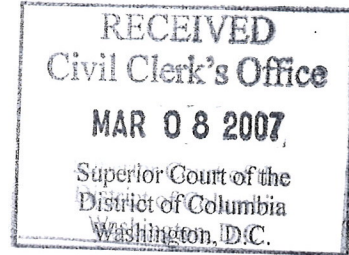


**IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA**

JUDICIAL WATCH, INC. )  
501 School Street, S.W., Suite 500 )  
Washington, DC 20024, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
DISTRICT OF COLUMBIA )  
METROPOLITAN POLICE DEP'T )  
300 Indiana Avenue, N.W. )  
Washington, DC 20001, )  
 )  
Defendant. )  
\_\_\_\_\_ )

0001719-07

Civil Action No.



**COMPLAINT FOR DECLARATORY AND  
INJUNCTIVE RELIEF**

Plaintiff Judicial Watch, Inc. brings this action against Defendant District of Columbia Metropolitan Police Department to compel compliance with the District of Columbia Freedom of Information Act, D.C. Code § 2-531, *et seq.* ("FOIA"). As grounds therefor, Plaintiff alleges as follows:

**JURISDICTION**

1. The Court has jurisdiction over the persons and subject matter of this action based on D.C. Code § 11-921.

**PARTIES**

2. Plaintiff is a non-profit, educational foundation organized under the laws of the District of Columbia and having its principal place of business at 501 School Street, S.W., Suite 500, Washington, DC 20024.

3. Defendant District of Columbia Metropolitan Police Department is a public body and part of the government of the District of Columbia. Defendant has its principal place of business at 300 Indiana Avenue, N.W., Washington, D.C. 20001. Defendant has possession, custody, and control of certain public records to which Plaintiff seeks access.

#### **STATEMENT OF FACTS**

4. On August 10, 2006, Plaintiff sent a FOIA request to Defendant seeking access to the following public records:

1. D.C. Police policy and procedures pertaining to illegal aliens and law enforcement activities with respect to a person's immigration status.
2. The enforcement of any federal and/or local immigration laws in the District of Columbia.

A true and correct copy of Plaintiff's August 10, 2006 FOIA request is attached hereto as Exhibit A and incorporated herein by reference.

5. Defendant acknowledged receipt of Plaintiff's FOIA request twice, by letters dated August 22, 2006 and August 30, 2006. Since that time, however, and despite at least one inquiry by Plaintiff regarding the status of the request, Defendant has failed to produce responsive records or otherwise comply with Plaintiff's request. True and correct copies of Defendant's August 22, 2006 and August 30, 2006 acknowledgments of receipt of Plaintiff's FOIA request are attached hereto as Exhibit B and are incorporated by reference herein.

6. Because Defendant failed to comply with Plaintiff's FOIA request within the time limits required by D.C. Code § 2-532(c), Plaintiff is deemed to have exhausted its administrative remedies pursuant to D.C. Code § 2-532(e).

**COUNT 1**  
(Violation of FOIA)

7. Plaintiff realleges paragraphs 1 through 6 as if fully stated herein.

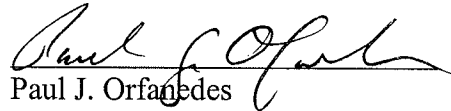
8. Defendant has violated FOIA by failing to produce records responsive to Plaintiff's August 10, 2006 FOIA request.

WHEREFORE, Plaintiff respectfully requests that the Court: (1) declare Defendant's failure to comply with FOIA to be unlawful; (2) enjoin Defendant from continuing to withhold public records responsive to Plaintiff's August 10, 2006 FOIA request and otherwise order Defendant to produce the requested public records without further delay; (3) grant Plaintiff an award of attorney's fees and other litigation costs reasonably incurred in this action pursuant to D.C. Code § 2-537(c); and (4) grant Plaintiff such other relief as the Court deems just and proper.

Dated: March 8, 2007

Respectfully submitted,

JUDICIAL WATCH, INC.



Paul J. Orfanedes

D.C. Bar No. 429716

James F. Peterson

D.C. Bar No. 450171

Suite 500

501 School Street, S.W.

Washington, DC 20024

(202) 646-5172

*Counsel for Plaintiff*

# EXHIBIT A



# Judicial Watch™

*Because no one  
is above the law!*

**VIA FACSIMILE AND CERTIFIED US MAIL**

August 10, 2006

Ms. Ceol Tilghman  
Office of the General Counsel  
METROPOLITAN POLICE  
DEPARTMENT  
300 Indiana Avenue, N. W.  
Room 4115  
Washington, DC 20001  
(Fax. No.: 202-727-3308)  
(Art. No.: 7005 0390 0004 0892 3202)

**Re: Freedom of Information Act Request**

Dear Ms. Tilghman,

Pursuant to the state open records law, D.C. Code Ann. Secs. 2-531 to 2-540, Judicial Watch Inc. (hereafter "Judicial Watch") requests from the District of Columbia Metropolitan Police Department (hereafter "DC Police") access to and a copy of any and all record(s) concerning or relating to the following:

- 1) DC Police policy and procedures pertaining to illegal aliens, and law enforcement activities with respect to a person's immigration status
- 2) The enforcement of any federal and/or local immigration laws in the District of Columbia.

For purpose of this request, the term "record" shall mean: (1) any written, printed, or typed material of any kind, including without limitation all correspondence, memoranda, notes, messages, letters, cards, telegrams, teletypes, facsimiles, papers, forms, records, telephone messages, diaries, schedules, calendars, chronological data, minutes, books, reports, charts, lists, ledgers, invoices, worksheets, receipts, returns, computer printouts, printed matter, prospectuses, statements, checks, statistics, surveys, affidavits, contracts, agreements, transcripts, magazine or newspaper articles, or press releases; (2) any electronically, magnetically, or mechanically stored

Judicial Watch FOIA  
request to DC Police.  
August 10, 2006  
P. 2

material of any kind, including without limitation all electronic mail or e-mail, meaning any electronically transmitted text or graphic communication created upon and transmitted or received by any computer or other electronic device, and all materials stored on compact disk, computer disk, diskette, hard drive, server, or tape; (3) any audio, aural, visual, or video records, recordings, or representations of any kind, including without limitation all cassette tapes, compact disks, digital video disks, microfiche, microfilm, motion pictures, pictures, photographs, or videotapes; (4) any graphic materials and data compilations from which information can be obtained; (5) any materials using other means of preserving thought or expression; and (6) any tangible things from which data or information can be obtained, processed, recorded, or transcribed. The term "record" also shall mean any drafts, alterations, amendments, changes, or modifications of or to any of the foregoing.

If your agency does not maintain these records, please let me know who does and include the proper custodian's name and address.

Judicial Watch requests a waiver of search and duplication fees in the public interest. Judicial Watch is a non-profit, tax-exempt 501(c)(3) educational foundation organized to increase public understanding of government operations and activities, as well as the importance of ethics and the rule of law in government. As such, Judicial Watch regularly requests information about the operation of government through the federal Freedom of Information Act (FOIA) and other local laws, and uses its editorial skills to turn this information into distinct works, and regularly publishes and disseminates its work to the public in furtherance of its educational mission. Judicial Watch is repeatedly recognized as a member of the news media, and granted waivers of search and duplication costs in the public interest in FOIA and other public records requests. We ask the District of Columbia and the DC Police to likewise grant a waiver of search and duplication fees in this request, in the public interest.

As provided by the open records law, I would request your response within ten (10) business days.

If you choose to deny this request, please provide a written explanation for the denial including a reference to the specific statutory exemption(s) upon which you rely. Also, please provide all segregable portions of otherwise exempt material. Please be advised that Judicial Watch is prepared to pursue whatever legal remedy necessary to obtain access to the requested records.

**If at any time you do not understand any portion of this request, or need any clarification or other assistance, please do not hesitate to contact us at Tel.: (202)-646-5172, or Fax.: (202)-646-5199.**

Judicial Watch FOIA  
request to DC Police.  
August 10, 2006  
P. 3

Thank you for your assistance.

Sincerely,

JUDICIAL WATCH, INC.

A handwritten signature in black ink, appearing to read "Christopher J. Farrell". The signature is fluid and cursive, with the first name being the most prominent.

Christopher J. Farrell

CJF/mac

# EXHIBIT B





GOVERNMENT OF THE DISTRICT OF COLUMBIA  
METROPOLITAN POLICE DEPARTMENT

AUG 22 2006

Christopher Farrell  
Judicial Watch  
501 School Street, SW Sute 300  
Washington, DC 20024

Re: FOIA Request # 06-485a

Dear Christopher Farrell:

This letter acknowledges the receipt of your request, captioned above, under the Freedom of Information Act.

The fifteen-day statutory time period permitted to process your request begins on the first full workday after the receipt of your request. The specific dates are determined by calendar, excluding Saturdays, Sundays, and legal holidays. Please be advised that a delay in responding to your request may occur due to the volume of requests or in an effort to identify and locate all releasable information included in your request.

You will receive written notice advising you of the availability of requested information, the cost (if any) for the search and duplication of requested materials, and how to obtain the information.

Sincerely,

Cecelia Tilghman  
FOIA Specialist  
Office of the General Counsel  
Metropolitan Police Department



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
METROPOLITAN POLICE DEPARTMENT

AUG 30 2006

Mr. Christopher Farrell  
Judicial Watch  
501 School Street, SW, Suite 500  
Washington, DC 20024

Re: FOIA Request # 06-500

Dear Christopher Farrell:

This letter acknowledges the receipt of your request, captioned above, under the Freedom of Information Act.

The fifteen-day statutory time period permitted to process your request begins on the first full workday after the receipt of your request. The specific dates are determined by calendar, excluding Saturdays, Sundays, and legal holidays. Please be advised that a delay in responding to your request may occur due to the volume of requests or in an effort to identify and locate all releasable information included in your request.

You will receive written notice advising you of the availability of requested information, the cost (if any) for the search and duplication of requested materials, and how to obtain the information.

Sincerely,

Cecelia Tilghman  
FOIA Specialist  
Office of the General Counsel  
Metropolitan Police Department