

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

JUDICIAL WATCH, INC.,)	
425 Third Street, S.W., Suite 800)	
Washington, DC 20024,)	
)	
Plaintiff,)	
)	Civil Action No. 2025-CAB-006701
v.)	
)	
DISTRICT OF COLUMBIA,)	
John A. Wilson Building)	
1350 Pennsylvania Avenue, N.W.)	
Washington, DC 20004,)	
)	
Defendant.)	
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COMPLAINT

Plaintiff Judicial Watch, Inc. brings this action against Defendant District of Columbia to compel compliance with the District of Columbia Freedom of Information Act, D.C. Code § 2-531. As grounds therefor, Plaintiff alleges as follows:

JURISDICTION AND VENUE

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

PARTIES

2. Plaintiff Judicial Watch, Inc. is a not-for-profit, educational organization incorporated under the laws of the District of Columbia and headquartered at 425 Third Street S.W., Suite 800, Washington, DC 20024. Plaintiff seeks to promote transparency, accountability, and integrity in government and fidelity to the rule of law. As part of its mission, Judicial Watch regularly requests records under federal and state open records laws, analyzes the

responses and any records it receives, and disseminates its findings and the records to the public to inform them about “what their government is up to.”

3. Defendant is the District of Columbia. Defendant has possession, custody, and control of records to which Plaintiff seeks access. See *Kane v. District of Columbia*, 180 A.3d 1073, 1078-1079 (D.C. 2018). Defendant is headquartered at John A. Wilson Building, 1350 Pennsylvania Avenue N.W., Washington, DC 20004.

STATEMENT OF FACTS

4. On August 14, 2025, Plaintiff submitted a FOIA request to the Metropolitan Police Department, a public body within the District, seeking access to certain records about allegations of MPD manipulating crime statistics.

5. Of issue here, Plaintiff specifically requested:

- A. All complaints, reports, or communications from the Fraternal Order of Police (FOP), Chairman Gregory Pemberton, or other union representatives accusing MPD supervisors of falsifying or downgrading crime data (e.g., directing officers to report shootings as “felony assaults” or carjackings as lesser offenses).
- B. Any internal audits, reviews, or quality control assessments of crime statistics reporting practices in the 3rd District or department-wide, including comparisons of raw incident reports to finalized Uniform Crime Reporting data.
- C. Records of historical allegations from 2019-2020, such as whistleblower complaints about misclassifying violent crimes (e.g., the August 2019 face-slashing incident or December 2019 knife-to-neck incident reported as “simple assault”).
- D. Policies, guidelines, training materials, or directives on crime classification and reporting, including any updates since 2019 related to violent crime definitions (e.g., distinguishing “assault with a dangerous weapon” from “simple assault”).
- E. Communications between MPD personnel (e.g., supervisors, commanders, or data analysts) discussing adjustments to crime stats to reflect lower violent crime rates

6. Later that same day, August 14, 2025, MPD acknowledged receipt of the request and advised Plaintiff that the request had been assigned case number 2021-BWC-00367.

7. As of the date of this Complaint, MPD has failed to: (i) produce the requested records or demonstrate that the requested records are lawfully exempt from production; (ii) notify Plaintiff of the scope of any responsive records they intend to produce or withhold and the reasons for any withholdings; or (iii) inform Plaintiff that it may appeal any adequately specific, adverse determination.

COUNT I
(Violation of FOIA, D.C. Code § 2-531)

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

9. Defendant is in violation of FOIA.

10. Plaintiff is being irreparably harmed by Defendant's violation of FOIA, and Plaintiff will continue to be irreparably harmed unless Defendant is compelled to comply with the law.

11. Defendant was required to either make the requested public records accessible or notify Plaintiff of its determinations not to make the requested public records or any part thereof accessible and the reasons for any withholdings within 15 business days or by September 5. D.C. Code § 2-532(c)(1).

COUNT TWO
(Failure to Produce All Non-Exempt, Responsive Records)

12. Plaintiff reaffirms paragraphs 1-11 as though fully restated herein.

13. Defendant failed to produce all non-exempt records responsive to Plaintiff's FOIA request and failed to provide reasonable justification for withholding the records in total.

14. Plaintiff is irreparably harmed by Defendant's failure to produce all non-exempt, responsive records as Plaintiff is being denied its legal right to inspect public records.

15. Plaintiff has no adequate remedy at law.

WHEREFORE, Plaintiff respectfully requests that the Court: (A) declare Defendant to be in violation of the D.C. Freedom of Information Act, D.C. Code § 2-531, *et seq.*; (B) enjoin Defendant from continuing to withhold access to non-exempt public records responsive to Plaintiff's Requests; (C) order Defendant to conduct searches reasonably calculated to discover the requested records and demonstrate that its searches were conducted in good faith; (D) order Defendant to produce, by a date certain, any and all non-exempt, public records responsive to Plaintiff's FOIA requests; (E) order Defendant to prepare a *Vaughn* index identifying with specificity all public records responsive to Plaintiff's FOIA requests that are claimed to be subject to legal exemption from disclosure and further identifying with specificity the reason(s) for any such claim of exemption; (F) award Plaintiff reasonable attorneys' fees and costs reasonably incurred in this action pursuant to D.C. Code § 2-537(c); and (F) order such other and further relief as the Court finds just and equitable.

Dated: October 6, 2025

Respectfully submitted,

/s/ Michael Bekesha
Michael Bekesha (D.C. Bar No. 995749)
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