



# United States Department of the Interior

NATIONAL PARK SERVICE  
Golden Gate National Recreation Area  
Fort Mason, San Francisco, California 94123

IN REPLY REFER TO:

**A7221 (GOGA-CPPA)**

February 23, 2011

Arnita Bowman



**Re: FOIA Tracking # NPS-2011-00257**

Dear Ms. Bowman,

Thank you for your email clarifying your FOIA request. US Park Police does not currently have the capability of transferring data electronically as you request. The reason for this is that USPP Records Office does not operate with a paperless system. To obtain the information you seek would require manually pulling each of the 45,000+ paper records, making a copy, returning it to the file, redacting personal information, and copying again.

USPP is currently in the process of converting to an updated system with a goal of being operational by summer. At that time, it will be possible to fulfill "data dump" requests such as yours with incidents from the time the system becomes operational forward in time.

Since the data you sought in your original request is not available, we have provided below the answers to your alternate information requests:

1. List of data fields available for offenses/incident. Response: **case number, time, date, incident/offense, description of location, officer name**
2. Name of database used. Response: **ACCESS with data entry only and very limited search parameters.**
3. Hours required to query the records from the system. Response: **Electronic Query Unavailable. Estimated staff time, 300-500 hours.**
4. Name of the GGNRA incident/offense tracking system. Response: **There is no such tracking system.**

Bowman, Arnita  
February 23, 2011  
Page 2

5. List of reports and queries currently available for the system. Response: **Can only sort by the data fields listed above. Not available electronically.**
6. Estimated hours and cost for extracting the three key fields (date, location, incident): Response: **Not available electronically. See item 3, above.**
7. Cost to extract all other fields requested, if available. Response: **Not available. Incident reports and tickets are separate matters and would require separate staff and effort.**

Regarding the pet-related incident reports for FOIA #1 that you refer to, these were obtained from already existing copies of incident reports that law enforcement had previously set aside in anticipation of such a request. No special report or query was generated. These incident reports will be posted online at [www.nps.gov/goga](http://www.nps.gov/goga) in a FOIA Electronic Reading Room in the coming weeks for public review. We will notify you when these are uploaded to the website.

We referred you to Central Violations Bureau because you mentioned CVB is where you received data to compile your 2001-2006 analysis. CVB records contain only "ticketed misdemeanor offenses," and is not an accurate reflection of overall activity throughout any given jurisdiction. Therefore, if your analysis for 2001-2006 relied solely on CVB as a source of information, your conclusions may not be entirely accurate.

The Annual Summary Reports are the most accurate incident data available at this time. In accordance with your request, we are sending you the Annual Summary Reports for 2007, 2008, 2009, and 2010 at no cost to you. This represents all the documents and records we have that are responsive to your request.

Since all of your questions listed above have been addressed, and responsive records have been delivered, we consider FOIA # 2011-00257 to be closed. If you desire additional or different information, please submit a new FOIA request. If you have any questions about the information in this letter, please call me at (415) 561-4730.

Sincerely,



Howard Levitt  
FOIA Officer

Enclosure: CD Rom with Annual Summary Reports 2007, 2008, 2009, 2010

cc: Kevin Killeen  
Dee Sousa



"FOIA. APPEALS"  
<FOIA.APPEALS@sol.doi.gov  
v>  
03/30/2011 02:15 PM

To "arnitabowman@hotmail.com"  
<arnitabowman@hotmail.com>  
cc "Wilson, Charis" <Charis\_Wilson@nps.gov>, "Killeen, Kevin"  
<Kevin\_Killeen@nps.gov>, "Levitt, Howard"  
<Howard\_Levitt@nps.gov>, Skot Jonz  
bcc

Subject Decision on Your Freedom of Information Act Appeal (No.  
2011-074)

Ms. Bowman,

Attached is a copy of the Department of the Interior's decision on a February 25, 2011, Freedom of Information Act appeal that you filed concerning the National Park Service's response to your January 26, 2011, modified, FOIA request. A hard copy of the decision will follow in the mail.

If you have any questions regarding this matter, you may call me at (202) 208-5339.

Darrell R. Strayhorn  
FOIA & Privacy Act Appeals Officer  
Department of the Interior

This e-mail (including attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this e-mail to the intended recipient, you are hereby notified that any dissemination, distribution, copying, or use of this e-mail or its contents is strictly prohibited. If you received this e-mail in error, please notify the sender immediately and destroy all copies.



2011-074 FOIA Appeal Decision.pdf



# United States Department of the Interior

OFFICE OF THE SOLICITOR  
Washington, D.C. 20240



IN REPLY REFER TO:  
FOIA Appeal No. 2011-074

March 30, 2011

Arnita Bowman

Dear Ms. Bowman:

This responds to the February 25, 2011, Freedom of Information Act ("FOIA") appeal ("appeal") that you filed with the Department of the Interior ("Department"), which was received on February 28, 2011.<sup>1</sup> The Department has assigned your appeal as **Appeal Number 2011-074**. Please cite this number in any future correspondence you send to the Department regarding this appeal.

Your appeal challenges the National Park Service's ("NPS") determination that it cannot provide you with electronic records, as you requested, that are responsive to your January 26, 2011, FOIA request, which you subsequently modified<sup>2</sup> to seek a "data dump of the existing records" contained in an NPS database that contains information regarding "[a]ll alleged or actual violations and injuries in the [Golden Gate National Recreation Area ("GGNRA")] and Presidio [of San Francisco, GGNRA, NPS]."

In its February 23, 2011, letter responding to the FOIA request, the NPS advised you that the United States Park Police, who maintains the database, does not currently have the capability to transfer the data to you electronically and that it would need to "manually pull[...] 45,000+ paper records" to "obtain the information you seek." Additionally, to assist you in understanding the capabilities of its system, the NPS advised you that it was a Microsoft Access database "with data entry only and very limited search parameters." To challenge the NPS's determination, in the appeal you assert that in Microsoft Access databases "the data can be queried and exported into an electronic file easily... This does not require any programming or highly technical skills nor manual effort..."

The Department has learned through its discussions with the NPS regarding your appeal that its database suffered a malfunction several years ago when the version of Microsoft Access that it used was upgraded to a newer version. The NPS advised that due to this malfunction its

<sup>1</sup> See 43 C.F.R. § 2.29(e) (provision in the Department's FOIA regulations that notes "Appeals arriving or delivered after 5 p.m. E.T., Monday through Friday, will be deemed received on the next workday."). Your e-mailed appeal to the Department arrived in the FOIA Appeals Office's e-mail inbox on Friday, February 25, 2011, at 5:55 PM. Therefore, the appeal is deemed as received on the next workday.

<sup>2</sup> See Your February 11, 2011, e-mail message to Skot Jonz, GGNRA, NPS, and your appeal.

personnel who work with the database were unable to export data to other programs and they did not have the technical expertise required to repair the problem. These facts lead the Department to conclude that the NPS appropriately advised you that it was unable to provide the requested "data dump" of information from its database to you electronically. Thus, your appeal challenging the appropriateness of the NPS's response to you on this issue is **DENIED**.

Notwithstanding the above conclusion, subsequent to the filing of the appeal, the NPS advised that its personnel continued to work on its database to try to develop a solution that would enable it to extract the information you requested from its database so that it could provide the materials to you electronically.<sup>3</sup> The NPS has now advised the Department that its staff was able to develop such a solution.<sup>4</sup> Since the NPS is now able to extract data from its database and provide it to you electronically, by copy of this letter, the Department is remanding the appeal to the NPS for it to proceed with the processing of the FOIA request. The NPS is directed to complete its processing of this remand within 15 workdays from the date of this decision. The NPS will correspond directly with you, with a copy of its letter to this Office.

Please be aware that due to the voluminous nature of the records you requested and the need for the NPS to review each record prior to release to ensure that they do not contain any information that is protected from disclosure by one of the FOIA's nine exemptions,<sup>5, 6</sup> it may be necessary for the NPS to stagger its release of the materials to you as they become available. Employing such a practice of staggering the release of voluminous responsive documents fully comports with the requirement in the FOIA for agencies to "make [] records promptly available" to a requester.<sup>7</sup> **Should the NPS determine that it is necessary for it to stagger the release of the records, the NPS will advise you of this fact in the correspondence that it sends to you regarding the remand. Any such correspondence from the NPS will also include the anticipated schedule it plans to follow in releasing the materials to you.**

---

<sup>3</sup> The fact that the NPS was later able to develop a workaround solution to extract data from the database does not alter the fact that at the time the NPS responded to you, it was unable to provide you with the information you requested electronically.

<sup>4</sup> The fact that the NPS continued to explore a means in which it could provide you with the information you seek from the database even after it completed its response to your FOIA request satisfies the Department that your assertion in the appeal that the NPS was "obstructing [your] ability to analyze and provide the information to the public in a timely manner" is without merit.

<sup>5</sup> See 5 U.S.C. § 552(b)(1)-(9).

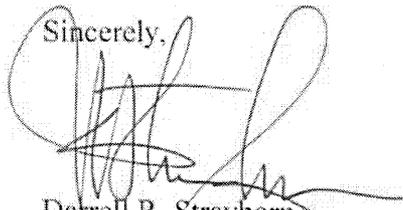
<sup>6</sup> One of the fields of data that you seek from the database is the "location description" where the incident or offense occurred. The NPS has advised that this data field could include an individual's home address. Such information, if it exists, could be protected from disclosure by one or more FOIA exemptions, such as FOIA exemptions (6) (which protects certain information that "would cause a clearly unwarranted invasion of personal privacy") and (7)(C) (which protects certain information in law enforcement files that "could reasonably be expected to constitute an unwarranted invasion of personal privacy"). 5 U.S.C. § 552(b)(6) and (7)(C).

<sup>7</sup> 5 U.S.C. § 552(a)(3)(A).

As a final matter, you express your concern in the appeal that you will not have the requested information "in time to provide the public with information for providing a fully informed response" to a Draft Plan/Draft Environmental Impact Statement for Dog Management ("DEIS") at GGNRA. You state that you believe "the delays by the NPS should be grounds for extending the DEIS public response period." Your concern here falls outside of the scope of the provisions of the FOIA and, thus, outside of the authority that this Office has to assist you. As such, there is no action for the Department to take on this issue.

This completes the Department's response to your appeal. If you have any questions regarding this matter, you may call me at (202) 208-5339.

Sincerely,

A handwritten signature in black ink, appearing to read 'Darrell R. Strayhorn', written over a circular stamp or seal.

Darrell R. Strayhorn  
FOIA Appeals Officer  
Department of the Interior

cc: Charis Wilson, FOIA Officer, NPS (**FOR ACTION**)  
Kevin Killeen, Pacific West Regional FOIA Officer, NPS  
Howard Levitt, GGNRA FOIA Officer, NPS  
Alexandra Mallus, Departmental FOIA Officer

Howard Levitt/GOGA/NPS  
04/01/2011 06:04 PM

To arnitabowman@hotmail.com  
cc Skot Jonz/GOGA/NPS@NPS, Kevin  
Killeen/Seattle/NPS@NPS  
bcc  
Subject Re FOIA NPS-2022-00257 and Appeal No. 2011-074 

Ms Bowman:

Attached is an Excel file listing all law enforcement incidents in the park from 2007-2010. Residential street addresses or other addresses that may compromise personal privacy have been redacted.

The information is being provided in its entirety, with the following fields:

Case Number  
Date  
Time of Day  
Day of Week  
Incident/Offense  
Description of Location  
Officer Name  
And Code 1 - Y or N

A "No" indicates that the case was unfounded or no report was filed.

We believe that this completes our response to FOIA 2011-00257 and Appeal No. 2011-074.

Sincerely,

Howard Levitt  
FOIA Officer

Howard Levitt  
Director of Communications and Partnerships  
Golden Gate National Recreation Area  
Building 201, Fort Mason  
San Francisco, California 94123  
phone: 415 561-4730  
fax: 415 561-4710  
mobile: 415 725-8589

-----  
Experience Your America  
Skot Jonz



ALL LE & USPP INCIDENTS GGNRA 2007-2010.xlsx