured convictions in almost 75% of those cases." If the USAO can find this information in 2012, why can't it find similar data in 2016?

One of the goals in the USAO strategic plan is to "improve community safety by reducing crime and the fear of crime."⁴ Claiming that prosecution data does not exist and that the USAO has no means to track this information does not accomplish the goal. Instead, it leads to distrust and raises questions about why those who are tasked with prosecuting criminals are hiding in the dark.

Please let me know if you have any questions about my FOIA appeal. In addition, please let me know how long it will take to adjudicate my appeal.

Sincerely,

K. Denise Rucker Krepp
ANC6B10 Commissioner

ATTACHMENT H



U.S. Department of Justice

Office of Information Policy

Telephone: (202) 514-3642

Washington, D.C. 20530

February 4, 2016

Ms. Kathryn Krepp
1837 A Street, SE
Washington, DC 20003
6b10@anc.dc.gov

Re: Request No. FOIA-2016-00356

Dear Ms. Krepp:

This is to advise you that your administrative appeal from the action of the Executive Office for United States Attorneys was received by this Office on January 21, 2016.

The Office of Information Policy has the responsibility of adjudicating such appeals. In an attempt to afford each appellant equal and impartial treatment, we have adopted a general practice of assigning appeals in the approximate order of receipt. Your appeal has been assigned number **AP-2016-01425**. Please mention this number in any future correspondence to this Office regarding this matter. Please note that if you provide an e-mail address or another electronic means of communication with your request or appeal, this Office may respond to your appeal electronically even if you submitted your appeal to this Office via regular U.S. Mail.

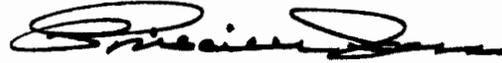
We will notify you of the decision on your appeal as soon as we can. If you have any questions about the status of your appeal, you may contact me at the number above. If you have submitted your appeal through this Office's online electronic appeal portal, you may also obtain an update on the status of your appeal by logging into your portal account. Please note that OIP is in the process of transitioning from its current eFOIA portal to the portal on FOIAonline. Once the transition is complete, you will not be able to access your eFOIA portal account, and you will not be able to obtain any electronic updates on the status of your appeal from the current eFOIA portal. Accordingly, as of February 16, 2016, you can obtain status information on your FOIA appeal by contacting the FOIA Requester Service Center at:

Office of Information Policy
Department of Justice
Suite 11050
1425 New York Avenue, N.W.
Washington, D.C. 20530-0001
Phone: (202) 514-FOIA (3642)
Fax: (202) 514-1009

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If you have any eFOIA Portal appeals pending as of February 16, 2016, this Office will provide its response via the email address provided with your request submission.

Sincerely,

A handwritten signature in black ink, appearing to read "Priscilla Jones", with a stylized flourish at the end.

Priscilla Jones
Supervisory Administrative Specialist

ATTACHMENT I



U.S. Department of Justice

Office of Information Policy

Telephone: (202) 514-3642

Washington, D.C. 20530

February 2, 2016

Ms. Kathryn Krepp
1837 A Street, SE
Washington, DC 20003

Re: Request No. 2016-00356

Dear Ms. Krepp:

This is to advise you that your administrative appeal from the action of the Executive Office for United States Attorneys was received by this Office on February 1, 2016.

The Office of Information Policy has the responsibility of adjudicating such appeals. In an attempt to afford each appellant equal and impartial treatment, we have adopted a general practice of assigning appeals in the approximate order of receipt. Your appeal has been assigned number **AP-2016-01556**. Please mention this number in any future correspondence to this Office regarding this matter. Please note that if you provide an e-mail address or another electronic means of communication with your request or appeal, this Office may respond to your appeal electronically even if you submitted your appeal to this Office via regular U.S. Mail.

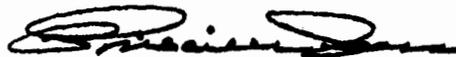
We will notify you of the decision on your appeal as soon as we can. If you have any questions about the status of your appeal, you may contact me at the number above. If you have submitted your appeal through this Office's online electronic appeal portal, you may also obtain an update on the status of your appeal by logging into your portal account. Please note that OIP is in the process of transitioning from its current eFOIA portal to the portal on FOIAonline. Once the transition is complete, you will not be able to access your eFOIA portal account, and you will not be able to obtain any electronic updates on the status of your appeal from the current eFOIA portal. Accordingly, as of February 16, 2016, you can obtain status information on your FOIA appeal by contacting the FOIA Requester Service Center at:

Office of Information Policy
Department of Justice
Suite 11050
1425 New York Avenue, N.W.
Washington, D.C. 20530-0001
Phone: (202) 514-FOIA (3642)
Fax: (202) 514-1009

2

If you have any eFOIA Portal appeals pending as of February 16, 2016, this Office will provide its response via the email address provided with your request submission.

Sincerely,

A handwritten signature in black ink, appearing to read "Priscilla Jones", with a long horizontal flourish extending to the right.

Priscilla Jones
Supervisory Administrative Specialist

ATTACHMENT J



U.S. Department of Justice
Office of Information Policy
Suite 11050
1425 New York Avenue, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

March 16, 2016

Ms. K. Denise Rucker Krepp
1837 A Street, SE
Washington, DC 20003

Re: Appeal No. AP-2016-01425 &
AP-2016-01556
Request No. FOIA-2016-00356
MWH:RNB

VIA: U.S. Mail

Dear Ms. Krepp:

You appealed from the action of the Executive Office for United States Attorneys (EOUSA) on your Freedom of Information Act request for access to records located in the United States Attorney's Office for the District of Columbia concerning the following: (1) arrests by crime that DOJ attorneys reviewed by DC ward 1 through 8; (2) cases by crime DOJ prosecuted by ward; (3) conviction rate of each crime within each ward; and (4) cases by crime resolved by plea deals by ward from 2010 to 2015.

After carefully considering your appeal, I am affirming EOUSA's action on your request. EOUSA informed you that it could locate no responsive records subject to the FOIA in its files. I have determined that EOUSA's action was correct and that it conducted an adequate, reasonable search for such records. Please be advised that police service areas, also known as the districts, are used for reporting purposes. The USAO does not track this information by ward or in the specific manner which you are requesting.¹

Additionally, by letter dated February 2, 2016, this Office informed you that your administrative appeal from your FOIA request made to EOUSA for access to these records concerning prosecution and conviction rates by ward had been received by this Office and would be assigned for adjudication under Appeal No. AP-2016-01556. However, this Office subsequently learned that your appeal file was a duplicate of Appeal No. AP-2016-01425, which has been adjudicated with this response. In light of these circumstances, I am administratively closing Appeal No. AP-2016-01556 in this Office.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and

¹ Based on the type of records that you appear to be seeking, you might wish to make a new request to EOUSA for prosecutions and convictions by crime or by district. I trust that this information will be of some assistance to you as you attempt to locate these records.

- 2 -

analyzed your appeal, your underlying request, and the action of EOUSA in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

3/14/2016

X 

Matthew Hurd, Associate Chief, for
Sean O'Neill, Chief, Administrative Appeals Staff
Signed by: Hurd, Matthew (OIP)

ATTACHMENT K



U.S. Department of Justice

Executive Office for United States Attorneys

Freedom of Information & Privacy Staff

600 E Street, N.W.

Suite 7300, Bicentennial Building

Washington, DC 20530-0001

(202) 252-6020 FAX: 252-6047 (www.usdoj.gov/usao)

February 16, 2016

K. Denise Rucker Krepp
1837 A. Street, SE
Washington, District of Columbia 20003

Re: Request Number: FOIA-2016-00356

Date of Receipt: November 5, 2015

Subject of Request: DOJ Prosecution Rates USAO D.C.

Dear Krepp:

This letter is written to inform you of the current status of your pending FOIA request for records. In order to process all requests as equitably as possible, this office has adopted a "first-in-first-out" policy of processing all incoming requests. Your request is being handled as equitably as possible and all records which can be released will be made available at the earliest possible date.

The following is the status of your request:

- awaiting a response from the local U.S. Attorney's Office
- response has been received and will be processed according to "first-in-first-out" policy
- being reviewed by attorney

If you have any concern or question, please feel free to call our office.

Sincerely,

Susan B. Gerson
Assistant Director