



October 11, 2018

CORA / Communications Team
Denver Public Schools
Emily Griffith Campus
1860 Lincoln St., Room 806
Denver, CO 80203

Custodian of Public Records:

Muslim Advocates submits this letter to Denver Public Schools (“DPS”) under the Colorado Open Records Act (“CORA”), Colo. Rev. Stat. § 24-72-201 *et seq.* Muslim Advocates seeks records pertaining to DPS’ role in developing and implementing the Denver Police Department’s (“DPD”) efforts directed at Countering Violent Extremism (“CVE”).

We seek a fee waiver for this request pursuant to Colo. Rev. Stat. § 24-72-205(4). Please also refer the requests contained in this letter to any other agency or component agency as appropriate.

I. Background

Muslim Advocates seeks records¹ pertaining to DPS’ involvement with DPD’s efforts directed at Countering Violent Extremism (“CVE”).

This request concerns the CVE grant of \$481,313 awarded to DPD by the Department of Homeland Security (“DHS”) in January 2017.² The grant, awarded as part of the DHS FY 2016 Countering Violent Extremism Grant Program, aims to address populations DPD deems “at-risk,” including Muslim and minority communities, through “officer training, school-based mentoring,

¹ The terms “records” is intended in the broadest possible sense and includes without limitation all records or communications preserved in electronic or written form, including but not limited to correspondence, regulations, directives, documents, data, videotapes, audiotapes, e-mails, faxes, files, guidance, guidelines, standards, evaluations, instructions, analyses, legal and policy memoranda, minutes or notes of meetings and phone calls, memoranda, agreements, notes, orders, policies, procedures, protocols, reports, rules, manuals, technical specifications, text communications between phones or other electronic devices (including, but not limited to, communications sent via SMS or other text, Blackberry Messenger, iMessage, WhatsApp, Signal, Gchat, or Twitter direct message), training materials or studies, including records kept in written form, or electronic format on computers and/or other electronic storage devices, electronic communications and/or videotapes, as well as any reproductions thereof that differ in any way from any other reproduction, such as copies containing marginal notations. No category of material should be omitted from search, collection, and production.

² FY 2016 Countering Violent Extremism Grants Funding Opportunity Number: DHS-16-OCP-132-00-01, Denver Police Department Application EMW-2016-CA-APP-00381, available at <https://www.dhs.gov/sites/default/files/publications/EMW-2016-CA-APP-00381%20Full%20Application.pdf>; Noelle Philips, *Denver police land \$240K grant to counter violent extremism*, THE DENVER POST (Jan. 13, 2017, 2:42 PM), <https://www.denverpost.com/2017/01/13/denver-police-240k-grant-violent-extremism/>.

and refugee/immigrant outreach.”³ In its grant application, DPD states that it plans to provide in-school programming on community-oriented policing and CVE-specific intervention to students within the DPS system.⁴ DPD further states that it plans to utilize the existing relationship between Goodwill Industries and DPS to recruit, design, and integrate the mentoring program within DPS middle and high schools.⁵ The application outlines DPD’s plan to implement programming at five DPS middle schools in year one and five DPS high schools in year two with one half-day per week of programming at each DPS partner school.⁶

II. Description of Records

Muslim Advocates requests the following records:

1. Procedures, policies, guidelines, or memoranda regarding the development of a CVE program in conjunction with DPD;
2. Records or communications involving DPD and DPS discussing the development and implementation of a mentoring program in Denver public schools in furtherance of the DHS CVE grant;
3. Records concerning any events, meetings, conferences, briefings, workshops, and/or trainings on CVE attended or provided by DPS personnel;
4. Records concerning any programs, reports, documents, meetings, briefings, conferences, workshops and trainings stemming from a collaboration between DPD, DPS, and/or Goodwill Industries on a mentoring program designed for middle and high school students “at-risk” for “radicalization”, including program implementation, outreach, and recruitment within schools;
5. Records and communications involving DPS personnel concerning CVE-related mentor recruitment and programming support, including recruitment by and through the Men@Work and Women in Leadership programs;
6. Records of any policies, guidelines, metrics, standards, or procedures used by DPD or DPS to determine middle and high schools and students targeted for CVE-related mentoring, including metrics involving racial and ethnic demographic information, ESL rates, and socioeconomic data;
7. Non-identifying data regarding the race and religion of DPS students referred for in-school CVE programming, including mentoring, workshops, and trainings;
8. The names of the DPS schools in which CVE programming will be or has been implemented; and

³ FY 2016 Grant, *supra* note 2 at 2.

⁴ *Id.* at 4.

⁵ *Id.* at 3-4.

⁶ *Id.* at 4-5.

9. Records describing the processing of this request, including but not limited to records sufficient to identify the search terms used and the search queries conducted; records sufficient to identify the locations and custodians searched; any tracking sheets used to track the processing of this request; and any questionnaires or certifications completed by individual custodians or components used to determine whether they possess responsive materials or to describe how they conducted searches.

III. Description of Processing

The Requestor seeks disclosure of the following records that were prepared, received, transmitted, collected and/or maintained by the Recipients and any other agency components thereof.

Please search all records regarding agency business. Please do perform custodian-driven searches but do not rely solely on custodian-driven searches; the Department may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts. Please do not exclude searches of files or emails in the personal custody of department officials, such as personal email accounts. Please use the most up-to-date technologies to search for responsive information and take steps to ensure that the most complete repositories of information are searched. Muslim Advocates is available to work with you to craft appropriate search terms, if necessary.

Please produce records in electronic form. Where possible, please provide responsive material in electronic format by email to nimra@muslimadvocates.org. Please furnish any responsive material being sent by mail to:

Muslim Advocates
P.O. Box 34440
Washington, D.C. 20043

Please produce electronic records in their native format. With respect to the form of production, Muslim Advocates requests that responsive electronic records be provided electronically in their native file format, if possible. In particular, please produce electronic files in a format that contains the original metadata of the files.⁷ If the records cannot be produced in their native format, please (1) provide an explanation why the records cannot be so produced; and (2) please produce records electronically in a text-searchable, static-image format (PDF), in the best image quality in the agency's possession.

Please produce documents as they become available. Muslim Advocates would prefer a rolling production. We would be happy to discuss a search priority and schedule for production.

⁷ As a non-exhaustive list of examples: Microsoft Excel spreadsheets are to be produced as files that open in Excel, with all original data and formulas intact; Microsoft Word documents are to be produced in the same file format they are stored in, such that they contain all tracked changes and comments present in the documents; and emails are to be produced with all metadata fields intact, including but not limited to the date and time the email was sent, the full names and email addresses of all recipients, any data contained in the bcc: field, and all attachments.

If you withhold records or parts of records, please provide the justification for the withholding. If it is your position that any portion of the requested records is exempt from disclosure, please provide an index of those records.

If you withhold portions of a record, please produce all segregable portions. CORA does not exempt from inspection records that contain both exempt and nonexempt information, nor does it prohibit inspection of public information in a record otherwise subject to inspection merely because the record also contains exempt information. Colo. Rev. Stat. § 24-72-201 *et seq.* Should some portions of the requested records be properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

V. Application for Waiver or Limitation of Fees

Muslim Advocates is a non-profit civil rights and advocacy organization; it focuses on issues of particular relevance to the American Muslim community.⁸ We request a waiver of fees for document search, review, and duplication on the grounds that disclosure of the requested records is in the public interest and because such fees may be reduced or waived by the custodian if they are to be used for a public purpose, including nonprofit activities and journalism. Colo. Rev. Stat. § 24-72-205(4).

These records will shed light on current government practices. The stated goals of the grant include designing programs to instruct hundreds of police officers on preventing and combating violent extremism as well as programs where police officers mentor students designated troubled or at-risk within Denver Public Schools with special reference to refugee populations.⁹ The grant application also includes a community outreach component targeted at immigrant populations throughout the city.

Funding for CVE programs is particularly controversial because it prejudicially targets Muslim communities, casting them under suspicion and labeling them as inherently susceptible to terrorism – even as numerous crime statistics and surveys indicates that American Muslims have no greater predilection for violence than any other American religious group.¹⁰ Muslim Advocates serves these communities through legal advocacy and educational outreach and it is imperative we understand how CVE-related funding is dedicated in each city with a program.

⁸ *About*, MUSLIM ADVOCATES, <https://www.muslimadvocates.org/about/>.

⁹ FY 2016 Grant, *supra* note 2 at 4.

¹⁰ *See, e.g., Group Efforts Aimed at 'Countering Violent Extremism' Spread*, DENVER POST (Jul 5, 2016), <https://www.denverpost.com/2016/07/05/group-efforts-aimed-at-countering-violent-extremism-spread/>; Julia Edwards Ainsley, Dustin Volz, & Kristina Cooke, *Exclusive: Trump to Focus Counter-Extremism Program Solely on Islam – Sources*, REUTERS (Feb. 1, 2017), <https://www.reuters.com/article/us-usa-trump-extremists-program-exclusiv-idUSKBN15G5VO>.

Further, the information in these documents has the potential to either reveal or confirm the absence of government misconduct, which is inherently in the public interest. *See Electrical Workers v. Denver Metropolitan Major League Baseball Stadium District*, 880 P.2d 160 (Colo. App. 1994) (“[B]y providing access to public records, the workings of government are not unduly shielded from the public eye.”). News accounts¹¹ underscore the substantial public interest in the records sought through this request. Given the ongoing and widespread media attention and the heavy impact CVE programs have on targeted communities, the records sought will significantly contribute to public understanding of an issue of profound public importance.

The Requestor is not filing this Request to further its commercial interest. Requestor Muslim Advocates is a 501(c)(3) non-profit organization. Any information disclosed by the Requestor as a result of this CORA request will be made available to the public at no cost through a combination of outreach to media outlets and the Requestor’s website (available at www.muslimadvocates.org).

Because these factors weigh in favor of a fee waiver, fees associated with responding to CORA requests should be waived for Muslim Advocates due to their intended use toward nonprofit activities and journalism.

VI. Response Requested in Three Business Days

Your attention to this request is appreciated, and we anticipate your determination of our request within three (3) business days, unless extenuating circumstances exist, in which case the custodian may take up to seven (7) business days to copy the records or make them available for inspection pursuant to Colo. Rev. Stat. § 24-72-203(3)(b). To the extent that our request encompasses records, whether responsive or potentially responsive, that have been destroyed, our request should be interpreted to include, but is not limited to, any and all records relating or referring to the destruction of those records.

If the request is denied in whole or in part, we ask that you justify all withholdings by reference to specific exemptions to the CORA. We expect the release of all segregable portions of otherwise exempt material. If you deny the request for waiver, please notify us before compiling records for which the copying charge will exceed \$50.00 so that we can discuss narrowing the request to cover only the information we seek. We reserve the right to appeal a decision to withhold any information or to deny a waiver of fees.

With respect to the form of production, we request that responsive electronic records be provided electronically in their native file format, if possible. Alternatively, we request that the records be provided electronically in a text-searchable, static-image format (e.g., PDF), in the best image quality in the agency’s possession, if possible.

¹¹ See, e.g., Elizabeth Hernandez, *Denver Police Department Uses \$240K Grant to Battle Violent Extremism*, DENVER POST (Jun. 7, 2018), <https://www.denverpost.com/2018/06/07/denver-police-grant-violent-extremism/>; Waqas Mirza, *Denver’s Counterterrorism Program Sets Sights on Black Lives Matter, LGBTQ Groups, and Refugees*, MUCKROCK (Mar. 9, 2017), <https://www.muckrock.com/news/archives/2017/mar/09/denvers-counterterrorism-BLM/>.

VII. Conclusion

Thank you for your prompt attention to this matter. We would welcome the chance to discuss this matter with you. If you would like to discuss any part of this Request, please contact Nimra Azmi at nimra@muslimadvocates.org.

Very truly yours,

Nimra H. Azmi
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(202) 897-2564
nimra@muslimadvocates.org