

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

BLACK LIVES MATTER D.C., et al.,

Plaintiffs,

v.

MURIEL BOWSER, et al.,

Defendants.

2018 CA 003168 B

Judge John M. Campbell

Next Court Date: October 5, 2018

Initial Scheduling Conference

EMERGENCY MOTION TO SET PRELIMINARY INJUNCTION HEARING

Plaintiffs Black Lives Matter D.C., Stop Police Terror Project D.C., and the American Civil Liberties Union of the District of Columbia hereby move the Court to set an early date for a hearing on their pending motion for a preliminary injunction. Defendants do not consent to this motion.

In support of this motion, Plaintiffs state as follows:

1. This case asks the Court to enjoin Defendants from continuing to unreasonably delay complying with the stop-and-frisk data collection requirement of the Neighborhood Engagement Achieves Results (NEAR) Act of 2016, D.C. Code § 5-113.01(a)(4B).

2. Plaintiffs filed their motion for preliminary injunction on May 8, 2018; Defendants filed their opposition on June 5, and Plaintiffs replied to that opposition on June 15. The motion has thus been fully briefed and awaiting decision for more than two months.

3. No hearing on the motion for preliminary injunction has been set. The Court initially set a status conference for August 3, then rescheduled it for August 24, then rescheduled it again for October 5.

4. As explained in Plaintiffs' motion for preliminary injunction, Plaintiffs will suffer irreparable harm if a preliminary injunction is not granted, because the data that is required to be collected under the NEAR Act will be irreparably lost if it is not collected. The irreparable harm that Plaintiffs will suffer is greater than any harm to Defendants if the relief is granted, as the requested injunction will simply order the Defendants to implement the statute.

5. Recent developments have increased the need for prompt adjudication of the preliminary injunction motion. While Plaintiffs await judicial action, Defendants are taking further steps *away* from fulfilling their obligations under the NEAR Act. Specifically, on August 1, 2018, Defendants published a call for proposals (attached as Exhibit A) to design a "Stop Data Reporting System." Defendants specified in that document that their "overarching objective" is to "identify a solution with the ability to harvest, format, analyze, and report the required data *using the existing data sources,*" Ex. A at 1 (emphasis added) — that is, it would appear, to "harvest, format, analyze, and report" only data that Defendants are already collecting. *Accord* Ex. A at 1 ("Purpose: 1. Implement a solution which ensures reporting of the data on all stops according to the requirements set forth in the NEAR Act, through harvesting, organizing, and reporting of data (structured and unstructured) *from existing systems at MPD.*" (emphasis added)). But as Plaintiffs have explained, Defendants are not collecting, and have admitted they are not collecting, all the types of data that the NEAR Act requires them to collect. *See* Pls.' Memo. in Support of Mot. for Prelim. Inj'n 6 (May 8, 2018) (recounting an admission by Defendant Newsham to the D.C. Council Judiciary Committee that MPD is collecting less than half of the categories of data required under the NEAR Act). "Harvesting" data from existing systems might render the existing data more accessible, but it will not result in collecting the additional data that the statute requires. Thus, Defendants are taking steps toward using the

money allocated by the D.C. Council for NEAR Act implementation to seek a solution that will *not* achieve compliance with the NEAR Act. Particularly in light of Defendants' history of obfuscation, misdirection, and footdragging regarding NEAR Act implementation, *see id.* at 17-18, this Court's intervention is urgently needed to prevent Defendants from moving themselves further away from full compliance with the NEAR Act's data collection requirements. The train is leaving the station, and it is heading in the wrong direction.

6. Whether or not the Court ultimately grants a preliminary injunction, the Court should schedule a hearing and rule expeditiously on Plaintiffs' motion in light of the ongoing nature of the harm, the length of delay that has already occurred, and Defendants' recent steps toward spending money on a data collection system that would fail to implement the data-collection requirements of the statute.

7. Undersigned counsel for Plaintiffs is available for a hearing at any time on any business day in the month of September with the exception of September 10 and 19 (religious holidays), and the morning of September 14 (time-sensitive medical appointment).

A proposed order is filed herewith.

Dated: August 30, 2018

Respectfully submitted,

/s/ Scott Michelman
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CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of August 2018, a copy of Plaintiffs' EMERGENCY MOTION TO SET PRELIMINARY INJUNCTION HEARING was served on counsel for Defendants through CaseFileXpress.

/s/ Scott Michelman _____
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EXHIBIT A

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Contracting and Procurement**



REQUEST FOR INFORMATION (RFI)

TO: POTENTIAL RESPONDENTS

RFI Number: Doc392531

Caption: Stop Data Reporting System

Issuance Date: August 1, 2018

Due Date: August 22, 2018

The Government of the District of Columbia (“District”), Office of Contracting and Procurement (OCP) and the Metropolitan Police Department (MPD) requests written expressions of interest from respondent entities (“Respondent”) with experience in providing services to deliver a Stop Data Reporting System that will allow MPD to report data in accordance with the requirements set forth in The Neighborhood Engagement Achieves Results Amendment Act of 2016 (NEAR Act).

The Neighborhood Engagement Achieves Results Amendment Act of 2016 (NEAR Act) requires information collection specific to police stops. Overarching objective of this RFI is to identify a solution with the ability to harvest, format, analyze, and report the required data using the existing data sources.

I. Background

The Metropolitan Police Department of the District of Columbia’s (MPD), Bureau of Information Technology, is sponsoring this effort to provide the MPD and its members with solutions and information they need to support the community and maintain compliancy.

Purpose:

1. Implement a solution which ensures reporting of the data on all stops according to the requirements set forth in the NEAR Act, through harvesting, organizing, and reporting of data (structured and unstructured) from existing systems at MPD
2. Providing analytics on the collected data
3. To be accessible by as many analysts and users MPD deems necessary

II. Requirements

The Respondent shall provide detailed documentation for how they would approach satisfying the following requirements in their responses to this RFI.

1. Extract the data from the existing MPD's Record Management System (RMS). The data in RMS could be structured or unstructured. Build ETL to house the data extracted in a Data Warehouse (Informatica). The current MPD's RMS system is Cobalt, which is the product of Mark43.
2. Ability to Interface with existing Computer Aided Dispatch (CAD) system and MPD's Record Management System (RMS), or any other system, as required, to harvest data.
3. Provide training for MPD's designated staff to manage the reporting and analytic functions
4. Be able to satisfy the following requirements:
 - The solution should be secure, reliable, and protected
 - To have tools for MPD staff to perform ongoing administration of the system
 - To provide tools for MPD staff to perform and manage analytic and reporting functions
 - 99.5 % uptime SLA
5. System should be complaint with Criminal Justice Information Services (CJIS).

III. Treatment of RFI Responses and Respondents

This is not a Request for Offers. Rather, following review of the RFI responses, the District may issue a solicitation for the Near Act Data Collection System.

The District encourages parties interested in being considered to express their interest in writing before the deadline. All respondents to the RFI will be invited to respond to any subsequent solicitation. However, the District reserves the right to invite other parties to respond to such solicitations.

The District considers responses to this RFI as part of its outreach and research effort; and as such, more in the nature of a survey.

The District will generalize public disclosure of information in responses into categories, grouped and otherwise described in a way that does not link particular characteristics and ideas to a particular respondent.

The District will make an effort to generalize descriptions of program ideas and impacts in a way that does not disclose specific and detailed descriptions. Respondents' written requests to remain unidentified will be honored. Individual responses will not be shared with the public or other respondents.

The District intends to use the information in the responses to establish parameters and requirements included in a solicitation.

The District assumes no responsibility or liability for any potential claim of harm and damage. By submitting a response, the respondent expressly acknowledges that the District assumes no such responsibility or liability.

IV. Submission of Responses

It is not the intention for this RFI to be an extensive or expensive undertaking for Respondents. Rather, thoughtful and concise ideas and descriptions are desired. The District anticipates a response of twelve (12) or less pages to be generally sufficient. Glossy production quality and expensive productions are neither desired nor required.

The RFI responses should be prepared according to the instructions listed below:

The Response must be submitted on 8.5" by 11" paper and typewritten. Telephonic and telegraphic proposals will not be accepted, unless otherwise directed in writing. The Response should include the following information:

1. Based on the requirements stated above, describe the relevant characteristics of web development that the respondent may propose for use by the District;
2. Describe in quantitative terms, the level of effort that it would take to complete this project.
3. Respondents should indicate price range for proposed services.
4. Respondents should indicate the Service Level Agreement (SLA)
5. Respondents should indicate Maintenance Support Options with Cost factors

V. Submission Deadline

The closing date for receipt of responses is **TBD** on or before 5:00 p.m. local time to the email address listed above.