

Government Transparency and Data: FOIA Evidence from Law Enforcement Agencies

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Abstract: Government transparency is the center of vast media coverage and legal debates. Freedom of Information laws facilitate this transparency at both the state and federal level. However, few researchers conduct systemic analysis of Freedom of Information Act (FOIA) responsiveness, even as some claim responsiveness exhibits various biases. As part of an ongoing research project, we filed FOIA requests to Michigan law enforcement agencies and measured response behavior by tracking the wait time for each response, requested fees, type of initial response, and requests for clarification. Contrary to the requirements of the law, many agencies did not reply to our request. The most common initial responses were extension requests and full responses. Our findings suggest that there is no association between any agency characteristic and its behavior in response to records requests. In short, we find no evidence that using FOIA requests for data collection from law enforcement will lead to bias.

Introduction

Open records requests, often utilized by journalists and members of the public, lie behind the scenes of many historically significant American political exposés. To counter corruption through transparency in government, open records laws exist to

provide public access to government information.¹ When President Lyndon Johnson signed the Freedom of Information Act in 1966, the intent of this law was to empower the public to be informed about government affairs. The responsiveness of government agencies to these requests has

¹
<https://search.proquest.com/docview/216751261?pq-origsite=gscholar>

<https://www.chicagotribune.com/coronavirus/ct-coronavirus-chicago-lori-lightfoot-foia-requests-20200408-wnwzxwyqkbalberk3lk6yeol3y-story.html>

long been the subject of debate. Shortly after the Act's enactment, political activist Ralph Nader facilitated a study to file information requests to federal agencies to test the effectiveness of the law. Nader shared that government officials at all agency levels violated the purpose and provisions of the Act with delays and favoritism [32]. Since then, numerous reforms and amendments² to open records laws have been catalyzed by responsiveness concerns.

As one of the few studies that systematically tracks FOIA request responses, Egilman et al. (2019) tracked requests to the Department of Health and Human Services (HHS) agencies from 2008 to 2017. They summarize the size of FOIA backlogs and provide percentages of types of FOIA responses. A report released by the U.S. Government Accountability Office (U.S. GAO) in March 2020 found that requests received by agencies under FOIA increased by about 30 percent from 2012 to 2018. Processed requests increased by 25 percent to above 800,000, increasing the backlog of requests by more than 80 percent since 2012.³ Processing these requests equated to 5,000 government-wide positions as well as "\$510 million spent on processing and another \$41 million on FOIA-related litigation."⁴ Instances like these justify the need for more research about the execution of this law.

We report findings from a study of open records requests in the state of Michigan. This study tracks how characteristics of an agency affect its behavior in responding to a FOIA request and

evaluates the effectiveness of FOIA not only as a tool for government transparency but also a reliable tool for data collection. We assess the influence of agency characteristics such as agency size, jurisdiction size, inventory size, and local political ideology on request outcomes. These characteristics describe systemic differences among agencies that do not often change quickly over time; specifically, these variables describe the bureaucratic organization and environment in which a law enforcement office is found. Our results show that agency characteristics do not influence wait time for a response to a FOIA request, charged fees, whether there was confusion and clarification needed about the request, or if requested records were provided.

Our findings indicate that the process to obtain information from agencies results in a generalizable data sample, so policymaking, especially concerning law enforcement, can be informed by local-level data collection with the use of open records requests. Research collaboration with local agencies is key to evidence-based policymaking [24]. Law enforcement transparency is pertinent to policy research on police brutality and killings [36], racial bias [2], and militarized local policing [26; 29]. These subjects are currently undergoing intense study due to public and political attention; FOIA can help researchers collect local-level data to address these issues.

This study is part of an ongoing project to construct an accurate record of military surplus equipment distributed to Michigan

² Open record laws initially contained less provisions. The Electronic Freedom of Information Act Amendments of 1996 expanded request procedures to cover online formats. The FOIA Improvement Act of 2016 formed the Chief FOIA Officers Council which now works with the FOIA Advisory Committee created in 2014. It also established today's common procedure

regarding appeals, reinforced the foreseeable harm standard, and created plans to release requested information to the public domain among other transparency procedures.

³ <https://www.gao.gov/assets/710/705284.pdf>

⁴ <https://www.fedweek.com/federal-managers-daily-report/foia-requests-backlog-continue-to-grow/amp/>

law enforcement agencies by the Department of Defense's 1033 program. The federal government transfers excess military equipment to state, local, and tribal law enforcement agencies through this program.⁵ Therefore, our FOIA requests were for documentation of participation in this program and were sent to civilian law enforcement agencies (LEA) who participated.⁶ As of May 2018, \$6 billion worth of excess military arms were transferred to law enforcement agencies.⁷ The Defense Logistics Agency (DLA) did not begin publishing annual records of item distribution through the 1033 program until 2014, when media coverage inspired a rapid growth of inquiries about the program.⁸ Because records were not released prior, there currently is no complete record of military items distributed to police departments in the U.S. since 1997. The collected data offers new insight into military equipment distributed to Michigan law enforcement from 1997 to 2020.

⁵ "1033 Program FAQs." 1033 Program FAQs, www.dla.mil/DispositionServices/Offers/Reutilization/LawEnforcement/ProgramFAQs.aspx.

⁶ We did not follow through with requests to Tribal Police Departments because they are not subject to FOIA law. State and federal agencies were excluded. A list of participants of the 1033 program was obtained through records released by the Defense Logistics Agency.

⁷ McCarthy, Niall. "How Much Is The Military Equipment Transferred To Law Enforcement Worth? [Infographic]." *Forbes*, *Forbes Magazine*, 29 May 2018, www.forbes.com/sites/niallmccarthy/2018/05/29/how-much-is-the-military-equipment-transferred-to-law-enforcement-worth-infographic/#5fb43f1f3718.

⁸ <https://www.dla.mil/AboutDLA/News/NewsArticleView/Article/998344/shedding-light/>

Government Transparency in Michigan

In this study, we focus on Michigan's FOIA process. Slight differences in state versus federal FOIA include treatment of financial confidentiality. Federal agencies are not required to disclose privileged or confidential financial information while state agencies are more flexible.⁹ Agencies can charge fees for "labor, the cost of search, examination, review, and the deletion and separation of exempt from nonexempt information."¹⁰ Fees procedures, response times, and extension guidelines vary both among federal agencies and among local and state agencies. Fee waivers can be provided in at least two cases: the request primarily benefits the general public, or the requestor demonstrates their inability to pay.¹¹

Problems detected at the federal level concerning open records laws can be observed in Michigan. In a 2015 assessment from the nonpartisan Center for Public Integrity, Michigan earned an "F" in government transparency.¹² Although a FOIA request in the state of Michigan must be fulfilled within five business days, governments may request extensions and charge fees for providing records.^{13 14}

⁹ <https://www.fosterswift.com/communications-michigan-state-and-federal-FOIA.html>

¹⁰ [http://www.legislature.mi.gov/\(S\(it45iwupswnz0zpm5qkhjkfn\)\)/mileg.aspx?page=GetObject&objectname=mcl-15-234#:~:text=\(1\)%20A%20public%20body%20may,d%20in%20subsection%20\(4\).](http://www.legislature.mi.gov/(S(it45iwupswnz0zpm5qkhjkfn))/mileg.aspx?page=GetObject&objectname=mcl-15-234#:~:text=(1)%20A%20public%20body%20may,d%20in%20subsection%20(4).)

¹¹ <https://www.rcfp.org/open-government-guide/michigan/#d-fee-provisions>

¹² <https://publicintegrity.org/politics/state-politics/state-integrity-investigation/michigan-gets-f-grade-in-2015-state-integrity-investigation/>

¹³ <https://www.freep.com/story/news/local/michigan/2020/04/06/whitmer-foia-freedom-information-law-coronavirus/2952905001/>

¹⁴ Guillen, Joe. "Michigan FOIA Proposal Would Eliminate Fees, Reduce Wait Times for Public

Michigan State Representative LaTanya Garrett (D-Detroit) pushed forward a proposal to eliminate all fees from the FOIA process, suggesting that this would also reduce wait times for FOIA requests.¹⁵ However, there is a lack of evidence and literature supporting a relationship between fees and wait times in the FOIA process. Our research attempts to offer insight into this debate by investigating the relationship between tangible factors and FOIA responsiveness and to understand what factors contribute to the responses that we receive from our FOIA requests.

Related Work

A vast amount of literature is dedicated to public records laws and the Freedom of Information Act itself. Social scientists and legal scholars have justified the need for this reform through legal mediation of request disputes [35; 38], the implementation of new technological infrastructure [8; 20; 25; 28], and various other policy changes such as funding and new bureaucratic protocol [5; 11; 15; 37]. Enforcement strategies take the center of these discussions. Cordis et. al (2014) demonstrate the pertinence of enforcement, as they find evidence that enforcement of FOIA laws improve corruption rates at the state and local level.

Some studies track FOIA responsiveness across multiple states. Wagner (2021) conducted a public records audit across nine states, finding less FOIA compliance in the U.S. Central South. In each state, three different requests were sent to a

variety of county government agencies that operate at the state and local level. Higher Republican representation and percentage of white population significantly impacted outcomes. Wood et. al (2021) conducted a public records audit at the federal level. They assess politicization's role in responsiveness by sending 132 federal agencies two FOIA requests, one of which is almost identical to a request filed by Rep. Darrell Issa (R-CA) a few months before the study. We find evidence of a relationship between politicization and response behavior, as responses to the representative were faster than to the requests filed for the study.

Some descriptive research observes FOIA use in journalism (e.g., Nader 1970; Lefkowitz 1975; Feinberg 2004; McCraw 2016; Kwoka 2016; Egilman et al. 2019; Tumber and Waisbord 2019). Other studies explore the civil perspective on records access. As the public's access to data and information changes through the growth of online platforms, so does public preference regarding government transparency. Cullier leads several studies that assess public opinion of information access in different contexts such as personal political affiliation, personality traits, and regular online access (9; 14; 16; 17; 18).

Few studies within this body of literature investigate a causal relationship between variables and potential outcomes of an information request. Cullier (2010) treats the language of requests as the relevant variable in the outcome of responses and finds that letters written with threatening

Records." Detroit Free Press, Detroit Free Press, 20 Dec. 2019, www.freep.com/story/news/local/michigan/2019/12/20/michigan-freedom-information-act-would-overhauled-under-new-bill/4401972002/.

¹⁵ Guillen, Joe. "Michigan FOIA Proposal Would Eliminate Fees, Reduce Wait Times for Public

Records." Detroit Free Press, Detroit Free Press, 20 Dec. 2019, www.freep.com/story/news/local/michigan/2019/12/20/michigan-freedom-information-act-would-overhauled-under-new-bill/4401972002/.

language yield higher response rates. We use this insight to produce a standard letter template for each request, eliminating the letter itself as a determinant of response. This allows us to specifically measure government transparency using characteristics of an agency as the determining factor in the outcome of a FOIA request. Clifton-Sprigg et al. (2020) takes this approach to seek records from U.K. higher education institutions and police departments and finds no indicators of responsiveness, which produces a representative sample of agencies for research purposes. Goerger et al. (2019) contacted local law enforcement agencies with research collaboration requests and similarly found that agency characteristics (jurisdiction demographics, local partisanship, department personnel, and agency performance) did not impact an agency's willingness to discuss research collaborations. Both studies suggest that researchers can obtain generalizable data from public agencies at the municipal level. In the context of issues such as policing reform that currently take center stage of the political agenda, generalizable data is key to evidence-based policymaking.

To select relevant agency characteristics in our study, we utilize existing literature on political party affiliation with legal compliance (22; 39) and common efficiency characteristics such as staff size. While social science and legal scholarship has explored various aspects of the Freedom of Information Act since its inception in 1967, to our knowledge this is the first study to empirically assess if variation in state-level

¹⁶ Controlled equipment is subject to inspections and periodic inspections while ownership is retained by the Department of Defense.

FOIA compliance among law enforcement is due to systemic differences among agencies.

Data Collection: Extension Requests or Full Response

Using quarterly record releases from the DLA, we compiled an initial list of 340 law enforcement agencies that have participated in the 1033 program in the State of Michigan. The study's scope was limited to one state to pilot the data collection process and assess its viability for expansion into all states. Because the study is conducted at a public university in the state, it also minimizes the administrative burden of phone and email traffic, time necessary to process requested records into analyzable data formats, and standardization of request letters. We used a single email address to send identical requests (see Appendix). In addition, because we have accurate records after 2014 from the DLA, we can estimate an inventory size of 1033 records. The request asked each department for records of "controlled" equipment¹⁶ obtained from the Law Enforcement Support Office (LESO) of the DLA under the 1033 Program and any equipment purchased with anti-terrorism/preparedness grants from the Department of Homeland Security (DHS).

Requests were sent in three forms: mail, email, or an online FOIA portal prepared by the agency itself. Email addresses were obtained by soliciting the emails of FOIA coordinators online or by calling each department. Otherwise, the request was sent to the most appropriate addressee in the department. This was often the police chief or an office secretary. For departments for which the team could not obtain information such as a mailing address

https://www.rand.org/content/dam/rand/pubs/research_reports/RR2400/RR2464/RAND_RR2464.pdf

or email address, a request was not sent. If a request was sent to an invalid email, a follow-up request was sent if alternative contact information could be found. Of the total 340 local law enforcement agencies on our initial list, 71 agencies were omitted (see Table 1 for more detailed omission criteria). Omitting these agencies allows us to focus on local compliance and create a sample of agencies categorized by comparable characteristics (e.g., district-level voting history).

Figure 1 plots the geographic distributions of participating law enforcement agencies in the 1033 program. It suggests that most LEAs in the state have received items from the program, and LEAs included in this study evidently come from a variety of population densities. Omitted LEAs such as statewide and tribal agencies are dispersed among included LEAs.

We began sending FOIA requests and tracking responses in October 2019. We categorized initial and second responses as follows:

- “FOIA acknowledgment” was when an agency indicated that it has received the FOIA request and will begin processing the request or response is redirecting the request to a different employee or email address.
- “no records responsive” was recorded when an agency responded to the FOIA request indicating they are in possession of no records or information relevant to what is outlined in the request.
- “out of the office” was recorded when response was out-of-office notification.

- “extension request” was recorded when an agency responded informing us that processing the FOIA request will take more than 5 business days.

- “partially responsive” was recorded when an agency either 1) provided some of the relevant information outlined in the FOIA request and is withholding some amount of information or 2) agency gathered all of the relevant information outlined in the FOIA request but is withholding it to receive a payment or any other reason.

- “fully responsive” was recorded when an agency provided records of every item they have received, when they received it, and when it was “closed,” or they got rid of it. Alternatively, they have provided annual inventories of what they have on hand, so that this information can be deduced.

The final date of the study was considered March 9, 2020, as Michigan Gov. Gretchen Whitmer issued a State of Emergency on March 10 due to COVID-19 developments. We were informed by multiple agencies that COVID-19 procedures such as social distancing would interfere with their ability to respond to the request. On April 5, an executive order suspended parts of Michigan’s FOIA law.¹⁷ Under this order, officials would be allowed more time to respond to requests “as long as the public body deems necessary.” Continuing the study would yield results that are not representative of ordinary agency behavior.

Responses came in the form of email or mail. Initial and subsequent response types (Table 2) and dates were recorded for each department. We then collected data on

¹⁷<https://www.freep.com/story/news/local/michigan/2020/04/06/whitmer-foia-freedom-information-law-coronavirus/2952905001/>

the jurisdiction size of each department, number of sworn officers, number of civilian officers, total number of officers, fees, whether the department sought clarification about the request through email or phone call and voting outcomes of the 2016 presidential election¹⁸ of the township or city in which the department is located.

Fee requests came in the form of email or mail, and corresponding fees were paid with check through mail. Response time was recorded as the days between initial response date and the date the request was sent. All agencies that did not receive a request by March 9, 2020, were excluded.¹⁹ The clarification variable was recorded as dichotomous; it indicates if an agency asked for further instructions before fulfilling the FOIA request. These clarification requests often came in the form of emails or phone calls.

Determinants of Responsiveness

1. Ideology/Partisanship Vote

The Democratic vote variable indicates the proportion of Democratic votes given in the local population (precinct) in the 2016 presidential election.²⁰ Police departments have strong organizational cultures that influence employee political views [33], but literature differs on partisan influence on local law enforcement. Farris et al. (2017) find that sheriffs' ideology and personal characteristics influence local decisions of immigration enforcement while Thompson, D. M. (2020) finds that political

influences do not result in different law enforcement behaviors among sheriffs in the context of immigration enforcement. If a relationship were to be found between responsiveness and jurisdictional political ideology, then there would be a violation of the apolitical intent of the FOIA law.

2. Jurisdiction Size and Officers

Among the independent variables, the jurisdiction size variable measures the population that each respective police department presides over.²¹ We include jurisdiction size because it also represents the agency's bureaucratic capability. The officers variable is a count of how many sworn and civilian officers there are in each police department.²² We include this variable to gauge capability in processing records.

3. Inventory Size

The DLA has been releasing data on agencies that receive equipment from the 1033 Program since 2014.²³ We used this data to predict the number of records held by each department that was relevant to our request. This variable is the number of items in a department's active inventory averaged over 20 quarters. We include inventory size because it is our best estimate of how many records the agencies will have to produce. We used that estimate to assess whether the amount of relevant records influences response behavior.

Findings

¹⁸ http://miboecfr.nictusa.com/cgi-bin/cfr/precinct_srch.cgi

<https://www.mcgi.state.mi.us/districtlocator/>

¹⁹ 25 agencies have responded since March 9, 2020.

²⁰ https://miboecfr.nictusa.com/cgi-bin/cfr/precinct_srch.cgi

²¹ https://www.census.gov/glossary/#term_PopulationEstimates

<https://www.policeone.com/>

²² <https://ucr.fbi.gov/crime-in-the-u.s/2016/crime-in-the-u.s.-2016/topic-pages/police-employees>
Some agency officer counts were obtained by contacting agencies through email.

²³ <https://www.dla.mil/DispositionServices/Offers/Reuse/Utilization/LawEnforcement/PublicInformation/>

Out of 269 agencies that we sent a request to, 239 responded. A significant outcome was that the most common agency behavior was an extension request as the initial response. Notably, the second most common initial outcome was a full response (Figure 2). If a LEA did not initially provide the requested records, the most common second type of communication was a full response. An example of this would be an extension request preceding a partial response.

Other common initial responses were partial responses or some lack of response (no response to request, void email addresses, or out-of-office messages). Of those that responded, only 10 requested fees, some as high as \$2,409.16 requested by the Michigan State Police and others as low as \$4.47 requested by Burton Police Department. The distribution and necessary statistics of each independent variable are listed in Table 3.

As suggested by Table 3, the vote proportions, total number of officers, jurisdiction sizes and the total amount of inventory is highly skewed, so in the regressions discussed below, we will mainly use the model with independent variables: Log total number of officers, Log jurisdiction size, Log total amount of inventory, Log Democratic Vote. Log transformations reduce the influence of outlier observations, which makes our regressions and models (Figure 3) more appropriate and much more accurate. The regression results with the independent variables which were not logged are shown in Figure 5.

The regressions in Figure 3 tested whether the local political ideology, size of an agency, the jurisdiction size of an agency, and the size of their inventories were associated with the amount of fees charged, the number

of days it took to respond, whether a fee was charged, whether clarifying questions were asked, and whether a full response was given. In Figure 3, an OLS model used the fee amount (in dollars) each agency requested in their reply; hereafter this variable will be referred to as “Fee.” The figure also reports the results of a linear regression where the dependent variable is the number of days until the initial response if the agency responded, hereafter denoted as “Response Time”. The model also tested a logistic regression on the dummy variable indicating whether the LEA asked for a fee after we sent a request asking for the relevant information, hereafter named as “Charged Fee.” The dependent variable we used for clarification is a dummy variable indicating whether an exact agency asked for our clarification on why we are requesting this information and for what we are using these data, and thus logistic regression is used; hereafter this variable will be named as “Clarification.” Lastly, Figure 3 shows the results of a logistic regression in which the dependent variable indicates whether an agency responded with accurate information; hereafter named as “Full Response.”

Our results communicate several things. Notably, the models indicate relationships that are not statistically distinguishable (by convention) from zero. This likely means there are too many idiosyncratic factors that are a part of the FOIA process, leaving uncertainty to what influences debated aspects of FOIA such as wait time and fees.

Discussion: FOIA for Transparency and Data Collection

Based on our sample, the most common agency behavior to FOIA is an extension request to ask for more time to locate records. When we followed up with

departments that did not provide a full or partial response in their first communication to us, extension requests were again a common response. The prevalence of extension requests has several implications. The Michigan FOIA provisions may be an unrealistic time frame for response. Additionally, negligence of timelines may be due to the law's lax repercussions toward noncompliance (i.e., threat of court proceedings²⁴). In amending FOIA, we suggest lawmakers give attention to facilitating agency compliance to time and response type provisions. To aid the state legislature in addressing concerns related to open records laws, more studies of this model are necessary.

The tracking process is not perfect because there were agencies that did not respond to our requests and did not follow response time provisions. We could not communicate with some departments. Few were due to invalid email addresses of FOIA Coordinators or out-of-office messages; the rest simply did not reply to emails or phone calls. The lack of communication prevented us from tracking wait times. If filers cannot verify that a department received a FOIA request, it is difficult to argue that agencies are violating response provisions of the law. These communication barriers may be due to outdated contact information, in which case the law should require public agencies to provide up-to-date contact information. Lack of communication prevents our study from gaining informed insight into what happens behind the scenes at these agencies.

Contrary to proposals in the Michigan State Legislature, our data does not suggest that eliminating FOIA fees would decrease wait times for public records or improve

responsiveness. If lawmakers undertake improvements to FOIA legal procedures in pursuit of government transparency and accessibility, the lack of association among these variables shows that there may not be a simple change to be made. Litigation fees involved in appealing a request denial in court can cost thousands.²⁵ Danielson, L. (2012) shows how this acts as a deterring effect for members of the public seeking information on government activity. As a solution, Danielson suggests the effectiveness of independent commissions in resolving disputes "in a timely way before litigation becomes necessary." This study also describes how amending the litigation process within FOIA can address concerns lawmakers face about wait times and fees in the following way:

By allowing requesters to appeal to a committee, but not requiring them to do so before filing a lawsuit, states can ensure meaningful access to government documents and cut down on concerns about administrative delay and skyrocketing costs (p. 1027).

As FOIA requests grow in number and relevance to government transparency, there is an abundance of legal scholarship advocating for new legal measures to ensure agency compliance or expanding the law to have an independent administrative body to settle disputes that prevent the law from fulfilling its purpose.

Our results indicate some favorable aspects of agency behavior. When we followed up with departments that initially did not provide the requested information, the most common reply was a full response. Requestors may have a better chance of eventually receiving requested information if

²⁴ See Mich. Comp. Laws Ann. § 15.240(1)(b)

²⁵ <http://foiaproject.org/2018/12/19/attorney-fee-awards-foia-litigation/>

they keep consistent communication with agencies. Additionally, our regression results show that agency characteristics are not predictive of receiving a full response, which likely means there are too many idiosyncratic factors involved in the FOIA program (e.g., coordinator motivation, file organization, location of documents, experience of coordinator). These aspects of agency behavior can justify keeping current procedures intact.

Heterogeneity in responses from agencies is not determined by systemic differences among them. Clifton-Sprigg et al. (2020) comes to the same conclusion; data collected from these information requests are representative of the agencies from which they were requested. This unlocks potential for research to be done by social scientists, economists, and legal scholars utilizing a reliable data collection method from local agencies. They should anticipate, however, to be challenged by converting records into standard data formats.

Order	State	Agency Name	Note
4	MI	FREMONT POLICE DEPT	Omitted: No officer info
5	MI	ESCANABA PUBLIC SAFETY DEPT	Omitted: No officer info
8	MI	DOJ/FBI DETROIT	Omitted: State/federal agencies, tribal agencies, duplicates, or agencies without FOIAcontact information available
14	MI	WAYNE STATE UNIV POLICE HI_ED	Omitted: No officer info
20	MI	SAGINAW CHIPPEWA TRIBAL PD	Omitted: State/federal agencies, tribal agencies, duplicates, or agencies without FOIAcontact information available
42	MI	EATON COUNTY SHERIFF DEPT	Omitted: No officer info
45	MI	LITTLE RIVER BAND TRIBAL PD	Omitted: State/federal agencies, tribal agencies, duplicates, or agencies without FOIAcontact information available
56	MI	WEST BLOOMFIELD TOWNSHIP POLICE DEP	Omitted: State/federal agencies, tribal agencies, duplicates, or agencies without FOIAcontact information available
79	MI	MI STATE POLICE FIELD SUPP AVIATION	Omitted: State/federal agencies, tribal agencies, duplicates, or agencies without FOIAcontact information available
81	MI	PINCKNEY POLICE DEPT	Omitted: Covid-19
100	MI	CLIO POLICE DEPT	Omitted: State/federal agencies, tribal agencies, duplicates, or agencies without FOIAcontact information available
107	MI	BRECKENRIDGE POLICE DEPT	Omitted: Covid-19
111	MI	US PROBATION DEPT-DETROIT	Omitted: State/federal agencies, tribal agencies, duplicates, or agencies without FOIAcontact information available
117	MI	AKRON POLICE DEPT	Omitted: State/federal agencies, tribal agencies, duplicates, or agencies without FOIAcontact information available
118	MI	VASSAR POLICE DEPT	Omitted: State/federal agencies, tribal agencies, duplicates, or agencies without FOIAcontact information available, Email error
125	MI	DETROIT PUBLIC SCHOOLS POLICE DEPT	Omitted: No officer info
131	MI	CONSTANTINE POLICE DEPT	Omitted: Covid-19
132	MI	HURON CLINTON METRO AUTH POLICE	Omitted: No officer info, no population info
133	MI	MADISON TOWNSHIP POLICE DEPT	Omitted: Covid-19
134	MI	SHERMAN TWP MARSHALS OFFICE	Omitted: State/federal agencies, tribal agencies, duplicates, or agencies without FOIAcontact information available
140	MI	LAWTON POLICE DEPT	Omitted: Covid-19, Email error
143	MI	WEXFORD COUNTY SHERIFF DEPT	Omitted: Covid-19
149	MI	OSCODA TOWNSHIP POLICE DEPT	Omitted: Covid-19
150	MI	US DHS ICE DETROIT	Omitted: State/federal agencies, tribal agencies, duplicates, or agencies without FOIAcontact information available
154	MI	POKAGON BAND TRIBAL POLICE DEPT	Omitted: State/federal agencies, tribal agencies, duplicates, or agencies without FOIAcontact information available
157	MI	NASHVILLE POLICE DEPT	Omitted: Covid-19
158	MI	MICHIGAN STATE POLICE	Omitted: No officer info
160	MI	USPS INSPECTOR GENERAL DETROIT	Omitted: State/federal agencies, tribal agencies, duplicates, or agencies without FOIAcontact information available
165	MI	ROYAL OAK POLICE DEPT	Omitted: Covid-19
166	MI	FRUITPORT TOWNSHIP POLICE DEPT	Omitted: State/federal agencies, tribal agencies, duplicates, or agencies without FOIAcontact information available
167	MI	GRAND TRAVERSE COUNTY SHERIFF DEPT	Omitted: State/federal agencies, tribal agencies, duplicates, or agencies without FOIAcontact information available
170	MI	SAUGATUCK DOUGLAS POLICE DEPT	Omitted: No officer info
177	MI	OXFORD POLICE DEPT	Omitted: Covid-19
180	MI	HURON COUNTY SHERIFF DEPT	Omitted: Covid-19
182	MI	BLISSFIELD POLICE DEPT	Omitted: No officer info
184	MI	FLUSHING CITY POLICE DEPT	Omitted: Covid-19
187	MI	MI DEPT OF NATURAL RESOURCES	Omitted: State/federal agencies, tribal agencies, duplicates, or agencies without FOIAcontact information available
189	MI	EASTERN WAYNE CO REG RESP TEAM	Omitted: State/federal agencies, tribal agencies, duplicates, or agencies without FOIAcontact information available
190	MI	US DEPT OF VA SAGINAW POLICE	Omitted: State/federal agencies, tribal agencies, duplicates, or agencies without FOIAcontact information available
191	MI	MARQUETTE COUNTY SHERIFF DEPT	Omitted: Covid-19
194	MI	KINGSTON PD	Omitted: Covid-19
195	MI	MEMPHIS POLICE DEPT	Omitted: State/federal agencies, tribal agencies, duplicates, or agencies without FOIAcontact information available
197	MI	FED/US PROBATION DEPT DETROIT	Omitted: State/federal agencies, tribal agencies, duplicates, or agencies without FOIAcontact information available
200	MI	MELVINDALE POLICE DEPT	Omitted: Covid-19
209	MI	GLADSTONE PUBLIC SAFETY	Omitted: No officer info

210	MI	FRASER DEPT OF PUBLIC SAFETY	Omitted: Covid-19
211	MI	MAYVILLE POLICE DEPT	Omitted: Covid-19
216	MI	ROSE CITY POLICE DEPT	Omitted: Covid-19, Email error
219	MI	HAMTRAMCK POLICE DEPT	Omitted: State/federal agencies, tribal agencies, duplicates, or agencies without FOIAcontact information available
223	MI	LITTLE TRAVERSE BAY BAND PD	Omitted: State/federal agencies, tribal agencies, duplicates, or agencies without FOIAcontact information available
226	MI	SOUTH ROCKWOOD POLICE DEPT	Omitted: Covid-19
228	MI	MENOMINEE COUNTY SHEFIFFS DEPT	Omitted: Covid-19
236	MI	PRAIRIEVILLE POLICE DEPT	Omitted: State/federal agencies, tribal agencies, duplicates, or agencies without FOIAcontact information available
237	MI	HAMPTON TOWNSHIP POLICE DEPT	Omitted: Covid-19
241	MI	KIRKLAND PUBLIC SAFETY DEPT	Omitted: State/federal agencies, tribal agencies, duplicates, or agencies without FOIAcontact information available
242	MI	CONCORD POLICE DEPT	Omitted: No officer info
248	MI	HOWARD POLICE DEPT	Omitted: Covid-19
252	MI	LAKE ORION POLICE DEPT	Omitted: State/federal agencies, tribal agencies, duplicates, or agencies without FOIAcontact information available
261	MI	MI TREASURY INSPECTOR GENERAL	Omitted: State/federal agencies, tribal agencies, duplicates, or agencies without FOIAcontact information available, no population info
266	MI	RICHFIELD TWP POLICE DEPT DAVISON	Omitted: No population info
268	MI	KEWEENAW BAY TRIBAL PD	Omitted: State/federal agencies, tribal agencies, duplicates, or agencies without FOIAcontact information available
269	MI	HART POLICE DEPT	Omitted: Covid-19
274	MI	OAKLEY POLICE DEPT	Omitted: State/federal agencies, tribal agencies, duplicates, or agencies without FOIAcontact information available
275	MI	ROOSEVELT PARK POLICE DEPT	Omitted: Covid-19
279	MI	LENNON POLICE DEPT	Omitted: Covid-19
280	MI	SAGINAW POLICE DEPT	Omitted: Covid-19
283	MI	MONROE COUNTY SHERIFF DEPT	Omitted: Covid-19
288	MI	MACKINAC COUNTY SHERIFF DEPT	Omitted: Covid-19
289	MI	TITTABAWASSEE TWP POLICE DEPT	Omitted: Covid-19
292	MI	DHS/ICE/HSI DETROIT	Omitted: State/federal agencies, tribal agencies, duplicates, or agencies without FOIAcontact information available
295	MI	GENESEE TOWNSHIP POLICE DEPT	Omitted: No officer info
302	MI	LIVONIA POLICE DEPT	Omitted: State/federal agencies, tribal agencies, duplicates, or agencies without FOIAcontact information available
303	MI	GRAND TRAVERSE BAND TRIBAL POLICE	Omitted: Covid-19
305	MI	MI STATE POLICE EMERGENCY SUPPORT	Omitted: State/federal agencies, tribal agencies, duplicates, or agencies without FOIAcontact information available
308	MI	JACKSON COUNTY SHERIFF DEPT	Omitted: Covid-19
317	MI	KENTWOOD POLICE DEPT	Omitted: State/federal agencies, tribal agencies, duplicates, or agencies without FOIAcontact information available
319	MI	USPS/USPIS DETROIT	Omitted: State/federal agencies, tribal agencies, duplicates, or agencies without FOIAcontact information available
321	MI	GRAND TRAVERSE BAND PD	Omitted: State/federal agencies, tribal agencies, duplicates, or agencies without FOIAcontact information available
328	MI	LITTLE RIVER BAND TRIBAL POLICE	Omitted: State/federal agencies, tribal agencies, duplicates, or agencies without FOIAcontact information available
333	MI	RICHLAND TOWNSHIP POLICE DEPT	Omitted: Covid-19
337	MI	GENESEE COUNTY PARK AND RECREATION	Omitted: No population info

Table 1. Initial Agency List with Omitted Agencies

<i>Response Type</i>	<i>Initial Count</i>	<i>Initial Proportion</i>	<i>Follow-up Count</i>	<i>Follow-up Proportion</i>
<i>ACKNOWLEDGEMENT OF FOIA</i>	25	0.1	5	0.05
<i>CLARIFICATION REQUEST</i>	2	0.01	0	0
<i>EMAIL ERROR</i>	4	0.02	0	0
<i>EXTENSION REQUEST</i>	75	0.31	14	0.15
<i>FEE REQUEST</i>	10	0.04	13	0.14
<i>FULLY RESPONSIVE</i>	73	0.31	38	0.4
<i>NO RECORDS RESPONSIVE</i>	13	0.05	4	0.04
<i>OUT-OF-OFFICE</i>	2	0.01	0	0
<i>PARTIALLY RESPONSIVE</i>	35	0.15	22	0.23
<i>TOTAL RESPONSES</i>	239		96	
<i>NO RESPONSE</i>	30			

Table 2. Request responses counts: Table of outcomes in response to each FOIA request. Initial count and proportion indicate the outcome of each LEAs response to a request. If a LEA did not provide a full or partial response in its first communication, follow-up count and proportions indicate the second type of response.

Variable	Mean	Standard Deviation	Skewness
Total Officers	60.2	210.8	11.1
Democrat Vote (proportion)	0.5	0.2	1.3
Republican Vote (proportion)	0.5	0.2	-1.2
Expected # of 1033 Items	56.9	267.7	13.1
Jurisdiction Size	50769.9	160760.7	7.1

Table 3. Characteristics of Each Department: The distribution and necessary statistics of each independent variable.

Variable	Mean	Standard Deviation	Skewness
Response Time (days)	39.1	85	2.3
Fee (\$)	17.4	152	14.2

Table 4. Summary of response time and fees: Table of variable summaries for response time and fees.

Clarification	Number of Agencies
0 (no clarification)	261
1 (clarification via email)	3
2 (clarification via phone call)	5
Charged fee	Number of Agencies
0 (no)	243
1(yes)	26

Table 5. Clarification and charged fee counts: Agency counts of clarification and charged fee received from LEAs. Clarification indicates whether LEAs asked clarifying questions about the information request. The charged fee variable indicates whether an agency charged a fee.

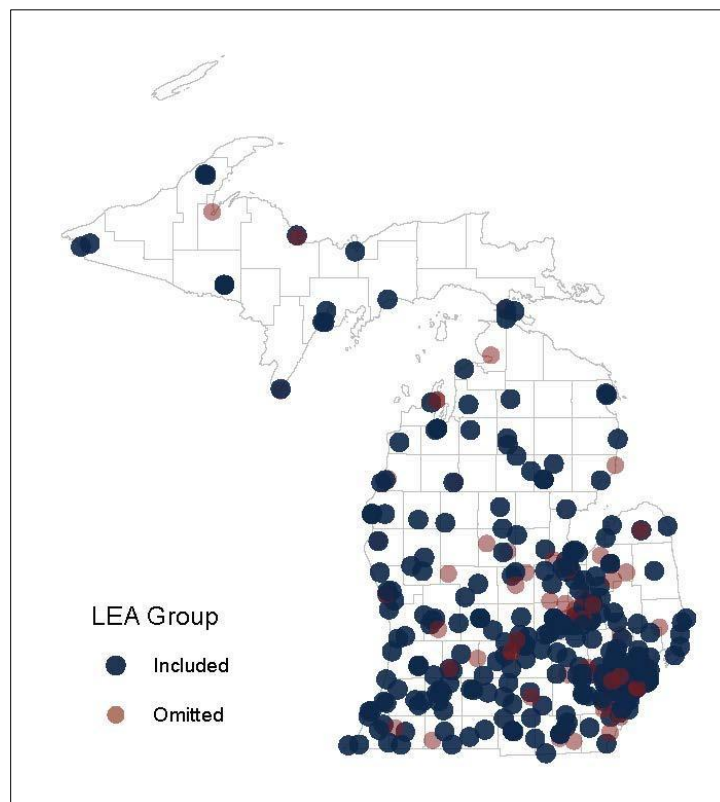


Figure 1. Map of Michigan LEA 1033 participants: A map of the state of Michigan with county borders visible. The figure indicates the locations of all law enforcement agencies that have participated in the Department of Defense's 1033 program. Each included agency received a FOIA request. There are 71 omitted agencies that include state-level law enforcement, park security, and tribal agencies.

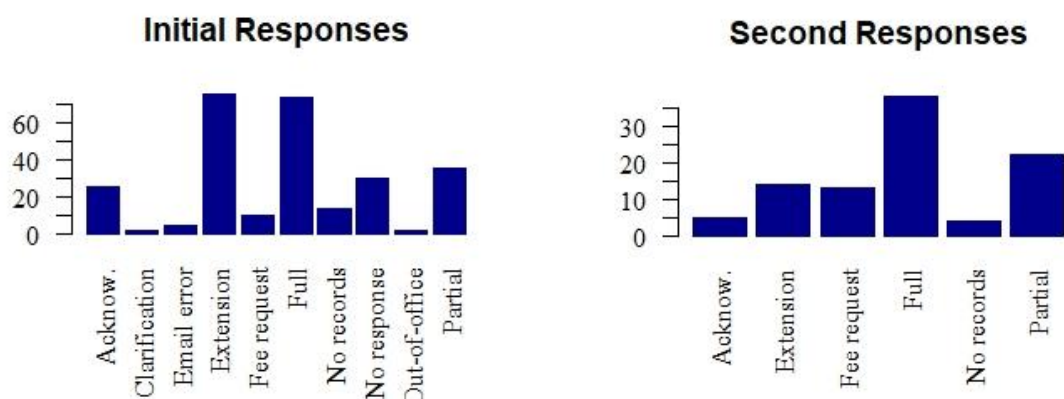


Figure 2. Agency counts of first and second response types: Second response types had no instances of clarification, email error, or out-of-office messages (y-axis represents count of agencies).

<i>Dependent variable:</i>					
	Log Fee <i>OLS</i> (1)	Log Response Time <i>OLS</i> (2)	Charged Fee <i>logistic</i> (3)	Clarification <i>logistic</i> (4)	Full Response <i>logistic</i> (5)
Log Jurisdiction Size	-0.097 (0.098)	0.019 (0.139)	-0.059 (0.266)	-0.714 (0.507)	0.204 (0.162)
Log Total Officers	0.136 (0.105)	0.041 (0.151)	0.096 (0.290)	0.927 (0.578)	-0.281 (0.174)
Log Democratic Voteshare	0.222 (0.294)	0.178 (0.415)	0.631 (0.754)	1.166 (1.463)	-0.166 (0.478)
Log Inventory Size	0.048 (0.051)	0.030 (0.073)	0.137 (0.135)	-0.334 (0.248)	0.070 (0.083)
Constant	0.970 (0.806)	1.758 (1.135)	-1.782 (2.097)	1.831 (4.026)	-1.737 (1.323)
Observations	261	231	261	261	261
R ²	0.021	0.008			
Adjusted R ²	0.005	-0.010			

Note: *p<0.1; **p<0.05; ***p<0.01

Figure 3. Characteristics of Each Department: The distribution and necessary statistics of each independent variable.

A.1 Template FOIA request
University of Michigan
Political Accountability Lab
umich-pal@umich.edu
505 S. State Street
Ann Arbor, MI 48016

[Date]

FOIA Coordinator
[Police Department Name]
[Street Address]
[City, ST ZIP Code]

To whom it may concern,

This is an information request under Michigan's Freedom of Information Act (§15.231 et seq.). We are seeking annual records that list all property/equipment of the [Police Department or Sheriff's Office Name], from 1997 to the present, obtained through law enforcement grants or transfers from the Federal government. Specifically:

- Records of "controlled" equipment from the Law Enforcement Support Office (LESO) of the Defense Logistics Agency under the 1033 Program. These records typically take the form of annual inventories of all controlled property; alternatively, all records of shipments of controlled equipment received and disposed of during the 1997-present period will fulfill this request. Note, if it requires extra labor to separate "controlled" equipment (e.g., weapons and vehicles) from uncontrolled items (e.g., socks and exercise equipment), records that also include uncontrolled items will fulfill this request.
- Records of any equipment purchased with anti-terrorism/preparedness grants from the Department of Homeland Security (DHS).

We would like to receive these records as electronic documents. If the office intends to charge fees for search, review, and duplication of records, please inform me in advance. We would also like to request a waiver of all fees in that the disclosure of the requested information will contribute significantly to the public's understanding of operations of government and is therefore in the public interest. This information is not being sought for commercial purposes.

If access to the records I am requesting will take longer than five days, please contact me with information about when I might expect copies or the ability to inspect the requested records. If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for your consideration. Please contact me if I can provide further clarification.

Sincerely,
Kenneth ~~Lowande~~
Assistant Professor
University of Michigan
Political Accountability Lab
umich-pal@umich.edu
[Phone number]

Figure 4. Template FOIA request

	<i>Dependent variable:</i>				
	Fee <i>OLS</i> (1)	Response Time <i>OLS</i> (2)	Charged Fee <i>logistic</i> (3)	Clarification <i>logistic</i> (4)	Full Response <i>logistic</i> (5)
Jurisdiction Size	-0.00003 (0.0001)	0.00001 (0.0001)	-0.00000 (0.00000)	-0.00002 (0.00002)	0.00000 (0.00000)
Total Officers	-0.006 (0.063)	-0.007 (0.039)	-0.0003 (0.001)	0.004 (0.006)	-0.004 (0.004)
Democratic Voteshare	83.542 (66.300)	-8.202 (38.423)	1.674 (1.272)	2.127 (2.234)	-0.291 (0.903)
Inventory Size	0.007 (0.042)	-0.009 (0.028)	0.0003 (0.001)	-0.001 (0.006)	0.0002 (0.001)
Constant	-19.383 (31.079)	44.558** (18.390)	-2.984*** (0.642)	-4.313*** (1.135)	-0.100 (0.409)
Observations	261	231	261	261	261
R ²	0.006	0.001			
Adjusted R ²	-0.009	-0.016			

Note: * p<0.1; ** p<0.05; *** p<0.01

Figure 5. Regression results (without logged independent variables)

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