



## Law Enforcement Transparency & Accountability

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**Susan Ferriss**, Reporter, The Center for Public Integrity

**Scott Roberts**, Senior Campaign Director, Criminal Justice, Color of Change

**Michael Morisy**, Cofounder, Muckrock

**Moderator: Jesse Franzblau**, Policy Associate, OpenTheGovernment.org

**2016 NFOIC FOI Summit**



**D.C. Open  
Government  
Coalition**

Kevin Goldberg

Member, Fletcher, Heald & Hildreth, P.L.C.

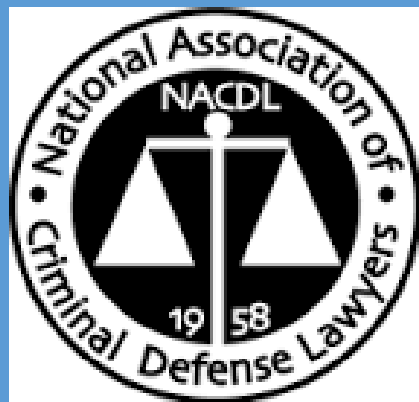
Immediate Past President, D.C. Open Government  
Coalition

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[@DCOGC](#)

# Resources:

- DCOGC – Police body-worn camera access nationwide: <http://www.dcogc.org/content/police-body-worn-camera-access-nationwide?page=show>
- RCFP – Access to Policy Body-Worn Camera Video: <http://www.rcfp.org/bodycams>
- The Leadership Conference/Upturn – A Policy Scorecard on Police Body Worn Cameras: <https://www.bwcscorecard.org/>



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# Stingray Memo From FBI To Oklahoma Law Enforcement Tells PD To Engage In Parallel Construction



## APPROVED NON-DISCLOSURE NOTICE UNCLASSIFIED//FOUO

The FBI has received a request for technical support from your agency-specifically, locating a cellular device through the use of law enforcement sensitive (LES) FBI investigative equipment in the above referenced case.

The equipment to be deployed is considered LES as disclosure of the capabilities of this technology may allow future subjects of investigations to employ countermeasures to avoid detection by law enforcement.

The FBI recognizes that, due to the exigent circumstances in your case, there is not sufficient time to execute a formal, written non-disclosure agreement regarding the use of this equipment.

Acceptance of the FBI's assistance in locating a cellular device in the above referenced case constitutes your agency's agreement to the following provisions:

- The FBI's equipment is to be used in the lawful execution of an authorized function of the requesting agency.
- The equipment shall not be used outside of the jurisdiction of the requesting agency, nor beyond the geographical authority of the order or other legal process except as otherwise permitted by law (e.g., "hot pursuit"); and, in no event shall technical assistance pursuant to this request be used outside the United States.
- The FBI must be contacted immediately if there is any request for, or intent to use publicly, any information relating to the assistance provided pursuant to this request.
- The *Touhy* process set forth at 28 C.F.R. 16.22, 16.24, and 16.26 will apply to any demand for testimony of any FBI personnel relating to the use of the equipment. The FBI will use all appropriate legal means to limit testimony regarding the technology in any state or local proceeding. However, if required by state law as part of the criminal trial or discovery process, this email constitutes the FBI's approval for your agency [or the prosecutor's office] to disclose the fact that general location information about a cellular device was obtained through the use of FBI equipment.
- Information obtained through use of the equipment is FOR LEAD PURPOSES ONLY, and may not be used as primary evidence in any affidavits, hearings or trials. This equipment provides general location information about a cellular device, and your agency understands it is required to use additional and independent investigative means and methods, such as historical cellular analysis, that would be admissible at trial to corroborate information concerning the location of the target obtained through use of this equipment.
- The requesting agency acknowledges that any assistance provided is subject to the needs of the FBI and such assistance may be terminated at the discretion of the FBI.

UNCLASSIFIED//FOUO

A handwritten signature in black ink, appearing to be "W. J. [unclear]", is written over a horizontal line.

9/26/14

# Stingray Memo From FBI To Oklahoma Law Enforcement Tells PD To Engage In Parallel Construction

*Information obtained through use of the equipment is FOR LEAD PURPOSES ONLY, and may not be used as primary evidence in any affidavits, hearings or trials. This equipment provides general location information about a cellular device, and **your agency understands it is required to use additional and independent investigative means and methods, such as historical cellular analysis, that would be admissible at trial to corroborate information concerning the location of the target obtained through use of this equipment.***

# Resources on law enforcement use of surveillance technologies:

- **NADCL – protecting the Fourth Amendment:**  
<https://www.nacdl.org/fourthamendment>
- **EFF – Street Level Surveillance Project:**  
<https://www.eff.org/sls/about>
- **ACLU – Mapping Stingray Tracking Devices:**  
<https://www.aclu.org/map/stingray-tracking-devices-whos-got-them>
- **EPIC v. FBI – Stingray/Cell Site Simulator:**  
<http://epic.org/foia/fbi/stingray/>

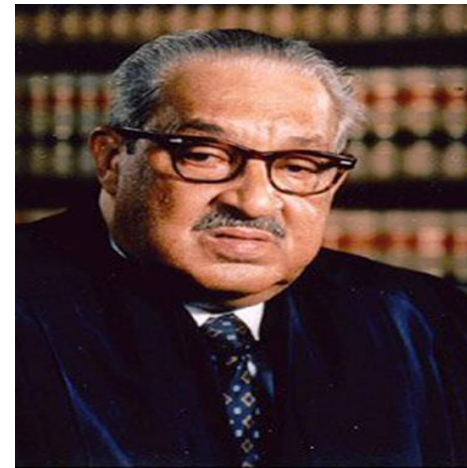
# NAACP Legal Defense and Educational Fund, Inc. Policing Reform Campaign

Carlton T. Mayers, II, Policy Counsel

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More Info & Resources at:

<http://www.naacpldf.org/case-issue/policing-reform-campaign>





# Negotiation of the Consent Decree



# Selection of the Independent Monitor



# Independent Monitor Data Collection and Assessment



# Police Reform?





The Center for  
**Public Integrity**  
Winner of the 2014 Pulitzer Prize

Susan Ferriss

Reporter

Center for Public Integrity

Washington, D.C.

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# Retro Report documentary School Policing

Latest Video

## Unraveling Zero Tolerance

Zero Tolerance | Retro Report



Over the last 30 years, schools across the country have enacted tough new discipline policies. Some of those schools say they went too far.

# L.A. School District police force biggest independent school police agency in country

Criminalizing kids

## Los Angeles school police citations draw federal scrutiny

Data include thousands of court citations for middle-schoolers

By Susan Ferriss [email](#) 6:00 am, May 21, 2012 Updated: 9:47 am, June 16, 2015



Students protest in Los Angeles against school police citations issued heavily at middle schools, low-income schools. Vanessa Romo/KPCC.org

# National School Data Referrals to Police

Criminalizing kids

## Virginia tops nation in sending students to cops, courts: Where does your state rank?

How kicking a trash can became criminal for a 6th grader

By [Susan Ferriss](#) [email](#) 5:00 am, April 10, 2015 Updated: 12:21 pm, February 19, 2016



Kayleb Moon-Robinson —who is diagnosed as autistic— had barely started sixth grade last fall in Lynchburg, Virginia, when a school resource officer filed charges against him. Kayleb was charged with disorderly conduct for kicking over a trash can and then with felony assault on a police officer because he struggled to break

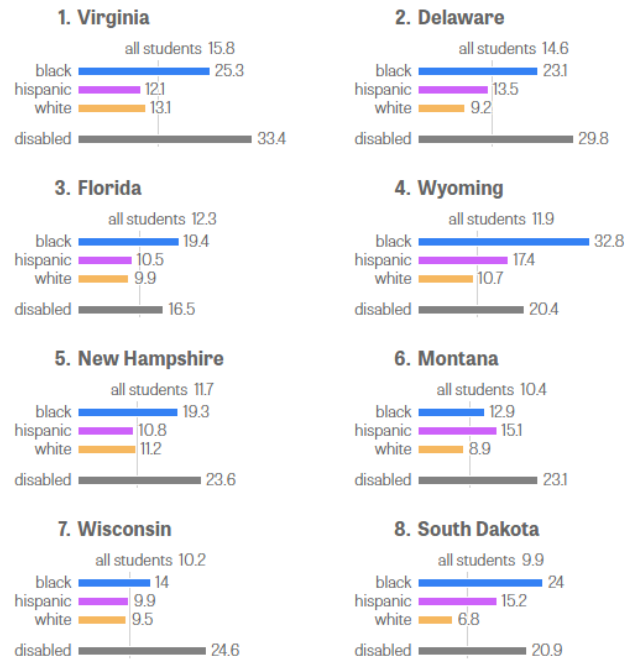
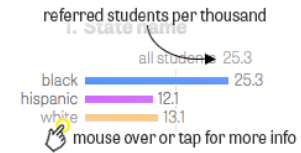


# State by State-Student 'referrals' to police

## A state-by-state look at students referred to law enforcement

By Chris Zubak-Skees and Ben Wieder April 10, 2015

U.S. Department of Education data shows that in most states black, Latino and special-needs (disabled) students get referred to police and courts disproportionately. The volume of referrals from schools is fueling arguments that zero tolerance policies and school policing are creating a "school-to-prison pipeline" by criminalizing behavior better dealt with outside courts. The Center for Public Integrity ranked states by their rate of referral for every 1,000 students. Hover or tap each demographic bar to get the percent of a group's enrollment compared to the percent of referred students who belong to that group.



# San Bernardino School Police State Data



Josue "Josh" Muniz was left with bruises, scrapes and burns from pepper spray after a San Bernardino, Calif. school police officer subdued him following a dispute that started with Josue hugging his girlfriend at lunch. Courtesy of Josue Muniz

# School Police Arrests Exceed City Police

## School police agencies' arrests surpass city cop arrests over 10 years

California schools can contract with local police or form police forces. Ten years of arrest data show that two school police forces in San Bernardino County arrested more minors than municipal cops in their cities. Low-level misdemeanor accusations, especially disturbing the peace, dominate school police arrests in these districts of mostly Latino and black students. Status offenses are infractions that apply only to minors — like truancy or curfew violations.

### San Bernardino

#### Juvenile arrests



#### Misdemeanors



#### Felonies

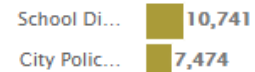


#### Status offenses



### Fontana

#### Juvenile arrests



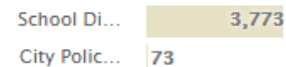
#### Misdemeanors



#### Felonies



#### Status offenses



# What data are available?

- US Department of Education Civil Rights Data Collection
- Justice Department—grants for policing
- State data for police department arrests and court data
- Local police data is very important. File records requests
- School data—some have it, some don't
- Protecting minors—a good cause creates protections for adults



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# Color of Change: Featured Campaigns

- **Charlotte Police Are Still Hiding The Full Footage Of Keith Scott's Murder:** <https://www.colorofchange.org/campaigns/nc-bodycams-keith-scott/>
- **Tell DOJ: Freeze funding for Baltimore Police Department:** <https://www.colorofchange.org/campaigns/defund-baltimore-police-department/>
- **Department of Homeland Security: End All Detention Center Contracts with Private Prison Companies:** <https://www.colorofchange.org/campaigns/dhs-end-private-prisons/>



# MuckRock

@MuckRock / [MuckRock.com](https://muckrock.com)

- Filed 24,539 requests in all 50 states + federal.
- Released over 1,150,248 pages of documents.
- Filed with 6,218 agencies.

# Agency Information

Want to know if a particular agency has plans for using drones, or what their drone policies are? Just enter their information below and we'll do the rest. Be sure to include your e-mail address if you would like to be updated on this project's progress. Any questions? E-mail [info@muckrock.com](mailto:info@muckrock.com).

\* Required

## Agency Name \*

For example, "State Falls Police Department"

## City

Leave blank if it's a state agency.

## State \*

Two letter abbreviation, please.

## Mailing Address

Include their full mailing address if you can find it. The more info we have, the more likely we are to get a response.





GET CARRIED AWAY  
Utility Helicopter

UP TO  
**\$922k**

TOTAL GIVEN 98  
TOTAL VALUE \$88m

TOP RECIPIENT U.S. State Department's narcotics enforcement branch in Florida (41)

A DEPARTMENT OF DEFENSE

# Gift Guide 2014



## Opening the Chicago Surveillance Fund

<p><b>1</b> END BROKEN WINDOWS POLICING</p>	<p><b>2</b> COMMUNITY OVERSIGHT</p>	<p><b>3</b> LIMIT USE OF FORCE</p>	<p><b>4</b> INDEPENDENTLY INVESTIGATE &amp; PROSECUTE</p>	<p><b>5</b> COMMUNITY REPRESENTATION</p>
<p><b>6</b> BODY CAMS / FILM THE POLICE</p>	<p><b>7</b> TRAINING</p>	<p><b>8</b> END FOR-PROFIT POLICING</p>	<p><b>9</b> DEMILITARIZATION</p>	<p><b>10</b> FAIR POLICE UNION CONTRACTS</p>

## Results:

- Secret Seattle Drone Programs Cancelled
- 1033 Program Overhauled
- Calls for Asset Forfeiture Overhaul in Chicago
- Cancelled Licensed Surveillance Program in Boston
- Hundreds of articles in national and local news