

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Civil Division

PARTNERSHIP FOR)	
CIVIL JUSTICE FUND,)	
Plaintiff,)	
)	2009 CA 000748 B
v.)	
)	JUDGE JUDITH N. MACALUSO
)	
DISTRICT OF COLUMBIA,)	Calendar 9
)	
Defendant.)	

ORDER DENYING DEFENDANT’S MOTION FOR SUMMARY JUDGMENT AND GRANTING IN PART PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT FOR PRODUCTION OF REQUESTED MATERIALS

This matter comes before the Court on cross motions for summary judgment. Plaintiff Partnership for Civil Justice Fund (“PCJF”) filed “Plaintiff’s Motion for Summary Judgment for Production of All Requested Materials to Plaintiff. . .” on December 18, 2009. Defendant District of Columbia filed an opposition on January 15, 2010 and Plaintiff’s reply on January 29, 2010. The District of Columbia filed “Defendant District of Columbia’s Motion for Summary Judgment” on December 18, 2009, which was followed by PCJF’s opposition on January 15, 2010 and the District’s reply on February 1, 2010. After extensive additional briefing¹ and a hearing on the

¹ “Further filings include “Declaration of Polly Hanson,” attached to the District of Columbia’s “Notice of Filing” of April 9, 2010; “Plaintiff’s Supplementation to Its Motion for Summary Judgment, Pursuant to the Court’s February 22, 2010 Order,” filed May 7, 2010; “Defendant District of Columbia’s Response to Plaintiff’s Supplementation to Its Motion for Summary Judgment,” filed May 28, 2010; “Defendant District of Columbia’s Supplemental Memorandum of Law in Response to the Parties’ June 10, 2011 Hearing,” filed July 29, 2011; “Plaintiff’s Supplementation Regarding Released General and Special Orders and Requested Legislative History,” filed July 29, 2011; “Supplemental Legislative History Regarding the Legislative Records Clarification Amendment Act of 2004,” filed by PCJF on November 8, 2011; “Declaration of Maureen O’Connell,” attached to the District of Columbia’s “Notice of Filing of November 14, 2011; “Supplemental Authority Regarding Inapplicability of the ‘Interagency or Intra-Agency Exemption,’” filed by PCJF on November 18, 2011.

motion, the District submitted for *in camera* review all records over which it asserted an exemption on December 16, 2011.

For reasons expressed on the record at the hearing of March 9, 2012, the Court grants PCJF's Motion for Summary Judgment in part and denies the District's Motion for Summary Judgment.

ACCORDINGLY, it is this 13th day of March 2012,

ORDERED, that "Defendant District of Columbia's Motion for Summary Judgment," filed on December 18, 2009, is DENIED. It is further

ORDERED, that "Plaintiff's Motion for Summary Judgment for Production of All Requested Materials to Plaintiff. . . ," filed on December 18, 2009, is GRANTED IN PART. It is further

ORDERED, that by March 23, 2012 the District of Columbia shall release documents as follows:

Training Bulletins

TB-08-02--Produce the entire document.

TB-08-01--Produce the entire document.

TB-01-02--Produce the entire document.

General Orders

301.03--Produce the document except for the following redactions:

p. 2, § IV in its entirety except for the Roman numeral and title.

p. 3, § V, par. A

p. 4, § V, par. D

p. 5, § V, par. G

p. 6, par. d, second sentence
p. 6, par. 3, second sentence
p. 6-7, pars. 5-6, 8, 10
p. 9, par. 2a
p. 11, par. C2

302.01--Produce the entire document.

302.02--Produce the entire document.

304.01--Produce the entire document.

304.09--Produce the entire document.

304.12--Produce the entire document except for p. 4, par. C3,
last sentence.

304.17--Produce only the following portions:

p. 1, section I, second paragraph
p. 1, section II
p. 2, section III, pars. 4, 5, 6, 10
p. 3, section VI, par. 1c
p. 8, pars. 9 a, b
p. 8-9, par. 10 in its entirety
p. 12, par. D in its entirety

308.09--Produce the entire document except for p. 2, par. 5.

308.13--Produce the document except for p. 2, par. C.

309.05--Produce the document except for the entire section that
is Roman numeral I on the next-to-last page (the page is not
numbered).

702.03--Produce the entire document.

802.01--Produce the entire document.

802.02--Produce only p. 1 (in its entirety); p. 2 through par. 9;
and p. 5, section VI plus signature block.

802.03--Produce the entire document.

802.05—Produce only the first two sentences of the document.

803.04-- Produce the entire document except for the following redactions:

p. 3, section IV, pars. B, C, D, E
p. 4, par. B1
p. 5, pars. 6, 7, 8
p. 6, pars. D, F, G

805.01--Produce the entire document.

805.02--Produce the entire document.

805.04--Produce the entire document.

901.10-- Produce the entire document except for the following redactions:

p. 2, par. 2
p. 2-3, par. 3
p. 3, par 4
p. 3-4, par. 5
p. 4, par. 2b
p. 5, par. g

Circular

03-03--Produce the entire document

Special Orders

86-29--Produce the entire document.

91-14--Produce only the following portions of the document:

p. 1, through the conclusion of par. A
p. 4, par. B; heading for par. C
p. 4, par. a
p. 6, pars. j, k, l, m, D

03-04--Produce the entire document.

08-08--Produce the entire document.

09-03--Produce the entire document.

Teletypes

09-014-08-- Produce the entire document.

01-029-09-- Produce the entire document.

04-009-09-- Produce the entire document.

Promotion-Eligible Lists--Special Orders

07-03--Produce the entire document.

09-09--Produce the entire document.

09-01--Produce the entire document.

09-02--Produce the entire document.

District Memoranda

2004-2--Produce only the following portions of the document:

p. 1, title and introductory materials through the first two paragraphs (before the arrowed paragraphs)

p. 2, third and fourth paragraphs

May 10, 2010, Shotspotter Gunshot Detection System/Sounds of Gunshots Response Plan--Produce the entire document except for p. 2, first complete sentence up to (but not including) the last paragraph.

2011/02, Investigation of Bias-Related/Hate Crime--Produce the entire document.

2011/03, Service of Arrest Warrant--Produce the entire document.

2010/04, CID Watch Commander AWIK Response--Produce the entire document except for p. 2, third bullet point.

2008/02, Fraud or Identity Theft Case--Produce the entire document.

2008/04, Follow-Up Investigation--Produce only the following portions of the document:

- p. 1, content prior to par. A
- p. 1, subpar. a
- p. 3, par. C, subpars. 1 – 8

2008/05, Processing and Handling Assault with the Intent to Kill Assignments (AWIK)--Produce the entire document except for the following redactions:

- p. 2, third complete paragraph, second sentence (that sentence begins, "If the lead detective. . . .")
- p. 2, last 4 paragraphs
- p. 3, subpar. A, first bullet point, last sentence (that sentence begins, "The person assisting. . . .")
- p. 4, first bullet point at the top of the page

2007/04, Operational Policy and Procedures for the Violent Crime Branch Wanted Subjects--Produce the entire document.

2005/11, Homicide Crime Scenes—Produce the entire document except p. 2, first paragraph.

Division Orders

10-003, Responding to Allegations of Physical Sexual Abuse--Produce the entire document.

Division Memoranda

05-03, Suspects 8 Years Old and Under--Produce the entire document except p. 1, second boldface section in its entirety. (Resume disclosure with "Office Information File.")

04-04, PMI (Preliminary Minimal Investigation--Produce the entire document.

02-002, Transitional – CFSA--Produce the entire document.

It is further

ORDERED, that the Court takes under advisement the portion of Plaintiff's motion concerning the following documents:

Internal Affairs Operational Manual [undated]. (Exh. 5 to volume of documents supported by Declaration of Patrick A. Burke)

Office of Professional Responsibility Force Investigation Team Organizational Plan and Operations Manual, Sept. 29, 2003 (Exh. 6 to volume of documents supported by Declaration of Patrick A. Burke)

Youth and Preventive Services Division Criminal Investigations Manual, January 2002 (Exh. 20 to volume of documents supported by Declaration of Patrick A. Burke)

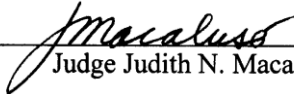
It is further

ORDERED, that, with respect to the three above-listed documents, the District of Columbia shall have five days from the date of this Order (until March 20, 2012) to provide a supplement to the District's opposition that identifies content that falls within the law enforcement privilege and justifies the privilege that is claimed. It is further

ORDERED, that PCJF is awarded reasonable attorneys fees and costs incurred in prosecuting this case. It is further

ORDERED, that PCJF shall have until March 30, 2012 to submit an affidavit of costs and fees and a memorandum in support of the affidavit. It is further

ORDERED, that the District of Columbia shall have until April 27, 2012 to file an opposition to PCJF's request for fees and costs.



Judge Judith N. Macaluso
(Signed in Chambers)

Copies to:

Carl Messineo
Chad Copeland