



December 1, 2017

Via First Class and Electronic Mail

Mr. Roger Norman
Tulsa Police Department – Records
P.O. Box 1027
Tulsa, Oklahoma 74103

RE: Open records request concerning the Tulsa Police Department

Dear Mr. Norman:

On behalf of the NAACP Legal Defense and Educational Fund, Inc. (LDF) and the ACLU of Oklahoma, we write to request the inspection and copying of certain public records under the Oklahoma Open Records Act, OKLA. STAT. ANN. tit. 51 § 24A.1, *et seq.* (2017) concerning the Tulsa Police Department. Unless otherwise stated, the time period of the requested documents is January 1, 2012 through the present.

Please be advised that “document” means notes, reports, memoranda, letters, correspondence, recordings or any writing of any kind whatsoever, e-mail messages and correspondence, drawings, graphs, charts, photographs, tape recordings, video footage, diaries, appointment books, calendars, telephone records, telephone messages, computer records and any other data from which information can be obtained including originals, non-identical copies and drafts.

REQUESTS FOR INSPECTION AND COPYING OF RECORDS

ORGANIZATIONAL STRUCTURE AND LEADERSHIP

1. A current organizational chart of the City of Tulsa that includes the reporting relationship of the Tulsa Police Department (“TPD”) to other City departments or components.
2. A current organizational chart of TPD.
3. A map showing TPD’s geographic sub-divisions, such as regions, areas, districts, quadrants, or precincts.
4. All documents concerning the number of sworn and civilian TPD personnel, disaggregated by race/ethnicity, rank, and assignment for each sworn personnel identified. Please identify job title for each civilian employee.
5. All collective bargaining agreements covering TPD personnel.



6. A list of command staff, by name, race/ethnicity, rank, and date of appointment.
7. Any memoranda of understanding, mutual aid, or any other cooperative agreements between TPD and other law enforcement agencies.
8. Any memoranda of understanding or any other cooperative agreements between TPD and public or private educational systems.
9. All documents that describe every unit or program within TPD, including detective teams, homicide units, canine units, SWAT teams, traffic patrol, foot patrol, bicycle patrol, school resource officers, special operations, and any inter-agency task force or other unit on which TPD officers participate, or which conducts operations within the City of Tulsa.
10. For each unit or specialized unit within the TPD organizational structure, please include a description of:
 - a) the function of each unit;
 - b) the area where each unit is deployed;
 - c) for specialized units, the reason each unit was formed; and
 - d) the number of supervisors assigned and working in each unit per officer (i.e., span of control);
 - e) a list of the supervisors assigned to each specialized unit;
 - f) the number of officers, by rank, in each unit; and
 - g) the criteria used to select personnel for assignment to these duties.
11. All documents concerning the criteria for recruitment, hiring, and promotion at TPD.
12. All reports, plans, and other documents proposing reforms, organizational restructuring, efforts to increase trust or better relationship with the community, operational enhancements, or other performance improvement initiatives.
13. All TPD annual reports, whether department-wide or unit-specific.
14. All studies, reports, analyses, or audits conducted by TPD or any external organization or individual, relating to use of force, searches, seizures, and arrests, or discriminatory policing (including any studies of traffic or pedestrian / bicycle stops).
15. All documents describing the current background investigation, including any medical or psychological testing and/or examination, required for employment for sworn and civilian positions with the TPD.

POLICIES, PROCEDURES, AND RELATED MATERIALS

16. Please provide all current policies, procedures, rules, regulations, and manuals, including a complete set of TPD general orders and sub-unit specific orders, relevant to the following topic areas:
 - a) Use of force, including policies for using specific weapons;
 - b) De-escalation;



- c) Use of force reporting, investigation, and review, including officer-involved shootings;
- d) Intake, investigation, and resolution of complaints regarding officer conduct;
- e) Stops or detentions, including Terry stops and checkpoints;
- f) Searches, including execution of search warrants, consent searches, and vehicle or pedestrian searches, as well as policies regarding documentation of searches where no arrest is made, or contraband found;
- g) Arrests;
- h) Evidence and property handling;
- i) Preventing discriminatory policing, including all directives regarding racial profiling, bias-based policing based on race, ethnicity, national origin, religion, gender, gender identity, disability, and policing Limited English Proficiency communities;
- j) Responding to individuals recording or protesting officer activities;
- k) Responding to individuals in crisis, such as mental illness;
- l) Community policing and community engagement;
- m) Investigation of complaints filed against TPD personnel;
- n) Provision of medical care for persons encountered during police activities; and
- o) Transport to the Tulsa County Jail and intake and detention at the Jail, specifying any policies concerning transport of detainees, services provided to detainees, evaluation of injuries, and medical treatment for detainees.

17. A sample of all forms used by the TPD to document its law enforcement activities, including but not limited to: use of force reporting forms, incident reports, arrest reports, field incident reports, pedestrian stops, vehicle stops, searches, warnings, patrol logs, radio logs, call logs, and arrest logs.

TRAINING

18. For the topic areas listed in item 16 above, please provide all documents relating to training curricula for new recruits, current officers, supervisors, and commanders, including academy, field training for new academy graduates, and in-service.

19. All documents describing current TPD training plans for new recruits (i.e. academy and initial field training), current officers (i.e., in-service training), and promotional training for supervisors and commanders. Please include documents indicating the number of training hours mandated each year in total and by topic, and explaining which agency or entity provides the training.

INCIDENT REPORTS, COMPLAINTS, AND OTHER DATA

20. All documents relating to the number of use of force incidents involving TPD officers for each year since 2012 disaggregated by name, race/ethnicity and gender of the officer; race/ethnicity, age, and gender of the person on whom force was used; type of force used, location and date of incident, and any charges filed against persons on whom force was used.

21. All documents relating to the number of arrests made by TPD officers for each year since 2012 disaggregated by name, race/ethnicity and gender of the officer; race/ethnicity, age, and gender of the person arrested; reason for the arrest, and location and date of arrest.



22. All documents relating to the number of searches made by TPD officers for each year since 2012 disaggregated by name, race/ethnicity, and gender of the officer; race/ethnicity, age, and gender of the person searched; type of search (consent, pursuant to arrest, probable cause, warrant), and location and date of search.
23. All documents relating to the number of vehicle stops made by TPD officers for each year since 2012 disaggregated by name, race/ethnicity, and gender of the officer; race/ethnicity, age, and gender of the person searched; reason for the stop; location and date of the stop; and whether the officer issued a warning, citation or made an arrest.
24. All documents relating to the number of pedestrian stops made by TPD officers for each year since 2012 disaggregated by name, race/ethnicity, and gender of the officer; race/ethnicity, age, and gender of the person stopped; reason for the stop; location and date of the stop; and whether the officer issued a warning, citation or made an arrest.
25. All documents relating to the number of calls for service received by TPD annually for the years 2012 to the present, broken down by geographic area, call level / category, and time.
26. All documents relating to complaints (internal and external) filed against the TPD and TPD police officers, including the name of the officer; race/ethnicity, age, and gender of the complainant; and outcome of the complaint.
27. All documents relating to investigations (internal and external) conducted regarding the TPD, TPD police officers, including the name of the officer; race/ethnicity, age, and gender of the complainant; and outcome of the complaint.
28. A copy of any forms completed by persons who would like to file complaints against the TPD officers.

ACCOUNTABILITY AND REVIEW

29. All documents describing TPD's disciplinary and appeal processes and identifying personnel or entities authorized to review and/or invoke or recommend disciplinary or corrective action related to officer conduct concerns.
30. All documents describing any systems or procedures used by TPD management to monitor the performance and conduct of officers, including any early intervention systems.
31. All documents detailing the number of current or former TPD officers recommended for termination/discipline or corrective action, the reason for the recommended discipline or corrective action, whether discipline or corrective action was imposed, the length of time between the conduct warranting discipline and the imposition of discipline, and the nature and duration of any discipline or corrective action imposed.



32. All documents listing civil and criminal cases involving TPD officers, whether dismissed, pending or resolved, relating to the use of force, stops, searches, arrests or discriminatory policing practices.
33. All documents relating to agreements entered into by the City of Tulsa and the TPD to settle civil law suits, including the costs of each settlement.
34. A copy of all forms used to evaluate TPD officers. Please include documents explaining the frequency of the evaluation (annual, semi-annual, etc.), as well as how, and by whom, the forms are reviewed and endorsed by command personnel other than the initial evaluator (an employee's direct supervisor).

CRISIS INTERVENTION AND MISCELLANEOUS REQUESTS

35. All documents relating to response times for all calls for service, broken down by (1) district; (2) location of call or incident; (3) type of call or incident; and (4) the sequence number of the responding officer.
36. All documents given to call dispatch to facilitate the appropriate response by TPD for calls for service involving individuals with mental health issues or who may be in crisis.
37. Any data, statistics, or reports regarding TPD officers' interactions with persons with mental health conditions, including the number of times: (1) TPD called local mental health providers to the scene; (2) individuals were referred for mental health treatment; and (3) individuals were arrested.
38. A list of all crisis intervention trained officers and the corresponding dates of their training, the number of hours of training received, and the assignment of the trained officers by district and shift.
39. All documents concerning requests for funding or technical assistance from the United States Department of Justice or any other federal agency to support law enforcement activities and programs of TPD, including but not limited to grant or contract applications and reports.

FORMAT AND TIMING OF RESPONSE

If possible, please provide the requested information in an electronic format that is searchable and analyzable. We will accept data extracts as delimited text file, Excel, Access, Oracle, or a variety of other file formats. An example data shell of required fields and layout can be provided if it is needed. Additionally, please provide individual computer records or scanned documents in a format such as Microsoft Word or searchable Adobe Acrobat pdf. Documents and data extracts should include necessary variable definitions and descriptions to facilitate understanding and analysis.

Oklahoma law requires public bodies to provide prompt access to public records. Any "delay in providing access to the requested records shall be limited solely to the time required for preparing the requested documents and the avoidance of excessive disruptions of the public body's essential functions." OKLA. STAT. ANN. tit. 51 § 24A.5(6).



If the records requested do not exist or, in your opinion, all or portions of those records are exempt from the Oklahoma Open Records Act, please provide a written response outlining that no records exist or, alternatively, please identify the records that are being withheld and the specific exemption for each record being withheld.

ASSERTION OF LAW ENFORCEMENT EXEMPTION

The Open Records Act permits a “law enforcement agency” to withhold certain records, “except where a court finds that the public interest or the interest of an individual outweighs the reason for denial.” *See* OKLA. STAT. ANN. tit. 51 § 24A.8(B). To the extent that you withhold records based upon the “law enforcement exemption,” please detail the “reason for denial” so that we may intelligently balance the interests of the public and/or individual.

EFFECT OF PENDING LITIGATION

Compliance with the Open Records Act exists independent of any actual or anticipated litigation. Withholding records that are otherwise available under the Open Records Act because of a pending investigation is expressly prohibited by OKLA. STAT. ANN. tit. § 24A.20, which reads in full:

Access to records which, under the Oklahoma Open Records Act, would otherwise be available for public inspection and copying, shall not be denied because a public body or public official is using or has taken possession of such records for investigatory purposes or has placed the records in a litigation or investigation file. However, a law enforcement agency may deny access to a copy of such a record in an investigative file if the record or a true and complete copy thereof is available for public inspection and copying at another public body.

If a decision is made to not produce investigatory records based upon the availability of the records at another public body, please identify what public body has the records which are available for public inspection and copying.

CIVIL AND CRIMINAL LIABILITY

The Open Records Act provides immunity from any civil suit to anyone who releases records allowed under the Act. *See* OKLA. STAT. ANN. tit. 51 § 24A.17(D) (“A public body or public official shall not be civilly liable for damages for providing access to records as allowed under the Oklahoma Open Records Act.”).

A willful refusal to provide public records may constitute a criminal act under Oklahoma law and expose the public official to prosecution *See* OKLA. STAT. ANN. tit. 51 § 24A.17(A) (“Any public official who willfully violates any provision of the Oklahoma Open Records Act, upon conviction, shall be guilty of a misdemeanor, and shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for a period not exceeding one (1) year, or by both such fine and imprisonment.”).

SEGREGATION OF MATERIAL

A public body cannot withhold a record merely because some reasonably segregable portion contains exempt information. To comply with the Open Records Act, a public body may delete the exempt portion. *See* OKLA. STAT. ANN. tit. 51 § 24A.5(3).



FEE WAIVER

LDF and ACLU request the information in this correspondence to be furnished without a search fee and for reduced costs because we are non-profit organizations requesting the above records in the public's interest and to determine whether TPD personnel are "honestly, faithfully, and competently performing their duties as public servants." OKLA. STAT. ANN. tit. 51 § 25A.5(4). If the request for a fee waiver or reduction is denied, please provide a detailed invoice of the estimated costs and fees prior to responding to these requests.

Thank you for considering these requests. Please do not hesitate to contact Monique Dixon at 202-682-1300 with any questions or concerns.

Sincerely yours,

Monique L. Dixon
Deputy Director of Policy
NAACP Legal Defense Fund

Brady R. Henderson
Legal Director
ACLU of Oklahoma

cc: Dr. Rodney Goss, Morning Star Baptist Church
Dr. Ray Owens, Metropolitan Baptist Church
Pastor Laron West, Gilcrease, Hills Baptist Church
Pastors Terry & Barbara Shannon, New Heights Christian Center
Pastor Layla Caldwell, United Coalition of Ministers
Pastor Marcus Howard, MyChurch Walk of Faith
Pastor Robert Turner, Vernon AME Church
Pastor Scott Gordon, Calvary Baptist Church
Pastor Warren Blakney, North Peoria Church of Christ
Pastor Weldon Tisdale, Friendship Missionary Baptist Church
Rev. Jamaal Dyer, Community Leader
Angela Graham, Aware Tulsa
Gerald L. Davis, The United League for Social Action
Chief Egunwale Amusan, African Ancestral Society
Senator Kevin Matthews, Oklahoma State Legislature
Representative Regina Goodwin, Oklahoma State Legislature