

EXHIBIT 3

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,

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

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

² <https://www.youtube.com/watch?v=oJ-EP-zdThQ&feature=youtu.be&t=31m38s&noredirect=1>

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

³ http://www.justice.gov/sites/default/files/usao-dc/legacy/2013/04/25/USAODC_Annual_Report.pdf

⁴ <http://www.justice.gov/usao-dc/mission-statement>