



Court Services and Offender Supervision Agency for the District of Columbia

Office of the General Counsel

March 4, 2020

Sent via email

Mr. Ben Winters
EPIC Equal Justice Works Fellow
Electronic Privacy Information Center
1519 New Hampshire Avenue NW
Washington, DC 20036

Re: Freedom of Information Act (FOIA) -20-FOIA-00095

Dear Mr. Winters:

This is final release in response to your clarification dated February 3, 2020 of your Freedom of Information Act (FOIA) Request to Court Services and Offender Supervision Agency (CSOSA) and for the District of Columbia's Pretrial Services Agency (PSA).

1. All validation studies for risk assessment tools used in pre-trial, parole and sentencing, including but not limited to the DC Pretrial Services Agency Risk Assessment Instrument introduced in 2013 – *Spurgeon Kennedy, Laura House, & Michael Williams, Using Research to improve Pretrial Justice and Public Safety; Results from PSA's Risk Assessment Validation Project*, 77 Fed. Probation 28 (2013), https://www.uscourts.gov/sites/default/files/fed_probation_june_2013.pdf. All records regarding validation studies conducted after the referenced 2013 report.
2. All correspondences, memoranda, and records relating to the use of validation studies on risk assessment tools used by the PSA or CSOSA¹. All records regarding validation studies conducted after the referenced 2013 report.
3. All records concerning risk assessment tools, including but not limited to source codes, interview guides, training documents, and risk-based recommendations matrixes to support judicial decision making used by the PSA or CSOSA². All records regarding validation studies conducted after the referenced 2013 report.
4. The following contracts, PSA09001418, PSA 17C0043, PSA17C0043 (P00002 Updated Feb. 2019), PSA12002193, and PSA 14005969.

Your request was processed in accordance with the Freedom of Information Act (FOIA), 5 U.S.C. § 552.

¹ Please note CSOSA did not have any response records in response to item number 2.

² Please note, CSOSA did not have any response records in response to item number 3.

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Pursuant to your request, we conducted a search of agency records and located a total of one thousand five hundred and eighteen (1,518) pages responsive to your request – specifically, in response to item number 1, 2, and 3.

We are also including all responsive contract information a total of 134 pages with respect to item Number 4. It has been determined that some portions of these records contain inter-agency opinions, drafts, recommendations, third party personal privacy, law enforcement personnel and techniques, and confidential commercial information that should be withheld. Four exemptions of the FOIA was relied upon to withhold this information.

The first applicable exemption, 5 U.S.C. § 552(b)(4), exempts from required public disclosure, matters that are “trade secrets and commercial or financial information obtained from a person and privileged or confidential.” The records you have requested contain “commercial or financial information” within the meaning of the above-cited statutory language and CSOSA regulation 28 C.F.R. § 802.4(ii)(D) and therefore, would be exempt from disclosure. The withheld information includes responses to solicitations, and confidential commercial information.

The second applicable exemption, 5 U.S.C. § 552(b)(5), protects the integrity of the deliberative or decision-making processes by exempting opinions, conclusions, and recommendations.

The third applicable exemption, 5 U.S.C. § 552(b)(6), exempts from required public disclosure, “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” Some of the records you have requested contain “similar files” within the meaning of the above cited statutory language. In applying Exemption 6, a balancing test was conducted, weighing the privacy interests of the individuals named in a document against the public interest in disclosure of the information. The public interest in disclosure is one that “sheds light on an agency’s performance of its statutory duties.” *Dep’t of Justice v. Reporters Committee*, 489 U.S. 749, 773 (1989). CSOSA is withholding names, addresses, and telephone information of law enforcement personnel and private citizens. The FOIA Officer has determined disclosure of this information would constitute a clearly unwarranted invasion of an individual’s personal privacy.

The fourth applicable exemption, 5 U.S.C. 552(b)(7)(C) provides protection for personal information in law enforcement records, the disclosure of which could reasonably be expected to constitute an unwarranted invasion of personal privacy. CSOSA is withholding from disclosure names and identifying information pertaining to law enforcement personnel.

Since this constitutes a partial denial of your records request, I am providing you your administrative appeal rights in the event you wish to avail yourself of this process. The FOIA provides at 5 U.S.C. § 552(a)(6)(A)(i) (2014) amended by FOIA Improvement Act of 2016, Pub. L. No. 114-185, 130 Stat. 538 that if a FOIA request is denied in whole or in part by the FOIA Officer, the requester may file a written appeal within 90 days from the date of the denial or, if later (in the case of a partial denial), 90 days from the date the requester receives the disclosed material. Your appeal shall be addressed to the General Counsel, Court Services and Offender Supervision Agency, 633 Indiana Avenue, NW, Room 1220, Washington, DC 20004 and must be clearly marked “Freedom of Information Act Appeal.”

If you would like to discuss our response before filing an appeal to attempt to resolve any dispute without going through the appeals process, please contact Jeanean West at (202) 220-5748 or by email at jeanean.west@csosa.gov. In the alternative, you may also contact Phillip Lattimore, Deputy General Counsel, CSOSA FOIA Public Liaison for further assistance and to discuss any aspect of your request. Mr. Lattimore can be reached by telephone at (202) 220-5338 or by email: Phillip.Lattimore@csosa.gov.

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You also have the option to contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

This completes the processing of your request. Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, because of the delay in responding to your request, we are waiving any fees associated with the processing of it. You may submit future requests by accessing <https://www.foia.gov>.

Sincerely,

Jeanean West

Jeanean West
FOIA Officer
Office of the General Counsel

Enclosures

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