

From: Harp, Jennifer C. (OPCL)
Subject: FW: DAG Remarks at Privacy Forum
To: Lane Scott, Kristi Z (OPCL)
Sent: February 2, 2016 1:17 PM (UTC-05:00)

From: Lane Scott, Kristi Z (OPCL)
Sent: Tuesday, January 19, 2016 11:33 AM
To: Harp, Jennifer C. (OPCL)
Cc: Brown Lee, Erika (ODAG)
Subject: RE: DAG Remarks at Privacy Forum

Duplicative Information - See Document ID 0.7.12327.6730



From: Lane Scott, Kristi Z (OPCL)
Subject: FW: OPCL P/CL Slides---Cell Site Simulator Technology Policy
To: Brown Lee, Erika (ODAG)
Sent: February 11, 2016 12:27 PM (UTC-05:00)
Attached: Privacy & Civil Liberties Training--Cell Site Simulators (2-10-2016).pptx

FYI

From: Proia, Andrew (OPCL)
Sent: Wednesday, February 10, 2016 2:04 PM
To: Quinn, Maura F. (DEA)
Cc: Lane Scott, Kristi Z (OPCL)
Subject: RE: OPCL P/CL Slides---Cell Site Simulator Technology Policy

Maura,

Thank you for your patience as OPCL reviewed and revised the P/CL training slides for the Department's use of cell site simulator technology. Based on your comments below, OPCL is proposing the following edits:

- Slide 7: Revised to read (b) (5)
[REDACTED]
 - This change accounts for your suggestion, but (b) (5).
- Notes, Slide 9: Added a new bullet: (b) (5)
[REDACTED]
- Slide 10: Added a new bullet: (b) (5)
[REDACTED]
 - This change accounts for your suggestion, but (b) (5).

I'm happy to discuss these proposed changes with you further, or discuss any additional edits you might have. Our next steps will be to prepare these slides with the proposed changes for Erika's review and approval.

Thanks again for all of your assistance.

Regards,

Andrew A. Proia
Attorney Advisor
U.S. Department of Justice
Office of Privacy and Civil Liberties (OPCL)
National Place Building, Suite 1000
1331 Pennsylvania Avenue NW
Washington, DC 20530
(b) (6) (office)
(b) (6) (mobile)
(202) 307-0693 (fax)
(b) (6)

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ATTORNEY WORK PRODUCT/ATTORNEY-CLIENT/DELIBERATIVE PROCESS PRIVILEGED

From: Quinn, Maura F. [[mailto:\(b\)\(6\). \(b\)\(7\)\(C\) per DEA](#)]]
Sent: Thursday, January 28, 2016 2:18 PM
To: Proia, Andrew (OPCL)
Subject: FW: OPCL P/CL Slides---Cell Site Simulator Technology Policy

Hi Andrew,
Is OPCL done with the training or is it still under review? Thanks, Maura

From: Quinn, Maura F.
Sent: Friday, January 08, 2016 11:20 AM
To: Proia, Andrew (OPCL) (JMD)
Cc: Brown Lee, Erika (ODAG) (JMD); Lane Scott, Kristi Z (OPCL) (JMD)
Subject: FW: OPCL P/CL Slides---Cell Site Simulator Technology Policy

Duplicative Information - See Document ID 0.7.12327.6714



From: Proia, Andrew (OPCL)
Subject: RE: OPCL P/CL Slides---Cell Site Simulator Technology Policy
To: Quinn, Maura F. (DEA)
Cc: Lane Scott, Kristi Z (OPCL)
Sent: February 22, 2016 1:26 PM (UTC-05:00)

Maura,

I apologize for the delay. OPCL is still finalizing the revised slide deck for review and approval by Erika.

We would also like to confirm that you are comfortable with OPCL's revisions (proposed below), and that you did not have any additional questions or comments.

We appreciate your patience, and please let me know if you have any additional questions.

Regards,

Andrew A. Proia
Attorney Advisor
U.S. Department of Justice
Office of Privacy and Civil Liberties (OPCL)
National Place Building, Suite 1000
1331 Pennsylvania Avenue NW
Washington, DC 20530
(b) (6) (office)
(b) (6) (mobile)
(202) 307-0693 (fax)
(b) (6)

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From: Quinn, Maura F. [mailto:(b)(6). (b)(7)(C) per DEA]
Sent: Monday, February 22, 2016 12:57 PM
To: Proia, Andrew (OPCL)
Cc: Lane Scott, Kristi Z (OPCL)
Subject: RE: OPCL P/CL Slides---Cell Site Simulator Technology Policy

Hi Andrew,
Just checking whether the slides have been finalized? Thanks, Maura

From: Proia, Andrew (OPCL) (JMD)
Sent: Wednesday, February 10, 2016 2:04 PM
To: Quinn, Maura F.
Cc: Lane Scott, Kristi Z (OPCL) (JMD)
Subject: RE: OPCL P/CL Slides---Cell Site Simulator Technology Policy

Duplicative Information - See Document ID 0.7.12327.57160

From: (b)(6), (7)(C) per FBI (OGC) (FBI)
Subject: cell site simulator
To: Brown Lee, Erika (ODAG)
Cc: (b)(6), (7)(C) per FBI (OGC) (FBI)
Sent: February 24, 2016 3:42 PM (UTC-05:00)

Erika, I may be misinformed, but I have been advised that your office has distributed cell site simulator training. If that is the case, I am disappointed that I was not made aware of it previously. Perhaps, others in the FBI were involved. In any event, I would appreciate receiving a copy of the training. Thank you. (b)(6), (7)(C) per FBI

(b)(6), (7)(C) per FBI

Deputy General Counsel
Investigative & Administrative Law Branch
Federal Bureau of Investigation
935 Pennsylvania Ave, NW
Washington, D.C. 20535

(b)(6), (7)(C), (7)(E) per FBI

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From: Brown Lee, Erika (ODAG)
Subject: FW: cell site simulator
To: Lane Scott, Kristi Z (OPCL)
Sent: February 24, 2016 3:44 PM (UTC-05:00)

Erika Brown Lee
Chief Privacy and Civil Liberties Officer

Office of the Deputy Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Tel: (b) (6)

(b) (6)

TS: (b) (6)

From: (b)(6), (7)(C) per FBI (OGC) (FBI) [mailto:(b)(6), (7)(C), (7)(E) per FBI]
Sent: Wednesday, February 24, 2016 3:42 PM
To: Brown Lee, Erika (ODAG)
Cc: (b)(6), (7)(C) per FBI (OGC) (FBI)
Subject: cell site simulator

Duplicative Information - See Document ID 0.7.12327.8821

From: Lane Scott, Kristi Z (OPCL)
Subject: RE: cell site simulator
To: Brown Lee, Erika (ODAG)
Sent: February 25, 2016 10:46 AM (UTC-05:00)

Sounds good.

From: Brown Lee, Erika (ODAG)
Sent: Thursday, February 25, 2016 9:36 AM
To: Lane Scott, Kristi Z (OPCL)
Subject: Fwd: cell site simulator

Hi Kristi - I'm not sure we want to send anything over while it's still in draft, but let's talk further.

Best,
Erika

Erika Brown Lee
Chief Privacy and Civil Liberties Officer

Office of the Deputy Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Tel: (b) (6)

(b) (6)

TS: (b) (6)

Begin forwarded message:

From: (b)(6), (7)(C) per FBI (OGC) (FBI)" <(b)(6), (7)(C), (7)(E) per FBI>
Date: February 25, 2016 at 8:11:53 AM EST
To: "Brown Lee, Erika (ODAG) (JMD)" <(b) (6)>
Cc: (b)(6), (7)(C) per FBI (OGC) (FBI)" <(b)(6), (7)(C), (7)(E) per FBI>
Subject: RE: cell site simulator

Erika, thank you for the clarification. We would appreciate receiving the materials so that we can approach with consistency. Best, (b)(6), (7)(C) per FBI

(b)(6), (7)(C) per FBI

Deputy General Counsel
Investigative & Administrative Law Branch
Federal Bureau of Investigation
935 Pennsylvania Ave, NW
Washington, D.C. 20535

(b)(6), (7)(C), (7)(E) per FBI

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From: Brown Lee, Erika (ODAG) [[mailto:\(b\) \(6\)](#)]

Sent: Wednesday, February 24, 2016 4:32 PM

To: (b)(6), (7)(C) per FBI (OGC) (FBI)

Cc: (b)(6), (7)(C) per FBI (OGC) (FBI)

Subject: RE: cell site simulator

Hi (b)(6), (7)(C) – OPCL has not distributed any cell-site simulator training materials to any component. As part of their component's training requirements, both DEA and Marshals separately, and on their own initiative, created draft privacy-related cell-site simulator training materials. The components then asked OPCL to review their materials, which were tailored to their respective legal authorities, to ensure consistency with the Privacy Act and the DOJ policy. They are not OPCL materials, but I'm happy request copies of the components' materials, in the event that they may be relevant or useful to FBI. Please keep in mind however, that the slides are part of much larger training decks on other topics, and may still be in draft form.

We would of course include all LE components and OLP on any materials developed by OPCL for cell-site simulators.

Best regards,
Erika

Erika Brown Lee

Chief Privacy and Civil Liberties Officer

Office of the Deputy Attorney General

U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington, D.C. 20530

Tel: (b) (6)

(b) (6)

TS: (b) (6)

From: (b)(6), (7)(C) per FBI (OGC) (FBI) [[mailto:\(b\)\(6\), \(7\)\(C\), \(7\)\(E\) per FBI](mailto:(b)(6), (7)(C), (7)(E) per FBI)]

Sent: Wednesday, February 24, 2016 3:42 PM

To: Brown Lee, Erika (ODAG)

Cc: (b)(6), (7)(C) per FBI (OGC) (FBI)

Subject: cell site simulator

Duplicative Information - See Document ID 0.7.12327.8821



The Deputy Attorney General


Washington, D.C. 20530

September 3, 2015

MEMORANDUM FOR HEADS OF LAW ENFORCEMENT COMPONENTS

ALL UNITED STATES ATTORNEYS

FROM:

Sally Quillian Yates 
Deputy Attorney General

SUBJECT:

Department Policy Regarding the
Use of Cell-Site Simulator Technology

The attached document establishes policy for the Department of Justice regarding the use of cell-site simulator technology. This technology supports critical public safety objectives, such as apprehending fugitives, locating kidnapping victims, and assisting in drug investigations. As with other technological tools, cell-site simulators must be used effectively and in accordance with the law. The attached document establishes consistent policy for the legal process that must be obtained for use of this technology, the information that must be provided to courts in connection with seeking court authority, handling and deletion of data collected by cell-site simulators, and various management and training requirements. The new policy will enhance transparency and accountability, improve our training and supervision, establish a higher and more consistent legal standard, and increase privacy protections in relation to law enforcement's use of this technology.

I ask that you ensure that this policy is shared with all relevant personnel and that appropriate steps are taken to provide the necessary training and ensure compliance with the policy. Any questions regarding this policy should be directed to Samir Jain, Office of the Deputy Attorney General, at (b) (6).

Attachment

Department of Justice Policy Guidance: Use of Cell-Site Simulator Technology

Cell-site simulator technology provides valuable assistance in support of important public safety objectives. Whether deployed as part of a fugitive apprehension effort, a complex narcotics investigation, or to locate or rescue a kidnapped child, cell-site simulators fulfill critical operational needs.

As with any law enforcement capability, the Department must use cell-site simulators in a manner that is consistent with the requirements and protections of the Constitution, including the Fourth Amendment, and applicable statutory authorities, including the Pen Register Statute. Moreover, any information resulting from the use of cell-site simulators must be handled in a way that is consistent with the array of applicable statutes, regulations, and policies that guide law enforcement in how it may and may not collect, retain, and disclose data.

As technology evolves, the Department must continue to assess its tools to ensure that practice and applicable policies reflect the Department's law enforcement and national security missions, as well as the Department's commitments to accord appropriate respect for individuals' privacy and civil liberties. This policy provides additional guidance and establishes common principles for the use of cell-site simulators across the Department.¹ The Department's individual law enforcement components may issue additional specific guidance consistent with this policy.

BACKGROUND

Cell-site simulators, on occasion, have been the subject of misperception and confusion. To avoid any confusion here, this section provides information about the use of the equipment and defines the capabilities that are the subject of this policy.

Basic Uses

Law enforcement agents can use cell-site simulators to help locate cellular devices whose unique identifiers are already known to law enforcement, or to determine the unique identifiers of an unknown device by collecting limited signaling information from devices in the simulator user's vicinity. This technology is one tool among many traditional law enforcement techniques, and is deployed only in the fraction of cases in which the capability is best suited to achieve specific public safety objectives.

¹ This policy applies to the use of cell-site simulator technology inside the United States in furtherance of criminal investigations. When acting pursuant to the Foreign Intelligence Surveillance Act, Department of Justice components will make a probable-cause based showing and appropriate disclosures to the court in a manner that is consistent with the guidance set forth in this policy.

How They Function

Cell-site simulators, as governed by this policy, function by transmitting as a cell tower. In response to the signals emitted by the simulator, cellular devices in the proximity of the device identify the simulator as the most attractive cell tower in the area and thus transmit signals to the simulator that identify the device in the same way that they would with a networked tower.

A cell-site simulator receives and uses an industry standard unique identifying number assigned by a device manufacturer or cellular network provider. When used to locate a known cellular device, a cell-site simulator initially receives the unique identifying number from multiple devices in the vicinity of the simulator. Once the cell-site simulator identifies the specific cellular device for which it is looking, it will obtain the signaling information relating only to that particular phone. When used to identify an unknown device, the cell-site simulator obtains signaling information from non-target devices in the target's vicinity for the limited purpose of distinguishing the target device.

What They Do and Do Not Obtain

By transmitting as a cell tower, cell-site simulators acquire the identifying information from cellular devices. This identifying information is limited, however. Cell-site simulators provide only the relative signal strength and general direction of a subject cellular telephone; they do not function as a GPS locator, as they do not obtain or download any location information from the device or its applications. Moreover, cell-site simulators used by the Department must be configured as pen registers, and may not be used to collect the contents of any communication, in accordance with 18 U.S.C. § 3127(3). This includes any data contained on the phone itself: the simulator does not remotely capture emails, texts, contact lists, images or any other data from the phone. In addition, Department cell-site simulators do not provide subscriber account information (for example, an account holder's name, address, or telephone number).

MANAGEMENT CONTROLS AND ACCOUNTABILITY²

Cell-site simulators require training and practice to operate correctly. To that end, the following management controls and approval processes will help ensure that only knowledgeable and accountable personnel will use the technology.

1. Department personnel must be trained and supervised appropriately. Cell-site simulators may be operated only by trained personnel who have been authorized by their agency to use the technology and whose training has been administered by a qualified agency component or expert.

² This policy guidance is intended only to improve the internal management of the Department of Justice. It is not intended to and does not create any right, benefit, trust, or responsibility, whether substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities, entities, officers, employees, or agents, or any person, nor does it create any right of review in an administrative, judicial, or any other proceeding.

2. Within 30 days, agencies shall designate an executive-level point of contact at each division or district office responsible for the implementation of this policy, and for promoting compliance with its provisions, within his or her jurisdiction.
3. Prior to deployment of the technology, use of a cell-site simulator by the agency must be approved by an appropriate individual who has attained the grade of a first-level supervisor. Any emergency use of a cell-site simulator must be approved by an appropriate second-level supervisor. Any use of a cell-site simulator on an aircraft must be approved either by the executive-level point of contact for the jurisdiction, as described in paragraph 2 of this section, or by a branch or unit chief at the agency's headquarters.

Each agency shall identify training protocols. These protocols must include training on privacy and civil liberties developed in consultation with the Department's Chief Privacy and Civil Liberties Officer.

LEGAL PROCESS AND COURT ORDERS

The use of cell-site simulators is permitted only as authorized by law and policy. While the Department has, in the past, appropriately obtained authorization to use a cell-site simulator by seeking an order pursuant to the Pen Register Statute, as a matter of policy, law enforcement agencies must now obtain a search warrant supported by probable cause and issued pursuant to Rule 41 of the Federal Rules of Criminal Procedure (or the applicable state equivalent), except as provided below.

As a practical matter, because prosecutors will need to seek authority pursuant to Rule 41 and the Pen Register Statute, prosecutors should, depending on the rules in their jurisdiction, either (1) obtain a warrant that contains all information required to be included in a pen register order pursuant to 18 U.S.C. § 3123 (or the state equivalent), or (2) seek a warrant and a pen register order concurrently. The search warrant affidavit also must reflect the information noted in the immediately following section of this policy ("Applications for Use of Cell-Site Simulators").

There are two circumstances in which this policy does not require a warrant prior to the use of a cell-site simulator.

1. Exigent Circumstances under the Fourth Amendment

Exigent circumstances can vitiate a Fourth Amendment warrant requirement, but cell-site simulators still require court approval in order to be lawfully deployed. An exigency that excuses the need to obtain a warrant may arise when the needs of law enforcement are so compelling that they render a warrantless search objectively reasonable. When an officer has the requisite probable cause, a variety of types of exigent circumstances may justify dispensing with a warrant. These include the need to protect human life or avert serious injury; the prevention of the imminent destruction of evidence; the hot pursuit of a fleeing felon; or the prevention of escape by a suspect or convicted fugitive from justice.

In this circumstance, the use of a cell-site simulator still must comply with the Pen Register Statute, 18 U.S.C. § 3121, *et seq.*, which ordinarily requires judicial authorization before use of the cell-site simulator, based on the government's certification that the information sought is relevant to an ongoing criminal investigation. In addition, in the subset of exigent situations where circumstances necessitate emergency pen register authority pursuant to 18 U.S.C. § 3125 (or the state equivalent), the emergency must be among those listed in Section 3125: immediate danger of death or serious bodily injury to any person; conspiratorial activities characteristic of organized crime; an immediate threat to a national security interest; or an ongoing attack on a protected computer (as defined in 18 U.S.C. § 1030) that constitutes a crime punishable by a term of imprisonment greater than one year. In addition, the operator must obtain the requisite internal approval to use a pen register before using a cell-site simulator. In order to comply with the terms of this policy and with 18 U.S.C. § 3125,³ the operator must contact the duty AUSA in the local U.S. Attorney's Office, who will then call the DOJ Command Center to reach a supervisory attorney in the Electronic Surveillance Unit (ESU) of the Office of Enforcement Operations.⁴ Assuming the parameters of the statute are met, the ESU attorney will contact a DAAG in the Criminal Division⁵ and provide a short briefing. If the DAAG approves, the ESU attorney will relay the verbal authorization to the AUSA, who must also apply for a court order within 48 hours as required by 18 U.S.C. § 3125. Under the provisions of the Pen Register Statute, use under emergency pen-trap authority must end when the information sought is obtained, an application for an order is denied, or 48 hours has passed, whichever comes first.

2. Exceptional Circumstances Where the Law Does Not Require a Warrant

There may also be other circumstances in which, although exigent circumstances do not exist, the law does not require a search warrant and circumstances make obtaining a search warrant impracticable. In such cases, which we expect to be very limited, agents must first obtain approval from executive-level personnel at the agency's headquarters and the relevant U.S. Attorney, and then from a Criminal Division DAAG. The Criminal Division shall keep track of the number of times the use of a cell-site simulator is approved under this subsection, as well as the circumstances underlying each such use.

In this circumstance, the use of a cell-site simulator still must comply with the Pen Register Statute, 18 U.S.C. § 3121, *et seq.*, which ordinarily requires judicial authorization before use of the cell-site simulator, based on the government's certification that the information sought is relevant to an ongoing criminal investigation. In addition,

³ Knowing use of a pen register under emergency authorization without applying for a court order within 48 hours is a criminal violation of the Pen Register Statute, pursuant to 18 U.S.C. § 3125(c).

⁴ In non-federal cases, the operator must contact the prosecutor and any other applicable points of contact for the state or local jurisdiction.

⁵ In requests for emergency pen authority, and for relief under the exceptional circumstances provision, the Criminal Division DAAG will consult as appropriate with a National Security Division DAAG on matters within the National Security Division's purview.

if circumstances necessitate emergency pen register authority, compliance with the provisions outlined in 18 U.S.C. § 3125 is required (see provisions in section 1 directly above).

APPLICATIONS FOR USE OF CELL-SITE SIMULATORS

When making any application to a court, the Department's lawyers and law enforcement officers must, as always, disclose appropriately and accurately the underlying purpose and activities for which an order or authorization is sought. Law enforcement agents must consult with prosecutors⁶ in advance of using a cell-site simulator, and applications for the use of a cell-site simulator must include sufficient information to ensure that the courts are aware that the technology may be used.⁷

1. Regardless of the legal authority relied upon, at the time of making an application for use of a cell-site simulator, the application or supporting affidavit should describe in general terms the technique to be employed. The description should indicate that investigators plan to send signals to the cellular phone that will cause it, and non-target phones on the same provider network in close physical proximity, to emit unique identifiers, which will be obtained by the technology, and that investigators will use the information collected to determine information pertaining to the physical location of the target cellular device or to determine the currently unknown identifiers of the target device. If investigators will use the equipment to determine unique identifiers at multiple locations and/or multiple times at the same location, the application should indicate this also.
2. An application or supporting affidavit should inform the court that the target cellular device (e.g., cell phone) and other cellular devices in the area might experience a temporary disruption of service from the service provider. The application may also note, if accurate, that any potential service disruption to non-target devices would be temporary and all operations will be conducted to ensure the minimal amount of interference to non-target devices.
3. An application for the use of a cell-site simulator should inform the court about how law enforcement intends to address deletion of data not associated with the target phone. The application should also indicate that law enforcement will make no affirmative investigative use of any non-target data absent further order of the court, except to identify and distinguish the target device from other devices.

⁶ While this provision typically will implicate notification to Assistant United States Attorneys, it also extends to state and local prosecutors, where such personnel are engaged in operations involving cell-site simulators.

⁷ Courts in certain jurisdictions may require additional technical information regarding the cell-site simulator's operation (e.g., tradeecraft, capabilities, limitations or specifications). Sample applications containing such technical information are available from the Computer Crime and Intellectual Property Section (CCIPS) of the Criminal Division. To ensure courts receive appropriate and accurate information regarding the technical information described above, prior to filing an application that deviates from the sample filings, agents or prosecutors must contact CCIPS, which will coordinate with appropriate Department components.

DATA COLLECTION AND DISPOSAL

The Department is committed to ensuring that law enforcement practices concerning the collection or retention⁸ of data are lawful, and appropriately respect the important privacy interests of individuals. As part of this commitment, the Department's law enforcement agencies operate in accordance with rules, policies, and laws that control the collection, retention, dissemination, and disposition of records that contain personal identifying information. As with data collected in the course of any investigation, these authorities apply to information collected through the use of a cell-site simulator. Consistent with applicable existing laws and requirements, including any duty to preserve exculpatory evidence,⁹ the Department's use of cell-site simulators shall include the following practices:

1. When the equipment is used to locate a known cellular device, all data must be deleted as soon as that device is located, and no less than once daily.
2. When the equipment is used to identify an unknown cellular device, all data must be deleted as soon as the target cellular device is identified, and in any event no less than once every 30 days.
3. Prior to deploying equipment for another mission, the operator must verify that the equipment has been cleared of any previous operational data.

Agencies shall implement an auditing program to ensure that the data is deleted in the manner described above.

STATE AND LOCAL PARTNERS

The Department often works closely with its State and Local law enforcement partners and provides technological assistance under a variety of circumstances. This policy applies to all instances in which Department components use cell-site simulators in support of other Federal agencies and/or State and Local law enforcement agencies.

TRAINING AND COORDINATION, AND ONGOING MANAGEMENT

Accountability is an essential element in maintaining the integrity of our Federal law enforcement agencies. Each law enforcement agency shall provide this policy, and training as appropriate, to all relevant employees. Periodic review of this policy and training shall be the

⁸ In the context of this policy, the terms "collection" and "retention" are used to address only the unique technical process of identifying dialing, routing, addressing, or signaling information, as described by 18 U.S.C. § 3127(3), emitted by cellular devices. "Collection" means the process by which unique identifier signals are obtained; "retention" refers to the period during which the dialing, routing, addressing, or signaling information is utilized to locate or identify a target device, continuing until the point at which such information is deleted.

⁹ It is not likely, given the limited type of data cell-site simulators collect (as discussed above), that exculpatory evidence would be obtained by a cell-site simulator in the course of criminal law enforcement investigations. As in other circumstances, however, to the extent investigators know or have reason to believe that information is exculpatory or impeaching they have a duty to memorialize that information.

responsibility of each agency with respect to the way the equipment is being used (*e.g.*, significant advances in technological capabilities, the kind of data collected, or the manner in which it is collected). We expect that agents will familiarize themselves with this policy and comply with all agency orders concerning the use of this technology.

Each division or district office shall report to its agency headquarters annual records reflecting the total number of times a cell-site simulator is deployed in the jurisdiction; the number of deployments at the request of other agencies, including State or Local law enforcement; and the number of times the technology is deployed in emergency circumstances.

Similarly, it is vital that all appropriate Department attorneys familiarize themselves with the contents of this policy, so that their court filings and disclosures are appropriate and consistent. Model materials will be provided to all United States Attorneys' Offices and litigating components, each of which shall conduct training for their attorneys.

* * *

Cell-site simulator technology significantly enhances the Department's efforts to achieve its public safety and law enforcement objectives. As with other capabilities, the Department must always use the technology in a manner that is consistent with the Constitution and all other legal authorities. This policy provides additional common principles designed to ensure that the Department continues to deploy cell-site simulators in an effective, appropriate, and consistent way.

From: Brown Lee, Erika (ODAG)
Subject: Component Status Memo
To: Lane Scott, Kristi Z (OPCL)
Sent: February 26, 2016 5:47 PM (UTC-05:00)
Attached: Component Status Memo.docx

Hi Kristi – attached is the draft component status memo. I plan to take it with me on my trip so that I can edit next week, but also wanted to share it with you as there are still some gaps that will need to be filled in. Edits and comments are welcome.

Have a great weekend.

Best,
Erika

Erika Brown Lee
Chief Privacy and Civil Liberties Officer
Office of the Deputy Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530
Tel: (b) (6)
(b) (6)
TS: (b) (6)

From: Ferber, Scott (ODAG)
Subject: Stingray!
To: Lan, Iris (ODAG); Bonilla, Armando (ODAG); Grooms, Daniel (ODAG); Brown Lee, Erika (ODAG)
Sent: March 3, 2016 2:01 PM (UTC-05:00)
Attached: Cell-Site Simulator Policy Requirements Summary v3.docx

Hello, my fellow ODAG'ers, I've picked up the reins on cell site simulator policy implementation and am trying to run to ground what's already been done. In speaking with Samir, it's my understanding that he forwarded the attached checklist to each of you to get feedback from ATF, DEA, USMS, FBI, OPCL, CRM, and the U.S. Attorney Community. Would you mind forwarding along what you have on this (even if you already sent it to Samir)? If there are outstanding items, I'd really appreciate knowing about that too. In accordance with fourth floor practice, this is time-sensitive, given some upcoming events.

Should you have any questions, please do not hesitate to email or call.

All the best,

Scott

(b) (6)

<<Cell-Site Simulator Policy Requirements Summary v3.docx>>

From: Brown Lee, Erika (ODAG)
Subject: RE: Stingray!
To: Ferber, Scott (ODAG); Lan, Iris (ODAG); Bonilla, Armando (ODAG); Grooms, Daniel (ODAG)
Sent: March 3, 2016 2:07 PM (UTC-05:00)
Hi Scott – Kindly relay to Samir that I did not receive anything from him. I will work with OPCL on this.

Thanks,
Erika

Erika Brown Lee
Chief Privacy and Civil Liberties Officer
Office of the Deputy Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530
Tel: (b) (6)
(b) (6)
TS: (b) (6)

From: Ferber, Scott (ODAG)
Sent: Thursday, March 03, 2016 2:01 PM
To: Lan, Iris (ODAG); Bonilla, Armando (ODAG); Grooms, Daniel (ODAG); Brown Lee, Erika (ODAG)
Subject: Stingray!

Duplicative Information - See Document ID 0.7.12327.10285

From: Bonilla, Armando (ODAG)
Subject: Re: Stingray!
To: Ferber, Scott (ODAG)
Cc: Lan, Iris (ODAG); Grooms, Daniel (ODAG); Brown Lee, Erika (ODAG)
Sent: March 3, 2016 6:59 PM (UTC-05:00)

Feel it!

On Mar 3, 2016, at 6:33 PM, Ferber, Scott (ODAG) <(b) (6)> wrote:

First, bonus points to Armando for his lightening quick response.

Iris, Danny, and Erika, anything you can share by Monday would be incredibly helpful – dare I say, lifesaving.

From: Ferber, Scott (ODAG)
Sent: Thursday, March 03, 2016 2:01 PM
To: Lan, Iris (ODAG); Bonilla, Armando (ODAG); Grooms, Daniel (ODAG); Brown Lee, Erika (ODAG)
Subject: Stingray!

Duplicative Information - See Document ID 0.7.12327.10285

From: Lan, Iris (ODAG)
Subject: FW: Stingray checklist
To: Ferber, Scott (ODAG)
Sent: March 8, 2016 10:15 AM (UTC-05:00)
Attached: Cell-Site Simulator Policy Requirements Summary response 20151020-final.docx

[Here you go.](#)

From: Lan, Iris (ODAG)
Sent: Tuesday, October 20, 2015 2:32 PM
To: Jain, Samir (ODAG)
Subject: FW: Stingray checklist

FYI

From: (b)(6), (7)(C) per FBI (DO) (FBI) [(b)(6), (7)(C), (7)(E) per FBI]
Sent: Tuesday, October 20, 2015 11:11 AM
To: Hess, Amy S. (DO) (FBI); Lan, Iris (ODAG)
Subject: RE: Stingray checklist

Good morning Ms. Lan,

On behalf of EAD Hess, I am providing response to the Stingray Checklist. If you have any questions, please feel free to contact Amy or I.

Thank you,

(b)(6), (7)(C) per FBI

(b)(6), (7)(C) per FBI
Special Assistant
Science and Technology Branch
(b)(6), (7)(C), (7)(E) per FBI

Begin forwarded message:

From: "Jain, Samir (ODAG)" <(b) (6)>
Date: October 15, 2015 at 1:33:29 PM EDT
To: "Lan, Iris (ODAG)" <(b) (6)>, "Grooms, Daniel (ODAG)" <(b) (6)>, "Bonilla, Armando (ODAG)" <(b) (6)>
Subject: FW: Stingray checklist

Duplicative Information - See Document ID 0.7.12327.9611

From: Ferber, Scott (ODAG)
Subject: Cell site simulator policy
To: Wong, Norman (USAEO)
Cc: Lan, Iris (ODAG)
Sent: March 8, 2016 10:27 AM (UTC-05:00)
Attached: Cell-Site Simulator Policy Requirements Summary v3.docx

Norm! How goes it, my friend? I recently inherited responsibility for cell site simulator policy implementation. Do you know, off-hand, whether EOUSA received the attached check list in October? Regardless, would it be possible to find out where the U.S. Attorney community stands in implementing their action items / ongoing responsibilities? There's some time-sensitivity in pulling together this information. I'm happy to discuss further ((b) (6)). All the best, Scott

((b) (5))
[Redacted text block]

((b) (5))
[Redacted text block]

From: Mann, James (CRM)
Subject: RE: Cell site simulator policy
To: Ferber, Scott (ODAG)
Cc: Lan, Iris (ODAG); OBrien, Paul; Downing, Richard
Sent: March 8, 2016 10:27 AM (UTC-05:00)
Attached: Cell-Site Simulator Policy Requirements Summary v3.docx

+ Paul and Richard who have run point on this.

From: Ferber, Scott (ODAG)
Sent: Tuesday, March 8, 2016 10:25 AM
To: Mann, James (CRM) <(b) (6)>
Cc: Lan, Iris (ODAG) <(b) (6)>
Subject: Cell site simulator policy

Hey James, greetings from your friendly, neighborhood ODAG'er. I recently inherited responsibility for cell site simulator policy implementation. Do you know, off-hand, whether CRM received the attached check list in October? Regardless, would it be possible to find out if CRM has implemented its action items / ongoing responsibilities? There's some time-sensitivity in pulling together this information. I'm happy to discuss further ((b) (6)). All the best, Scott

(b) (5)

(b) (5)

From: Fried, Hannah (OLP)
Subject: FW: Center for Media Justice Re: Stingray Devices
To: Pazur, Shannon (OLP)
Sent: March 18, 2016 11:04 AM (UTC-04:00)
Attached: FinalStingrayLetter_3-14-2016_45.pdf

From: Ferber, Scott (ODAG)
Sent: Wednesday, March 16, 2016 7:38 PM
To: Fried, Hannah (OLP)
Cc: Brown Lee, Erika (ODAG); Lane Scott, Kristi Z (OPCL)
Subject: RE: Center for Media Justice Re: Stingray Devices

Et voila!

From: Fried, Hannah (OLP)
Sent: Wednesday, March 16, 2016 7:38 PM
To: Ferber, Scott (ODAG)
Cc: Brown Lee, Erika (ODAG); Lane Scott, Kristi Z (OPCL)
Subject: Re: Center for Media Justice Re: Stingray Devices

Thanks, Scott.

Could someone forward the letter? Didn't come through as an attachment.

Hannah

On Mar 16, 2016, at 7:35 PM, Ferber, Scott (ODAG) <(b) (6)> wrote:

Of course. Looping in Hannah Fried – my fellow stingrayer – for SA.

From: Brown Lee, Erika (ODAG)
Sent: Wednesday, March 16, 2016 5:45 PM
To: Ferber, Scott (ODAG)
Cc: Lane Scott, Kristi Z (OPCL)
Subject: FW: Center for Media Justice Re: Stingray Devices

Hi Scott – I just received this letter via FCC. Can we discuss a response?

Thanks,
Erika

Erika Brown Lee
Chief Privacy and Civil Liberties Officer
Office of the Deputy Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530
Tel: (b) (6)
(b) (6)
TS: (b) (6)

March 16, 2016

The Honorable Thomas Wheeler
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Erika Brown Lee
Chief Privacy and Civil Liberties Officer
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Chairman & Ms. Brown Lee:

The undersigned 45 civil rights, public policy, and public interest organizations write to express our shared concerns about International Mobile Subscriber Identity (IMSI) catchers, also referred to as Cell-Site Simulators or “Stingray” devices (“Stingrays”).¹ Reports surfaced last month that the New York Police Department has used Stingrays extensively—without warrants and without policies in place guiding how police can use the devices.² This news follows on the heels of numerous allegations over the past several months that law enforcement agencies have improperly used Stingrays to spy on lawful protesters; routinely deployed Stingrays without a warrant and in violation of the Fourth Amendment; and failed to adopt adequate procedures to protect privacy and civil liberties.³

In light of these developments, we urge you to investigate the continued and largely unregulated use of Stingrays by law enforcement officials, to remedy the lack of data and transparency about these devices, and to act swiftly to prevent the disproportionate harms that the use of these devices by law enforcement officials can pose to historically disadvantaged communities.

Stingrays are powerful surveillance technologies that mimic cell towers in order to indiscriminately intercept all cellular signals in an area, thus enabling users to gather serial

¹ Widespread sale and operation of IMSI devices are reflected in the number of manufacturers producing the product and the numerous trade names for these companies’ product offerings. Cell-tower simulation technologies from Harris Corporation are marketed and sold as TriggerFish, Stingray, Stingray II, AmberJack, HailStorm, Kingfish, and Loggerhead. Martone Radio Technology offers similar products under the following trade names: Max-G, Max-W, Spartacus, and Spartacus-II products. And Cellxion offers similar products under the following trade names: Optima, Quadra, UGX-300, GX-200, GX-Duo, and GX-Solo. See, e.g., *American Civil Liberties Union of Northern California on the Request for Inspection of Records*, Memorandum Opinion and Order, 29 FCC Rcd 9724, n. 3 (2014) (“*ACLU MO&O*”), available at <http://bit.ly/1RqBmlw>.

² Ciara McCarthy, *NYPD tracked citizens’ cellphones 1,000 times since 2008 without warrants*, The Guardian (Feb. 11, 2016), available at <http://bit.ly/23ZQPR3>.

³ Mike Krauser, *Activists Say Chicago Police Used ‘Stingray’ Eavesdropping Technology During Protests*, CBS Chicago (Dec. 6, 2014), available at <http://cbsloc.al/1Byvth4>; see also The Free Press Thought Project, *Chicago Cops Used Stingray to Intercept Protester’s Conversations* (Dec. 7, 2014), available at <http://bit.ly/1vsJILZ>; Daniel Rivero, *Florida Cops Have Tracked Protesters, Suicidal People, and Robbers with Stingray Devices*, Fusion (Feb. 25, 2015), available at <http://fus.in/1KFQb4D>.

numbers and location information, as well as to identify individual phones.⁴ Information about Stingray devices' use and functions has been routinely withheld from courts and the public,⁵ and the numerous privacy and legal concerns raised by these devices have already received significant attention in national media and other outlets.

We wish to highlight another serious concern: when used by law enforcement, Stingrays and other surveillance technologies do not affect all Americans equally.

Stingrays Have a Disproportionate Impact on Historically Disadvantaged Communities

Law enforcement agencies have long exercised their power disproportionately in communities of color, and this imbalance persists today. People of color are much more likely to be stopped and searched, with 95% of police departments across the country reporting that they are likely to stop African-Americans at a higher rate than others, even though officers are equally likely to identify something as being of interest regardless of race.⁶ A *USA Today* study found that at least 70 police departments across the country arrested African-Americans at a rate ten times higher than other racial groups.⁷ And more than 60 percent of the people in prison are now racial and ethnic minorities. Among African-American men in their thirties, one in ten is in prison or jail.⁸

New technological tools that amplify police power can amplify existing biases in policing. Lack of effective oversight and supervision by the regulatory authorities in the use of this technology may lead to even greater invasions of privacy and subversions of rights in communities of color that are already the targets of biased policing.⁹ Given these documented biases, the use of a

⁴ Craig Timberg, *Feds to Study Illegal Use of Spy Gear*, Wash. Post (Aug. 11, 2014), available at <http://wapo.st/1K08eeK>; see also Cyrus Farivar, *FCC to Examine "Unauthorized" Cell Snooping Devices*, Ars Technica (Aug. 12, 2014), available at <http://bit.ly/118bKhS>. Some models also have the capability to eavesdrop on calls and send malicious software.

⁵ Non-disclosure agreements between law enforcement agencies and manufacturers has led to the withholding of information about Stingray devices to judges and defendants, including for the purposes of obtaining a warrant. See Kim Zetter, *Police Contract with Spy Tool Maker Prohibits Talking About Device's Use*, Wired (Mar. 4, 2014), available at <http://bit.ly/1ToqHvF>. Numerous other cases have revealed information about the devices withheld from defendants, prosecutors, and judges, despite widespread use. See Jennifer Valentino-Devries, *Judge Questions Tools That Grab Cellphone Data on Innocent People*, Wall Street Journal, Wall Street Journal (Oct. 12, 2012), available at <http://on.wsj.com/1mFHPP9>; see also Justin Fenton, *Baltimore Police used secret technology to track cellphones in thousands of cases*, The Baltimore Sun (Apr. 9, 2015), available at <http://bsun.md/1GS5MJQ>.

⁶ Matthew R. Durose, et al., U.S. Department of Justice, *Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010* (April 2014), available at <http://1.usa.gov/1lvWsR7>.

⁷ Brad Heath, *Racial Gap in U.S. Arrest Rates: 'Staggering Disparity'*, USA Today (Nov. 19, 2014), available at <http://usat.ly/1u8ETXA>.

⁸ The Sentencing Project, *Racial Disparity*, available at <http://bit.ly/1jERtxX> (last visited Oct. 16, 2015).

⁹ For example, a few years ago the New York Police Department admitted that it had installed surveillance cameras and used unmarked cars outfitted with electronic license plate readers to target Muslims near mosques. Adam Goldman & Matt Apuzzo, *With Cameras, Informants, NYPD Eyed Mosques*, Associated Press (Feb. 23, 2012), available at <http://bit.ly/1PeUdp>. Other police technologies also have reportedly been used disproportionately in communities of color. See, e.g., Jeremy Gillula & Dave Maass, EFF, *What You Can Learn from Oakland's Raw ALPR Data* (Jan. 21, 2015), <http://bit.ly/1Blowul>.

powerful surveillance technology like Stingrays—particularly in secret and with little oversight—threatens African Americans, Latinos, Asians and other persons of color with disproportionate harm to their privacy, security, and basic civil rights as Americans.

And as grave as the privacy and civil rights concerns about the indiscriminate use of these data-collection devices are, Stingrays can pose an even more immediate threat: the devices have been known to disrupt and disable lawful mobile communications, including the ability of bystanders to communicate with police, fire and medical service personnel in an emergency.¹⁰

The FCC and DOJ Should Be Committed to Improving Stingray Oversight

With people’s lives and liberties at risk, the FCC established a task force in 2014 to focus on the use of Stingray devices by “criminals” and “foreign intelligence services.”¹¹ But an inquiry into curbing the misuse of Stingrays must not stop there. Rather, the task force must address their broad use by federal, state, and local law enforcement agencies, recognizing that law enforcement use of Stingrays, like other police tactics and surveillance technologies, may well have a disparate impact on already marginalized groups.

In addition, last year the Department of Justice released new guidance for federal agencies wishing to deploy Stingray devices. While this guidance includes important protections like a warrant requirement for Stingrays and minimization procedures to prevent unlawful retention of data on innocent bystanders, it only applies to DOJ components and federal, state, and local agencies when they partner with the DOJ.¹² In addition to New York City, Stingrays have been used in Sacramento, California; Tacoma, Washington; Baltimore, Chicago, and likely many other localities that citizens still don’t know about.¹³ Therefore, the DOJ must take further steps to ensure that all states and localities that deploy Stingrays do so in a way that is transparent, accountable, and consistent with the constitution, and encourage other agencies to put policies in place to minimize harm to historically disadvantaged communities. They could do this by ending the FBI’s practice of requiring state and local law enforcement agencies to sign nondisclosure agreements for Stingrays and could link the agency’s technology funding to a mandate that state and local agencies comply with the DOJ’s Stingray guidance.

¹⁰ Kim Zetter, *Feds Admit Stingrays Can Disrupt Cell Service of Bystanders*, Wired (Mar. 1, 2014), available at <http://wrd.cm/1K5Aa76>.

¹¹ The task force was created in response to Rep. Alan Grayson’s (D-FL) letter on stingrays. See letter from the Chairman Tom Wheeler to Congressman Grayson (Aug. 1, 2014), Federal Communications Commission, available at <http://bit.ly/1XzWIQN>.

¹² This federal guidance notably fails to address the lack of notice given the individuals affected by Stingray surveillance. See ACLU, *Letter for the Record to the House Committee On Oversight Subcommittee On Information Technology, Hearing On “Examining Law Enforcement Use Of Cell Phone Tracking Devices”* (Oct. 20, 2015), available at <http://bit.ly/1Wi05KE>.

¹³ See ACLU, *Stingray Tracking Devices: Who’s Got Them?* (last visited Feb. 16, 2016), available at <http://bit.ly/1OxKmWG>.

FCC and DOJ Stingray Inquiries Must Consider and Address Impact on Historically Disadvantaged Communities

The use of Stingrays and similar surveillance technologies could have a disproportionate and negative impact on communities of color. As the FCC and DOJ work to ensure the lawful and targeted use of Stingray technology, and consistent with your agencies' authorities and our shared interest in ensuring that police technologies are used to promote justice without unduly infringing on civil rights, we urge you to explore ways to ways to curb disparate impact on historically disadvantaged communities. We also urge your agencies to follow their respective missions in these regards, to denounce racial profiling in police technology, to restrict all law enforcement uses of Stingrays to cases where a warrant is obtained,¹⁴ and to promote policies that ensure Stingrays are adopted and deployed if at all in a way that is transparent and accountable to the public.

Sincerely,

18MillionRising.org
Allied Media Projects
Alvaro Bedoya, Center on Privacy & Technology at Georgetown Law
Appleshop
Black Alliance for Just Immigration
Black Lives Matter Bay Area
Black Movement Law Project
Center for Community Change Action
Center for Democracy & Technology
Center for Digital Democracy
Center for Media Justice
Champaign-Urbana Citizens for Peace and Justice
ColorOfChange
Common Frequency
Concerned Citizens for Justice
Courage Campaign
CREDO
Deep Dish TV
Demand Progress
Electronic Frontier Foundation
Ella Baker Center for Human Rights

¹⁴ Although the Department of Justice now has a policy of requesting a warrant before using an IMSI catcher, this policy has exceptions, in addition to applying only to the FBI and other Justice Department agencies. Ellen Nakashima, *Justice Department: Agencies Need Warrants to Use Cellphone Trackers*, Wash. Post (Sept. 3, 2015), available at <http://wapo.st/1LYiAmc>.

Fight for the Future
Free Press
Generation Justice
Instituto de Educacion Popular del Sur de California
Media Action Grassroots Network
Media Alliance
Media Mobilizing Project
Million Hoodies Movement for Justice
Moms Rising
Move Food
Movement Strategy Center
NAACP
National Council of La Raza
National Hispanic Media Coalition
New America's Open Technology Institute
Presente.org
Public Knowledge
Restaurant Opportunity Center
Silicon Valley De-Bug
St. Paul Neighborhood Network
The Ruckus Society
Urbana-Champaign Independent Media Center
Voices for Racial Justice
Working Narratives

From: Brown Lee, Erika (ODAG)
Subject: Re: Center for Media Justice Re: Stingray Devices
To: Ferber, Scott (ODAG)
Cc: Lane Scott, Kristi Z (OPCL)
Sent: March 18, 2016 8:06 PM (UTC-04:00)

Excellent. Many thanks, Scott.

Erika Brown Lee
Chief Privacy and Civil Liberties Officer

Office of the Deputy Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Tel: (b) (6)

(b) (6)

TS: (b) (6)

On Mar 18, 2016, at 7:35 PM, Ferber, Scott (ODAG) <(b) (6)> wrote:

Hi Erika, OLA is going to pull together testimony, QFRs, and other written submissions regarding stingrays (qua cell site simulators) early next week. I'll take a look at it and then we can discuss next steps. Sound good?

Have a great weekend.

All the best,
Scott

From: Brown Lee, Erika (ODAG)
Sent: Wednesday, March 16, 2016 5:45 PM
To: Ferber, Scott (ODAG)
Cc: Lane Scott, Kristi Z (OPCL)
Subject: FW: Center for Media Justice Re: Stingray Devices

Duplicative Information - See Document ID 0.7.12327.50944

Recommendations from Demand Progress
to the Department of Justice on
Items for Inclusion in its 2016 Open Government Plan

April 5, 2016

The following recommendations are submitted for inclusion in the Justice Department's 2016 open government plan.

Update Reporting Under the Foreign Agents Registration Act

During the 2008 campaign, then-candidate Obama pledged to "create a centralized Internet database of lobbying reports ... in a searchable, sortable, downloadable format."¹ While persons who lobby on behalf of domestic entities have their information published in this way,² reporting practices for lobbyists for foreign entities have not been similarly modernized. The FARA database³ still permits registrants to submit paper documents and it publishes those documents as PDFs. This is in tension with the President's call for transparency and obscures the useful information contained in the reports. Transparency advocates spend an inordinate amount of effort trying to transform these paper files into a searchable, sortable, downloadable database.⁴

As part of its third Open Government Plan, the Department of Justice committed:

To review the FARA website and electronic filing system, while soliciting reasonable and concrete suggestions and feedback from the public, and will work to make feasible and appropriate modifications to the database. **Throughout this process, the Department will specifically investigate collecting and publishing registration information as structured data in a machine-readable format.**

(emphasis added.)

It is time to implement collection and publication of registration information as structured data. The Department of Justice should require all filings be made in an electronic format where the information can easily flow into a machine-processable digital format. In turn, that information should be released to the public in bulk as structured data so that the data it contains may be searched and sorted. To the extent the Justice Department has already transformed the information contained in the filings into an electronic database, that information should be published.

Office of Legal Counsel Opinions

In an Executive Order,⁵ President Obama wrote that "agencies should take affirmative steps to make information available to the public" and should "adopt a presumption in favor of disclosure." His first nominee to head the Office of Legal Counsel, Dawn Johnsen, joined by many others who served in the Justice Department, called on OLC to "publicly disclose its

¹ http://change.gov/agenda/ethics_agenda/

² https://www.senate.gov/legislative/Public_Disclosure/database_download.htm

³ <http://www.fara.gov/search.html>

⁴ See <http://foreignlobbying.org/>

⁵ <http://www.whitehouse.gov/the-press-office/freedom-information-act>

written legal opinions in a timely manner, absent strong reasons for delay or nondisclosure."⁶ The Office itself, in its "best practices" memo, declares that "the Office operates under the presumption that it should make its significant opinions fully and promptly available to the public," including considering "disclosing documents even if they technically fall within the scope of a FOIA exemption."⁷ We have found that many reports are not available to the public.⁸

First, the Department of Justice should create a central site where all OLC opinions are published—currently some are available on its FOIA site, others on its official OLC site, and still others available as a result of litigation, newspaper stories, and the like.

Second, the Justice Department should amend its policy to require disclosure of all opinions by default, except in certain limited circumstances. A determination to withhold publication should be made at the highest levels within the DOJ and be based upon clearly articulated rules. To the extent a document is withheld in full or in substantial part, a detailed unclassified summary of the opinion should be made available to the public in a timely way that conveys the essence of the opinion. In addition, the OLC should publish a complete list of all final opinions and contemporaneously update the list.

Parallel Construction

The Executive Branch's power to conduct surveillance related to foreign intelligence and national security is far greater than the Executive's legal authority to spy on Americans. This immense power has been contained throughout history by putting up certain checks that have changed over time. However, one of these critical safeguards appears susceptible to abuse: the right of defendants and courts to review evidence used to prosecute Americans. The tool that has created this problem is called Parallel Construction.

Parallel Construction is a broadly defined practice in which law enforcement conceals and/or recreates the origin of an investigation. The term is derived from government documents that reveal guidance on the deliberate masking and falsification of investigative history in order to erase investigations' origins. According to *Reuters*, the Special Operations Division, a unit of the Drug Enforcement Administration, distributes information in partnership with two-dozen other agencies, including the Federal Bureau of Investigations, the Central Intelligence Agency, and the National Security Agency. Reports suggest that this surveillance has sparked domestic, non-national security related investigations. As *Reuters* describes, "Agents are instructed to then use 'normal investigative techniques to recreate the information provided by SOD.'"⁹

This may allow the government to use evidence in court without facing legal scrutiny of its true sources and methods. Successful masking renders the collection, sharing, and basis of surveillance impossible to contest, even if it were in contravention of the Constitution. Little public information is available about how or even when parallel construction happens. The public does not know what rules govern information sharing, prosecutors do not always know if there is additional information collected by investigators, and judges have little ability to spot

⁶ http://www.acslaw.org/files/Microsoft%20Word%20-%202011_Johnsen_OLC.pdf

⁷ <http://www.justice.gov/olc/pdf/olc-legal-advice-opinions.pdf>

⁸ <https://sunlightfoundation.com/blog/2012/08/15/39-of-office-of-legal-counsel-opinions-kept-from-the-public/>

⁹ <http://www.reuters.com/article/us-dea-sod-idUSBRE97409R20130805>

when an agent testifies misleadingly. Meanwhile, *The New York Times* reports that information sharing may be on the verge of dramatic expansion.¹⁰

We request as part of its open government plan the Department of Justice provide regular public reporting on the following:

- 1) Its guidance on parallel construction and associated techniques;
- 2) Its guidance on when information should be considered “derived from” during an investigation;
- 3) Its guidance on what information agents should provide to prosecutors about the origin of evidence;
- 4) Any Office of Legal Counsel opinions concerning parallel construction or information considered “derived from” during an investigation; and
- 5) All policies involving the use of cell site simulators, such as StingRays, including any restrictions it puts on its own agents and other federal and state agencies about the disclosure of cell site simulator use.

Unified FOIA Regulations

In the Second National Action Plan, the United States committed to developing common FOIA regulations and practices for federal agencies. The Justice Department recently announced it has completed the process, with the resulting issuance of guidance and a template for agency regulations,¹¹ but not common regulations. In addition, it appears that the draft recommendations released by a coalition of organizations largely went unincorporated into the guidance, which instead closely mirrors DOJ’s own policies.¹² We recommend the DOJ’s Office of Information Policy restart the process and issue common regulations in consultation with civil society.

FOIA Spending at DOJ

The Office of Information Policy at the Department of Justice responsible for coordinating government-wide FOIA policy as well as addressing DOJ-specific FOIA matters. Unfortunately, it is not possible to know how much money (and resources) OIP is putting towards its government-wide efforts versus internal-facing efforts. In each Congressional Budget Justification, or in some other easy-to-access way, OIP should report the amount of money spent processing FOIA requests for the seven senior management offices within DOJ; the amount of money spent on adjudicating administrative appeals for all units in DOJ; and the amount spent on FOIA policy and compliance.

Tracking FOIA Fees

As part of its annual report on FOIA, the Justice Department’s Office of Information Policy should request agencies report on the amount of FOIA fees collected broken down by the basis on which the fees are collected.

We welcome the opportunity to discuss this with you further. Please contact Daniel Schuman, policy director, Demand Progress, at (b) (6) or (b) (6).

¹⁰ <http://www.nytimes.com/2016/02/26/us/politics/obama-administration-set-to-expand-sharing-of-data-that-nsa-intercepts.html>

¹¹ <https://www.justice.gov/oip/blog/new-guidance-and-template-agency-foia-regulations-now-available>

¹² <http://www.modelfoiaregs.org/>

I. Demand Progress

Recommendations from Demand Progress to the Department of Justice on Items for Inclusion in its 2016 Open Government Plan

April 5, 2016

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(emphasis added.)

It is time to implement collection and publication of registration information as structured data. The Department of Justice should require all filings be made in an electronic format where the information can easily flow into a machine-processable digital format. In turn, that information should be released to the public in bulk as structured data so that the data it contains may be searched and sorted. To the extent the Justice Department has already transformed the information contained in the filings into an electronic database, that information should be published.

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² https://www.senate.gov/legislative/Public_Disclosure/database_download.htm

³ <http://www.fara.gov/search.html>

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Parallel Construction

The Executive Branch's power to conduct surveillance related to foreign intelligence and national security is far greater than the Executive's legal authority to spy on Americans. This immense power has been contained throughout history by putting up certain checks that have changed over time. However, one of these critical safeguards appears susceptible to abuse: the right of defendants and courts to review evidence used to prosecute Americans. The tool that has created this problem is called Parallel Construction.

Parallel Construction is a broadly defined practice in which law enforcement conceals and/or recreates the origin of an investigation. The term is derived from government documents that reveal guidance on the deliberate masking and falsification of investigative history in order to erase investigations' origins. According to *Reuters*, the Special Operations Division, a unit of the Drug Enforcement Administration, distributes information in partnership with two-dozen other agencies, including the Federal Bureau of Investigations, the Central Intelligence Agency, and the National Security Agency. Reports suggest that this surveillance has sparked domestic, non-national security related investigations. As *Reuters* describes, "Agents are instructed to then use 'normal investigative techniques to recreate the information provided by SOD.'"⁹

⁵ <http://www.whitehouse.gov/the-press-office/freedom-information-act>

⁶ http://www.acslaw.org/files/Microsoft%20Word%20-%202011_Johnsen_OLC.pdf

⁷ <http://www.justice.gov/olc/pdf/olc-legal-advice-opinions.pdf>

⁸ <https://sunlightfoundation.com/blog/2012/08/15/39-of-office-of-legal-counsel-opinions-kept-from-the-public/>

⁹ <http://www.reuters.com/article/us-dea-sod-idUSBRE97409R20130805>

This may allow the government to use evidence in court without facing legal scrutiny of its true sources and methods. Successful masking renders the collection, sharing, and basis of surveillance impossible to contest, even if it were in contravention of the Constitution. Little public information is available about how or even when parallel construction happens. The public does not know what rules govern information sharing, prosecutors do not always know if there is additional information collected by investigators, and judges have little ability to spot when an agent testifies misleadingly. Meanwhile, *The New York Times* reports that information sharing may be on the verge of dramatic expansion.¹⁰

We request as part of its open government plan the Department of Justice provide regular public reporting on the following:

- 1) Its guidance on parallel construction and associated techniques;
- 2) Its guidance on when information should be considered “derived from” during an investigation;
- 3) It’s guidance on what information agents should provide to prosecutors about the origin of evidence;
- 4) Any Office of Legal Counsel opinions concerning parallel construction or information considered “derived from” during an investigation; and
- 5) All policies involving the use of cell site simulators, such as StingRays, including any restrictions it puts on its own agents and other federal and state agencies about the disclosure of cell site simulator use.

[REACTION OF DEA:

(b) (5)

[REDACTED]

(b) (5)

[REDACTED]

Unified FOIA Regulations

In the Second National Action Plan, the United States committed to developing common FOIA regulations and practices for federal agencies. The Justice Department recently announced it has completed the process, with the resulting issuance of guidance and a template for agency regulations,¹¹ but not common regulations. In addition, it appears that the draft recommendations released by a coalition of organizations largely went unincorporated into the guidance, which instead closely mirrors DOJ's own policies.¹² We recommend the DOJ's Office of Information Policy restart the process and issue common regulations in consultation with civil society.

FOIA Spending at DOJ

The Office of Information Policy at the Department of Justice responsible for coordinating government-wide FOIA policy as well as addressing DOJ-specific FOIA matters. Unfortunately, it is not possible to know how much money (and resources) OIP is putting towards its government-wide efforts versus internal-facing efforts. In each Congressional Budget Justification, or in some other easy-to-access way, OIP should report the amount of money spent processing FOIA requests for the seven senior management offices within DOJ; the amount of money spent on adjudicating administrative appeals for all units in DOJ; and the amount spent on FOIA policy and compliance.

Tracking FOIA Fees

As part of its annual report on FOIA, the Justice Department's Office of Information Policy should request agencies report on the amount of FOIA fees collected broken down by the basis on which the fees are collected.

We welcome the opportunity to discuss this with you further. Please contact Daniel Schuman, policy director, Demand Progress, at (b) (6) or (b) (6).

II. Steven Aftergood, Federation of American Scientists, Project on Government Secrecy

1. I would encourage DOJ to reinvigorate its publication of Office of Legal Counsel memoranda, including both current and historical opinions.

I see from the OLC website that a new OLC opinion has not been posted there since July 2015.

As for historical opinions, OLC initiated a promising new series of published "supplemental opinions, 1934-1974," with "volume 1" published in July 2013 here:

<https://www.justice.gov/olc/file/477221/download>

¹⁰ <http://www.nytimes.com/2016/02/26/us/politics/obama-administration-set-to-expand-sharing-of-data-that-nsa-intercepts.html>

¹¹ <https://www.justice.gov/oip/blog/new-guidance-and-template-agency-foia-regulations-now-available>

¹² <http://www.modelfoiaregs.org/>

But no "volume 2" has been forthcoming up to now. I think it (and successor volumes) would be eagerly welcomed. (I don't know if DOJ/OLC has a legal internship program, or something of the sort. But if so, the selection and preparation of archived OLC opinions for publication might be an interesting and appropriate task for an intern.)

2. DOJ should commit to performing more critical evaluation of the claims of agencies that face FOIA litigation before agreeing to represent those agencies in court. The issuance of at least several costly rulings in favor of FOIA plaintiffs suggests that DOJ is not correctly calibrating the legal merits of its agency clients' positions prior to litigation. It should endeavor to do so.

III Project On Government Oversight (POGO)

A few years ago, POGO submitted a few suggestions based on a report we released that dove into issues within the Justice Department's Office of Professional Responsibility (OPR), focusing on hundreds recorded instances of federal prosecutors and other Justice employees violating rules, laws, or ethical standards governing their work. Those letters are attached, but this year we would like to focus your attention on one of those recommendations in particular, this comes from the report (emphasis mine):

Although the Clinton-era disclosure policy was better than what is currently the standard, it is inadequate. Among other things, any DOJ policy on attorney misconduct needs to ensure that proactive disclosure does not require a demonstrated public interest. When serious allegations of misconduct are found to have merit, **details of findings of misconduct and corrective and disciplinary actions should be posted online in a timely fashion**, similar to how many state bar authorities deal with ethical violations—including the name of the attorneys who acted improperly and the defendants and cases affected by the misconduct. The public interest in learning about government misconduct can far outweigh any privacy interests for the attorneys whose salaries are paid by taxpayers. If allegations of reckless or intentional misconduct are not upheld by OPR, **those unredacted findings should be reported to the House and Senate Judiciary Committees for review**. This new congressional oversight would better prevent OPR inappropriately letting offending government attorneys off the hook.



POGO Ideas for DOJ
Third Open Governm



Addendum to POGO
Ideas for DOJ Third C

(b) (5)

IV Government Accountability Project (GAP) & Project On Government Oversight (POGO)

Improve the regulations providing whistleblower protection procedures for FBI employees

National Action Plan Commitment: *Improve the Adjudication Process for Reprisal Claims by Department of Justice Employees.* *The Department of Justice will propose revisions to its regulations providing whistleblower protection procedures for employees of the Federal Bureau of Investigation, including proposing to expand the list of officials to whom protected disclosures may be made. Findings of reprisal will be reported to the Federal Bureau of Investigation's Office of Professional Responsibility and to the Federal Bureau of Investigation Director for appropriate action. Additionally, the Department of Justice will continue to evaluate and update its mandatory training program to ensure all employees understand their rights and responsibilities under whistleblower protection laws.*

Background: The Federal Bureau of Investigations currently has one of the least effective whistleblower policies in the U.S. Code. The Civil Service Reform Act authorized the FBI to create its own equivalent system for merit system principles, including whistleblower protection. Unfortunately, the policy was nonexistent for over a decade and since has been a caricature of rights in the Whistleblower Protection Act of 1989. The Justice Department can make significant improvements to the FBI whistleblower regulations through application of the following recommendations, which are consistent with the bipartisan FBI Whistleblower Protection Enhancement Act of 2015 (S. 2390).

Recommendation: The Justice Department should expand coverage to all relevant witnesses, including applicants for employment or new positions; Close loopholes that previously excluded protection for disclosures to supervisors, within the chain of command and to Congress; Grant authority for the Office of Inspector General to obtain temporary relief against retaliation through “stays” while an appeal proceeds; Increase transparency into how the Act works in practice, through publication of its track record ranging from the number of cases filed and completed, to the whistleblowers’ won-loss record; Commission independent review by the Government Accountability Office of the regulation’s track record, to facilitate further improvements based on lessons learned.

It should also provide parity with the Whistleblower Protection Act in many critical respects, including by: Protect FBI employees who refuse to violate the law; Afford employees the right to seek due process remedies if the Office of Inspector General has not issued a ruling within 120 days; Establish identical burdens of proof for all fact-finding under the Act; Confer the right to independent due process before an Administrative Law Judge; Foster due process rights generally by requiring the publication of decisions on whistleblower complaints; Adopt the Administrative Procedures Act’s requirements for judicial review; For protected activity, cover the full scope of relevant misconduct, including illegality, gross waste, gross mismanagement, or a substantial and specific danger to public health or safety.

[from JMD/OGC: (b) (5)]

V. OPEN THE GOVERNMENT

Recommendations for the Department of Justice 2016 Open Government Plan April 18, 2016

The following recommendations are submitted for inclusion in the Justice Department's 2016 Open Government Plan.

Develop implementation guidance and standards for data collection

Background: The Deaths in Custody Reporting Act (DCRA) is designed to provide data on fatal police use of force while people are in police custody. This statute requires states receiving federal criminal justice assistance grants to report, by gender and race, all deaths that occur in law enforcement "custody", which includes while a person is being detained or arrested. It allows the Attorney General to withhold up to 10% of federal funds for law enforcement operations in any state that fails to comply with the reporting requirements. Since the reauthorization of the DCRA in 2014, however, it has become clear that guidance on implementation is necessary to ensure compliance by police departments across the country. Additionally, a clear, uniform definition on what constitutes a "death in custody" is needed, so that it is not left open to interpretation by different police departments.

Commitment: The Office of Justice Programs (OJP) will develop and issue guidance on the implementation of the Deaths in Custody Reporting Act (DCRA). This guidance will indicate: the definition of custody; what constitutes noncompliance; how penalties will be applied; and clear instructions and timelines for making information public.

Update national databases

Background: The Justice Department's 2014 Open Government Plan committed to adding new archived data to the Data.gov catalog, including: Uniform Crime Reporting Program Data; County-Level Detailed Arrest and Offense Data, 2011; Incident-based, Case Processing, and Criminal History Information on Felony and Domestic Violence Defendants in Large Urban Counties in 2002; National Crime Victimization Survey: Identity Theft Supplement, 2012; National Incident-Based Reporting System, 2011; National Inmate Survey, 2008-2009 ; and, Recidivism in the National Longitudinal Survey of Youth 1997 - Standalone Data.

Such existing voluntary national databases require updating in order to account for important data categories that continue to be missing. The National Incident-Based Reporting System, for example, does not account for persons with disabilities or undocumented persons.

Commitment: The Office of Justice Programs (OJP) will commit to updating these databases, by requiring data collection and reporting by state and local law enforcement agencies that benefit from Department of Justice criminal justice grants and programs.¹ In order to achieve complete and uniform data collection and reporting, the Justice Department will solicit data that is reflective of all police-civilian encounters, including categories for those encounters with people of color, women, and people with disabilities.

Develop federal requirements for body cameras

Background: A broad coalition of civil rights, privacy, and media rights groups, have developed shared principles around the use of body cameras, along with a policy scorecard that evaluates the body-worn camera policies currently in place at more than two dozen police departments across the country, including policies on personal privacy, access to footage, and whether these policies are publicly available.² The findings from the scorecard show that departments that have a strong policy in one area often falter in another, and every department evaluated has room to improve. The evaluation also demonstrates that there is a need for police departments to adopt federal policy requirements prior to receiving funding for body camera implementation.

Commitment: The DOJ will develop federal policy requirements for police departments to adopt before they receive funding to implement body cameras. The funding should include clear requirements to protect privacy concerns and to ensure the footage is used appropriately.

Enhance transparency of police use of investigative technologies

Background: As part of its third Open Government Plan, the Administration committed to:

Enhance Transparency of Federal Use of Investigative Technologies As law enforcement and homeland security agencies have harnessed the use of new technologies, such as unmanned aircraft systems, the Administration has recognized that these technologies — which have proven

¹ The federal government awards close to \$4 billion in such grants annually. See Brennan Center for Justice, Success-Oriented Funding: Reforming Federal Criminal Justice Grants (2014), available at <http://bit.ly/23SVR0K>. Any discretionary grants can be conditioned upon providing data, and any statutory of formula grant, including the Edward Byrne Memorial Justice Assistance Grant (Byrne JAG), can require data reporting as part of its existing performance metrics.

² The Leadership Conference, Policy Body Worn Cameras: A Policy Scorecard, November 2015, available at <http://bit.ly/1MDrneR>.

³ This federal guidance notably fails to address the lack of notice given the individuals affected by Stingray surveillance. See ACLU, Letter for the Record to the House Committee On Oversight Subcommittee On Information Technology, Hearing On “Examining Law Enforcement Use Of Cell Phone Tracking Devices” (Oct. 20, 2015), available at <http://bit.ly/1Wi05KE>.

to be safe and low-cost alternatives to traditional methods for criminal investigation, identification, and apprehension — must be used in a manner that protects the privacy and civil liberties of the public. Consistent with the goals of the President’s February 2015 [memorandum](#), law enforcement agencies are encouraged to develop and make publicly available a privacy analysis for advanced technologies and undertake periodic privacy review of their use.

Last year the Department of Justice released new guidance for federal agencies that deploy military-grade cellular surveillance devices, called StingRays. While this guidance includes important protections like a warrant requirement for StingRays and minimization procedures to prevent unlawful retention of data on innocent bystanders, it only applies to DOJ components and federal, state, and local agencies when they partner with the DOJ.³

Commitment: In accordance with the NAP commitment, and the President’s February 2015 memorandum, the Justice Department will enhance transparency of law enforcement’s use of StingRays. This will include remedying data collection loopholes that allow state and local law enforcement agencies to use the device with little to no transparency, and require all law enforcement agencies applying for device certification to provide detailed and public policies outlining their use.

We welcome the opportunity to discuss this with you further. Please contact Patrice McDermott, Executive Director of OpenTheGovernment.org, at (b) (6) or (b) (6).

VI SUNLIGHT FOUNDATION

Sunlight Foundation Feedback On The U.S. Department of Justice's Open Government Plan 4.0

April 2016

Adopt machine-readable, open formats for all disclosures of bulk data regarding the Foreign Agents Registration Act (FARA).

The current practice of posting individual records as PDFs is hindering the agency’s mission to inform the public. DoJ should post FARA disclosures as open data to Data.gov. Stretch goal: build on API for them.

Support legislative reforms of the Freedom of Information Act that reflect the Department’s own policy.

In March 2016, Vice Media reported on [documents](#) were obtained by the Freedom of the Press Foundation [obtained](#) using the Freedom of Information Act (FOIA) that showed the Department of Justice was lobbying against legislation that would codify the “presumption of openness” that President Barack Obama and former U.S. Attorney General Eric Holder instructed federal agencies to adopt in 2009.

At minimum, we expect the Department of Justice to be open and transparent about its positions regarding open government legislation. There should not be a difference between what its spokespeople are telling the public and what it is telling Congressional staffers.

Release the results of the “release to one, release to all” pilot immediately

When the Department [launched a proactive disclosure pilot](#) in July 2015, it stated that “the results of this six-month pilot program will be made available to the public, and we intend to be transparent about the pilots and their implementation by participating agencies.” We have seen no news release nor data regarding this effort, three months after that deadline.

Complete construction of a FOIA portal that enables a member of the public to make a request from any agency.

The Department of Justice committed to build a ‘consolidated online FOIA service’ in the [U.S. Open Government Partnership National Action Plan](#).

Beverly Lumpkin, a spokeswoman for the U.S. Department of Justice, told the [Huffington Post](#) that “we’re definitely committed to launching a consolidated request portal that will allow the public to submit a request to a single agency from single website,” yet there has been [no work done](#) on the FOIA software by 18F since July 2015.

We strongly encourage the Department to work with 18F to follow through on its commitment to build FOIA software that allows enables both requestors and government employees to process and track requests. We also recommend adding an analytics page to FOIA.gov to show how long agencies take to acknowledge and then respond to requests.

The Department should also explore the feasibility of building a standardized read/write application programming interface (API) for FOIA requests. Such an API would open up the opportunity for the private sector to compete to build the best software to request, track and receive FOIAs using the government’s platform.

Additionally, we suggest that the Department commission a study into [FOIA technology](#) to map out the landscape of FOIA software currently in use in the federal government and then prepare an estimate of how much time and money could be saved through adopting open standards and open source software.

Commit to improving government-wide compliance with FOIA requests by other agencies and add staffing capacity.

In 2014, the [United States set a new record for censoring and denying](#) FOIA requests, which the federal government then surpassed in 2015. The National Security Archive found that the majority of [federal agencies do not post records in their online](#) FOIA reading rooms.

The Department's legal posture with respect to lawsuits is also not in keeping with the President or Attorney General's memoranda.

The Department should not only lead by example but work with the FOIA Ombudsman to proactively use its influence and authority to ensure federal agencies are adopting a presumption of openness. If additional staff are needed to improve FOIA compliance in the Department or other agencies, DoJ should request more funding support from Congress.

Reduce the FOIA backlogs by proactively posting frequently requested documents and data.

[Research](#) has shown for [years](#) that the majority of FOIA requests are coming from commercial interests. The Department should work with agencies to ensure that frequently requested records and datasets are proactively prioritized and published at Data.gov, freeing up resources to address FOIA requests from media organizations.

Complete and update the Department's enterprise data inventory

Currently, only [13% of the public data sets OMB found](#) in the Department's enterprise data inventory have been published.

[From JMD/OCIO: OMB sent the new "rubric" (score card) on Tuesday. We believe the publishing ratio of the EDI is higher than the 13% cited by Sunlight.

I am in the middle of composing our data call instructions for the spring open data call we will be conducting and should be finished with these and have them approved by early next week.

My intent is to (b) (5)

[REDACTED]

(b) (5) [REDACTED].]

Release more memoranda from the Office of Legal Counsel

There have been no new documents posted to the department's OLC page since 2010.

Broadly speaking, we hope the Department will take proactive steps to embrace the principle that there should be no secret laws or secret interpretations of laws in the federal government.

VII AMERICAN ASSOCIATION OF LAW LIBRARIANS

In addition to following through on prior commitments, AALL hopes that more legislative histories will be added to your online collection, as we [recommended in 2014](#). It appears this page was last updated in 2014: <https://www.justice.gov/jmd/lis/legislative-histories>. Law librarians would appreciate see any additional digitized legislative histories that can be made publicly available. Are there any additional born digital legislative histories that could be made available?

[from Library Staff Director: (b) (5) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



February 28, 2014

Department of Justice
OpenGov@usdoj.gov

To whom it may concern:

Thank you for your recent public request for ideas for the third Open Government Plan on how to be more transparent, collaborative and participatory in how you carry out your various missions. The Project On Government Oversight is a nonpartisan independent watchdog that champions good government reforms. POGO's investigations into corruption, misconduct, and conflicts of interest achieve a more effective, accountable, open, and ethical federal government. As such, we have an interest in this issue.

Increase Transparency

Secrecy at the Office of Professional Responsibility (OPR) has fueled suspicions that the Justice Department does not police attorney misconduct aggressively. The Clinton/Reno-era policy¹ on disclosure of findings regarding DOJ attorney misconduct was an attempt to push OPR more in the direction of transparency while still balancing privacy and other concerns. Although it was an important step to proactively disclose OPR findings, there were too many limitations to that disclosure standard. Most problematic was that for those cases that involved "an allegation of serious professional misconduct," there needed to be a "demonstrated public interest in the disposition." However, how can the public demonstrate an interest in a case if they know nothing about it? Does the mere fact that DOJ has been able to keep a case quiet justify not making the disciplinary determinations public once the case has concluded?

Stephen Saltzburg, George Washington University Law Professor and co-author of the August 2010 ABA resolution regarding professional misconduct by DOJ attorneys,² told POGO he suspects "most of the Senator Stevens-level cases hit the news because a judge files a motion" reprimanding prosecutors. The hundreds of allegations confirmed by OPR as misconduct raises the question of whether the public really knows about all the significant instances of professional misconduct within DOJ.³

He added that he and others in the legal community want confidence that allegations are treated fairly and consistently. More transparency might help.

¹ Memorandum from Philip B. Heymann, Deputy Attorney General, to Michael E. Shaheen Jr., Counsel, Office of Professional Responsibility, regarding "Disclosure of the Results of Investigation of Alleged Professional Misconduct by Department Attorneys," December 13, 1993. <http://www.justice.gov/oip/docs/attorney-misconduct.pdf> (Downloaded February 28, 2014)

² American Bar Association, House of Delegates, Recommendation, August 10, 2010. <http://www.americanbar.org/content/dam/aba/migrated/leadership/2010/annual/pdfs/100a.authcheckdam.pdf> (Downloaded February 28, 2014)

³ Stephen Saltzburg, telephone interview with Nick Schwellenbach, February 10, 2014.

In 2010, the ABA argued in 2010 that the Justice Department should reinstate the Clinton/Reno standard.

RECOMMENDATION: POGO believes that although the Clinton/Reno standard was better than what is currently the standard, it is inadequate. Among other things, any DOJ policy on attorney misconduct needs to ensure that proactive disclosure does not require a demonstrated public interest. When serious allegations of misconduct are found to have merit, details of findings of misconduct and corrective and disciplinary actions should be posted online in a timely fashion, similar to how many state bar associations deal with ethical violations—including the name of the attorneys who acted improperly and the defendants and cases affected by the misconduct. The public interest in learning about government misconduct can far outweigh any privacy interests for the attorneys whose salaries are paid by taxpayers. If allegations of reckless or intentional misconduct are not upheld by OPR, those unredacted findings should be reported to the House and Senate Judiciary Committees for review. This new congressional oversight would better prevent OPR inappropriately letting offending government attorneys off the hook.

Close the Loophole Created by the OPR/ DOJ Office of Inspector General Stovepipe

OPR existed prior to the creation of the DOJ Office of Inspector General in 1988. The IG Act was amended to specifically carve out DOJ attorneys from the DOJ Office of Inspector General jurisdiction. As the DOJ IG testified before the House Oversight and Government Committee, “While we have jurisdiction to review alleged misconduct by non-lawyers in the Department, under Section 8E of the Inspector General Act, we do not have the same jurisdiction over alleged misconduct committed by Department attorneys when they act in their capacity as lawyers—namely, when they are litigating, investigating, or providing legal advice.”⁴ Given OPR’s current exclusive jurisdiction over DOJ attorneys’ professional misconduct, the DOJ IG has been prevented from conducting oversight in this area of great sensitivity.

Even the head of OPR for 24 years—the late Michael Shaheen—who originally opposed the creation of the DOJ OIG, told NPR in 2007 that the DOJ OIG is “a quick and efficient office that’s empowered to investigate both administrative and criminal matters,” and given the “arguable ineffectiveness or limited effectiveness of the current Office of Professional Responsibility” the OIG should take over.⁵

RECOMMENDATION: The DOJ OIG should be given the explicit authority to investigate allegations of misconduct by DOJ attorneys. It’s time to end this wrong-headed exception and to create more independent oversight and accountability

⁴ Statement of Michael E. Horowitz Inspector General, U.S. Department of Justice, before the House of Representatives Committee on Oversight and Government Reform on “Strengthening Agency Oversight: Empowering the Inspectors General Community,” January 15, 2014, p. 3. <http://oversight.house.gov/wp-content/uploads/2014/01/Horowitz-DOJ-Testimony-IG-1-15.pdf> (Downloaded February 28, 2014)

⁵ Ari Shapiro, “Ex-Chief Calls for Scrapping Justice Dept. Watchdog,” NPR, June 1, 2007. <http://www.npr.org/templates/story/story.php?storyId=10634336> (Downloaded February 28, 2014)

One solution is a merger of the two offices, especially considering OPR's relatively small size. It could become a specialized unit of the DOJ OIG, similar to how many OIGs have separate audit, criminal investigative, and program evaluation divisions. An interim step could allow the DOJ OIG the right of first refusal to do the investigation, requiring OPR to send along allegations to DOJ OIG as they come up.

If you have any questions regarding these ideas or need additional information, please contact me at (202) 347-1122

Sincerely,

A handwritten signature in black ink, reading "Danielle Brian". The signature is written in a cursive, flowing style. The first name "Danielle" is written in a larger, more ornate script, while the last name "Brian" is written in a slightly smaller, more straightforward cursive.

Danielle Brian
Executive Director



PROJECT ON
GOVERNMENT OVERSIGHT

Exposing Corruption. Exploring Solutions.

March 13, 2014

Department of Justice
OpenGov@usdoj.gov

To whom it may concern:

On February 28, 2014, the Project On Government Oversight submitted a suggestion in response to your public request for ideas for the third Open Government Plan on how to be more transparent, collaborative, and participatory in how you carry out your various missions. We have since released a report with additional findings regarding OPR.¹ If possible, we would like to submit the following as an addendum:

Report Misconduct to Relevant State Bar Authorities

To alleviate concerns that DOJ management isn't aggressively disciplining its own attorneys for misconduct, OPR should have the authority to make referrals to state bars with jurisdiction, and thereby allow state bar authorities to open an investigation and take necessary disciplinary actions.

RECOMMENDATION: At the conclusion of OPR's review, if OPR finds that there was misconduct and that the misconduct was an intentional violation or a result of reckless disregard, OPR must notify relevant state bar authorities of its findings. In addition, if DOJ management or the Professional Misconduct Review Unit weigh in on the matter, OPR shall notify relevant state bar authorities within 30 days of its receipt of DOJ management's or PMRU's findings.

Also, please note that while we are also seeking to empower the DOJ Office of the Inspector General (IG) to investigate misconduct, we understand that this must be done by Congress. We hope you will support such legislation.

If you have any questions or need additional information, please contact me at (202) 347-1122.

Sincerely,

Danielle Brian
Executive Director

¹ Project On Government Oversight, *Hundreds of Justice Department Attorneys Violated Professional Rules, Laws, or Ethical Standards; Administration Won't Name Offending Prosecutors*, March 13, 2014.
<http://www.pogo.org/our-work/reports/2014/hundreds-of-justice-attorneys-violated-standards.html>

From: Jones, Kevin R (OLP)
Subject: RE: OIP FOIA Search M. Best DOJ-2016-002494 (OLP)
To: Matthews, Matrina (OLP)
Cc: Gaskins, Shimica (OLP); Bressler, Steven (OLP)
Sent: May 11, 2016 3:08 PM (UTC-04:00)

Matrina,

This FOIA request is seeking records pertaining to “parallel construction” which is defined as recreating an investigative trail in an investigation so as to obscure the original methods used in the investigation.

I have never worked on any such matters, and have no records responsive to this request.

However, I understand from the media that these kinds of issues had arisen in the context of law enforcement use of “stingrays” and other cell site simulators, whereby the investigative leads in the case are attributed to some other source instead of identifying the stingray technology as a source of the leads. Though I was never involved in such issues, I know that others in OLP (led by Elana Tyrangiel) had worked with other components on the drafting and issuance of the Department’s policy on cell site simulators, so it is possible that those OLP staff members may have responsive material in their files.

-- Kevin

From: Matthews, Matrina (OLP)
Sent: Wednesday, May 11, 2016 2:51 PM
To: OLP-ALL (JMD)
Subject: FW: OIP FOIA Search M. Best DOJ-2016-002494 (OLP)

The purpose of this e-mail is to request that a search be conducted in the Office of Legal Policy (OLP) for records which are the subject of the attached FOIA request which was received in our Office.

The requester, Michael Best, is seeking records pertaining to “parallel construction.”

We have also initiated searches in the Office of Public Affairs and of the Departmental Executive Secretariat. When conducting your records search, please be certain to include a review of both paper and electronic records, which includes e-mail, e-mail that has been archived, computer (e.g. C, G, or H

drive) files, text or voice messages, and any classified systems, either in paper or electronic form, that may maintain responsive material. Any records that you maintain as of the time you begin your search should be reviewed to determine if they are responsive to this request. Should you locate any records, they will be processed by the Office of Information Policy (OIP). You may either retrieve and provide me with copies of your own records, or request OIPs assistance in assembling and copying records. To the extent that records other than unclassified e-mail need to be searched, OIP staff will make arrangements to conduct those searches on site.

Finally, please be certain to keep track of the amount of time taken to search for responsive records so that OIP can assess any applicable fees to the requester. OIPs regulations permit them to provide noncommercial, non-media requesters two free hours of search time per Department of Justice component. Accordingly, if you anticipate that the records search will exceed two hours, please let me know prior to completing the search.

A copy of the initial request letter is attached for your reference.

<< File: Initial Request.pdf >>

Thanks

Matrina F. Matthews

Office Manager

Department of Justice, Office of Legal Policy

Direct: (b) (6) | Fax: 202.616.4566 | Email: (b) (6)

I. Demand Progress

Recommendations from Demand Progress to the Department of Justice on Items for Inclusion in its 2016 Open Government Plan

April 5, 2016

The following recommendations are submitted for inclusion in the Justice Department's 2016 open government plan.

Update Reporting Under the Foreign Agents Registration Act

During the 2008 campaign, then-candidate Obama pledged to "create a centralized Internet database of lobbying reports ... in a searchable, sortable, downloadable format."¹ While persons who lobby on behalf of domestic entities have their information published in this way,² reporting practices for lobbyists for foreign entities have not been similarly modernized. The FARA database³ still permits registrants to submit paper documents and it publishes those documents as PDFs. This is in tension with the President's call for transparency and obscures the useful information contained in the reports. Transparency advocates spend an inordinate amount of effort trying to transform these paper files into a searchable, sortable, downloadable database.⁴

As part of its third Open Government Plan, the Department of Justice committed:

To review the FARA website and electronic filing system, while soliciting reasonable and concrete suggestions and feedback from the public, and will work to make feasible and appropriate modifications to the database. **Throughout this process, the Department will specifically investigate collecting and publishing registration information as structured data in a machine-readable format.**

(emphasis added.)

It is time to implement collection and publication of registration information as structured data. The Department of Justice should require all filings be made in an electronic format where the information can easily flow into a machine-processable digital format. In turn, that information should be released to the public in bulk as structured data so that the data it contains may be searched and sorted. To the extent the Justice Department has already transformed the information contained in the filings into an electronic database, that information should be published.

¹http://change.gov/agenda/ethics_agenda/

² https://www.senate.gov/legislative/Public_Disclosure/database_download.htm

³ <http://www.fara.gov/search.html>

⁴ See <http://foreignlobbying.org/>

Office of Legal Counsel Opinions

In an Executive Order,⁵ President Obama wrote that "agencies should take affirmative steps to make information available to the public" and should "adopt a presumption in favor of disclosure." His first nominee to head the Office of Legal Counsel, Dawn Johnsen, joined by many others who served in the Justice Department, called on OLC to "publicly disclose its written legal opinions in a timely manner, absent strong reasons for delay or nondisclosure."⁶ The Office itself, in its "best practices" memo, declares that "the Office operates under the presumption that it should make its significant opinions fully and promptly available to the public," including considering "disclosing documents even if they technically fall within the scope of a FOIA exemption."⁷ We have found that many reports are not available to the public.⁸

First, the Department of Justice should create a central site where all OLC opinions are published—currently some are available on its FOIA site, others on its official OLC site, and still others available as a result of litigation, newspaper stories, and the like.

Second, the Justice Department should amend its policy to require disclosure of all opinions by default, except in certain limited circumstances. A determination to withhold publication should be made at the highest levels within the DOJ and be based upon clearly articulated rules. To the extent a document is withheld in full or in substantial part, a detailed unclassified summary of the opinion should be made available to the public in a timely way that conveys the essence of the opinion. In addition, the OLC should publish a complete list of all final opinions and contemporaneously update the list.

[OLC Response: (b) (5)]

[REDACTED]

(b) (5)

[REDACTED]

(b) (5)

[REDACTED]

(b) (5) [REDACTED]

Parallel Construction

The Executive Branch's power to conduct surveillance related to foreign intelligence and national security is far greater than the Executive's legal authority to spy on Americans. This immense power has been contained throughout history by putting up certain checks that have changed over time. However, one of these critical safeguards appears susceptible to abuse: the right of defendants and courts to review evidence used to prosecute Americans. The tool that has created this problem is called Parallel Construction.

Parallel Construction is a broadly defined practice in which law enforcement conceals and/or recreates the origin of an investigation. The term is derived from government documents that reveal guidance on the deliberate masking and falsification of investigative history in order to erase investigations' origins. According to *Reuters*, the Special Operations Division, a unit of the Drug Enforcement Administration, distributes information in partnership with two-dozen other agencies, including the Federal Bureau of Investigations, the Central Intelligence Agency, and the National Security Agency. Reports suggest that this surveillance has sparked domestic, non-national security related investigations. As *Reuters* describes, "Agents are instructed to then use 'normal investigative techniques to recreate the information provided by SOD.'"⁹

This may allow the government to use evidence in court without facing legal scrutiny of its true sources and methods. Successful masking renders the collection, sharing, and basis of surveillance impossible to contest, even if it were in contravention of the Constitution. Little public information is available about how or even when parallel construction happens. The public does not know what rules govern information sharing, prosecutors do not always know if there is additional information collected by investigators, and judges have little ability to spot

⁵ <http://www.whitehouse.gov/the-press-office/freedom-information-act>

⁶ <http://www.acslaw.org/files/Microsoft%20Word%20-%202011%20Johnsen%20OLC.pdf>

⁷ <http://www.justice.gov/olc/pdf/olc-legal-advice-opinions.pdf>

⁸ <https://sunlightfoundation.com/blog/2012/08/15/39-of-office-of-legal-counsel-opinions-kept-from-the-public/>

⁹ <http://www.reuters.com/article/us-dea-sod-idUSBRE97409R20130805>

when an agent testifies misleadingly. Meanwhile, *The New York Times* reports that information sharing may be on the verge of dramatic expansion.¹⁰

We request as part of its open government plan the Department of Justice provide regular public reporting on the following:

- 1) Its guidance on parallel construction and associated techniques;
- 2) Its guidance on when information should be considered “derived from” during an investigation;
- 3) It’s guidance on what information agents should provide to prosecutors about the origin of evidence;
- 4) Any Office of Legal Counsel opinions concerning parallel construction or information considered “derived from” during an investigation; and
- 5) All policies involving the use of cell site simulators, such as StingRays, including any restrictions it puts on its own agents and other federal and state agencies about the disclosure of cell site simulator use.

[REACTION OF DEA:

(b) (5) [REDACTED]

(b) (5) [REDACTED]

¹⁰ <http://www.nytimes.com/2016/02/26/us/politics/obama-administration-set-to-expand-sharing-of-data-that-nsa-intercepts.html>

Unified FOIA Regulations

In the Second National Action Plan, the United States committed to developing common FOIA regulations and practices for federal agencies. The Justice Department recently announced it has completed the process, with the resulting issuance of guidance and a template for agency regulations,¹¹ but not common regulations. In addition, it appears that the draft recommendations released by a coalition of organizations largely went unincorporated into the guidance, which instead closely mirrors DOJ's own policies.¹² We recommend the DOJ's Office of Information Policy restart the process and issue common regulations in consultation with civil society.

FOIA Spending at DOJ

The Office of Information Policy at the Department of Justice responsible for coordinating government-wide FOIA policy as well as addressing DOJ-specific FOIA matters. Unfortunately, it is not possible to know how much money (and resources) OIP is putting towards its government-wide efforts versus internal-facing efforts. In each Congressional Budget Justification, or in some other easy-to-access way, OIP should report the amount of money spent processing FOIA requests for the seven senior management offices within DOJ; the amount of money spent on adjudicating administrative appeals for all units in DOJ; and the amount spent on FOIA policy and compliance.

Tracking FOIA Fees

As part of its annual report on FOIA, the Justice Department's Office of Information Policy should request agencies report on the amount of FOIA fees collected broken down by the basis on which the fees are collected.

We welcome the opportunity to discuss this with you further. Please contact Daniel Schuman, policy director, Demand Progress, at (b) (6) or (b) (6).

II. Steven Aftergood, Federation of American Scientists, Project on Government Secrecy

1. I would encourage DOJ to reinvigorate its publication of Office of Legal Counsel memoranda, including both current and historical opinions.

¹¹ <https://www.justice.gov/oip/blog/new-guidance-and-template-agency-foia-regulations-now-available>

¹² <http://www.modelfoiaregs.org/>

As for historical opinions, OLC initiated a promising new series of published "supplemental opinions, 1934-1974," with "volume 1" published in July 2013 here:

<https://www.justice.gov/olc/file/477221/download>

But no "volume 2" has been forthcoming up to now. I think it (and successor volumes) would be eagerly welcomed. (I don't know if DOJ/OLC has a legal internship program, or something of the sort. But if so, the selection and preparation of archived OLC opinions for publication might be an interesting and appropriate task for an intern.)

2. DOJ should commit to performing more critical evaluation of the claims of agencies that face FOIA litigation before agreeing to represent those agencies in court. The issuance of at least several costly rulings in favor of FOIA plaintiffs suggests that DOJ is not correctly calibrating the legal merits of its agency clients' positions prior to litigation. It should endeavor to do so.

III Project On Government Oversight (POGO)

A few years ago, POGO submitted a few suggestions based on a report we released that dove into issues within the Justice Department's Office of Professional Responsibility (OPR), focusing on hundreds recorded instances of federal prosecutors and other Justice employees violating rules, laws, or ethical standards governing their work. Those letters are attached, but this year we would like to focus your attention on one of those recommendations in particular, this comes from the report (emphasis mine):

Although the Clinton-era disclosure policy was better than what is currently the standard, it is inadequate. Among other things, any DOJ policy on attorney misconduct needs to ensure that proactive disclosure does not require a demonstrated public interest. When serious allegations of misconduct are found to have merit, **details of findings of misconduct and corrective and disciplinary actions should be posted online in a timely fashion**, similar to how many state bar authorities deal with ethical violations—including the name of the attorneys who acted improperly and the defendants and cases affected by the misconduct. The public interest in learning about government misconduct can far outweigh any privacy interests for the attorneys whose salaries are paid by taxpayers. If allegations of reckless or intentional misconduct are not upheld by OPR, **those unredacted findings should be reported to the House and Senate Judiciary Committees for review.** This new congressional oversight would better prevent OPR inappropriately letting offending government attorneys off the hook.



POGO Ideas for DOJ
Third Open Governm



Addendum to POGO
Ideas for DOJ Third C

IV Government Accountability Project (GAP) & Project On Government Oversight (POGO)

Improve the regulations providing whistleblower protection procedures for FBI employees

National Action Plan Commitment: *Improve the Adjudication Process for Reprisal Claims by Department of Justice Employees.* *The Department of Justice will propose revisions to its regulations providing whistleblower protection procedures for employees of the Federal Bureau of Investigation, including proposing to expand the list of officials to whom protected disclosures may be made. Findings of reprisal will be reported to the Federal Bureau of Investigation's Office of Professional Responsibility and to the Federal Bureau of Investigation Director for appropriate action. Additionally, the Department of Justice will continue to evaluate and update its mandatory training program to ensure all employees understand their rights and responsibilities under whistleblower protection laws.*

Background: The Federal Bureau of Investigations currently has one of the least effective whistleblower policies in the U.S. Code. The Civil Service Reform Act authorized the FBI to create its own equivalent system for merit system principles, including whistleblower protection. Unfortunately, the policy was nonexistent for over a decade and since has been a caricature of rights in the Whistleblower Protection Act of 1989. The Justice Department can make significant improvements to the FBI whistleblower regulations through application of the following recommendations, which are consistent with the bipartisan FBI Whistleblower Protection Enhancement Act of 2015 (S. 2390).

Recommendation: The Justice Department should expand coverage to all relevant witnesses, including applicants for employment or new positions; Close loopholes that previously excluded protection for disclosures to supervisors, within the chain of command and to Congress; Grant authority for the Office of Inspector General to obtain temporary relief against retaliation through "stays" while an appeal proceeds; Increase transparency into how the Act works in practice, through publication of its track record ranging from the number of cases filed and completed, to the whistleblowers' won-loss record; Commission independent review by the Government Accountability Office of the regulation's track record, to facilitate further improvements based on lessons learned.

It should also provide parity with the Whistleblower Protection Act in many critical respects, including by: Protect FBI employees who refuse to violate the law; Afford employees the right to seek due process remedies if the Office of Inspector General has not issued a ruling within 120 days; Establish identical burdens of proof for all fact-finding under the Act; Confer the right to independent due process before an Administrative Law

Judge; Foster due process rights generally by requiring the publication of decisions on whistleblower complaints; Adopt the Administrative Procedures Act's requirements for judicial review; For protected activity, cover the full scope of relevant misconduct, including illegality, gross waste, gross mismanagement, or a substantial and specific danger to public health or safety.

[from JMD/OGC: (b) (5)

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V. OPEN THE GOVERNMENT

Recommendations for the Department of Justice 2016 Open Government Plan April 18, 2016

The following recommendations are submitted for inclusion in the Justice Department's 2016 Open Government Plan.

Develop implementation guidance and standards for data collection

Background: The Deaths in Custody Reporting Act (DCRA) is designed to provide data on fatal police use of force while people are in police custody. This statute requires states receiving federal criminal justice assistance grants to report, by gender and race, all deaths that occur in law enforcement "custody", which includes while a person is being detained or arrested. It allows the Attorney General to withhold up to 10% of federal funds for law enforcement operations in any state that fails to comply with the reporting requirements. Since the re-authorization of the DCRA in 2014, however, it has become clear that guidance on implementation is necessary to ensure compliance by police departments across the country. Additionally, a clear, uniform definition on what constitutes a "death in custody" is needed, so that it is not left open to interpretation by different police departments.

Commitment: The Office of Justice Programs (OJP) will develop and issue guidance on the implementation of the Deaths in Custody Reporting Act (DCRA). This guidance will indicate: the definition of custody; what constitutes noncompliance; how penalties will be applied; and clear instructions and timelines for making information public.

Update national databases

Background: The Justice Department's 2014 Open Government Plan committed to adding new archived data to the Data.gov catalog, including: Uniform Crime Reporting Program Data; County-Level Detailed Arrest and Offense Data, 2011; Incident-based, Case Processing, and Criminal History Information on Felony and Domestic Violence Defendants in Large Urban Counties in 2002; National Crime Victimization Survey: Identity Theft Supplement, 2012;

National Incident-Based Reporting System, 2011; National Inmate Survey, 2008-2009 ; and, Recidivism in the National Longitudinal Survey of Youth 1997 - Standalone Data.

Such existing voluntary national databases require updating in order to account for important data categories that continue to be missing. The National Incident-Based Reporting System, for example, does not account for persons with disabilities or undocumented persons.

Commitment: The Office of Justice Programs (OJP) will commit to updating these databases, by requiring data collection and reporting by state and local law enforcement agencies that benefit from Department of Justice criminal justice grants and programs.¹ In order to achieve complete and uniform data collection and reporting, the Justice Department will solicit data that is reflective of all police- civilian encounters, including categories for those encounters with people of color, women, and people with disabilities.

Develop federal requirements for body cameras

Background: A broad coalition of civil rights, privacy, and media rights groups, have developed shared principles around the use of body cameras, along with a policy scorecard that evaluates the body-worn camera policies currently in place at more than two dozen police departments across the country, including policies on personal privacy, access to footage, and whether these policies are publicly available.² The findings from the scorecard show that departments that have a strong policy in one area often falter in another, and every department evaluated has room to improve. The evaluation also demonstrates that there is a need for police departments to adopt federal policy requirements prior to receiving funding for body camera implementation.

Commitment: The DOJ will develop federal policy requirements for police departments to adopt before they receive funding to implement body cameras. The funding should include clear requirements to protect privacy concerns and to ensure the footage is used appropriately.

Enhance transparency of police use of investigative technologies

Background: As part of its third Open Government Plan, the Administration committed to:

Enhance Transparency of Federal Use of Investigative Technologies As law enforcement and homeland security agencies have harnessed the use of new technologies, such as unmanned aircraft systems, the Administration has recognized that these technologies — which have proven

¹ The federal government awards close to \$4 billion in such grants annually. See Brennan Center for Justice, Success-Oriented Funding: Reforming Federal Criminal Justice Grants (2014), available at <http://bit.ly/23SVR0K>. Any discretionary grants can be conditioned upon providing data, and any statutory of formula grant, including the Edward Byrne Memorial Justice Assistance Grant (Byrne JAG), can require data reporting as part of its existing performance metrics.

² The Leadership Conference, Policy Body Worn Cameras: A Policy Scorecard, November 2015, available at <http://bit.ly/1MDrneR>.

³ This federal guidance notably fails to address the lack of notice given the individuals affected by Stingray surveillance. See ACLU, Letter for the Record to the House Committee On Oversight Subcommittee On Information Technology, Hearing On “Examining Law Enforcement Use Of Cell Phone Tracking Devices” (Oct. 20, 2015), available at <http://bit.ly/1Wi05KE>.

to be safe and low-cost alternatives to traditional methods for criminal investigation, identification, and apprehension — must be used in a manner that protects the privacy and civil liberties of the public. Consistent with the goals of the President’s February 2015 [memorandum](#), law enforcement agencies are encouraged to develop and make publicly available a privacy analysis for advanced technologies and undertake periodic privacy review of their use.

Last year the Department of Justice released new guidance for federal agencies that deploy military-grade cellular surveillance devices, called StingRays. While this guidance includes important protections like a warrant requirement for StingRays and minimization procedures to prevent unlawful retention of data on innocent bystanders, it only applies to DOJ components and federal, state, and local agencies when they partner with the DOJ.³

Commitment: In accordance with the NAP commitment, and the President’s February 2015 memorandum, the Justice Department will enhance transparency of law enforcement’s use of StingRays. This will include remedying data collection loopholes that allow state and local law enforcement agencies to use the device with little to no transparency, and require all law enforcement agencies applying for device certification to provide detailed and public policies outlining their use.

We welcome the opportunity to discuss this with you further. Please contact Patrice McDermott, Executive Director of OpenTheGovernment.org, at (b) (6) or (b) (6).

VI SUNLIGHT FOUNDATION

Sunlight Foundation Feedback On The U.S. Department of Justice's Open Government Plan 4.0

April 2016

Adopt machine-readable, open formats for all disclosures of bulk data regarding the Foreign Agents Registration Act (FARA).

The current practice of posting individual records as PDFs is hindering the agency’s mission to inform the public. DoJ should post FARA disclosures as open data to Data.gov. Stretch goal: build on API for them.

Support legislative reforms of the Freedom of Information Act that reflect the Department’s own policy.

In March 2016, Vice Media reported on [documents](#) were obtained by the Freedom of the Press Foundation [obtained](#) using the Freedom of Information Act (FOIA) that showed the Department of Justice was lobbying against legislation that would codify the “presumption of openness” that President Barack Obama and former U.S. Attorney General Eric Holder instructed federal agencies to adopt in 2009.

At minimum, we expect the Department of Justice to be open and transparent about its positions regarding open government legislation. There should not be a difference between what its spokespeople are telling the public and what it is telling Congressional staffers.

Release the results of the “release to one, release to all” pilot immediately

When the Department [launched a proactive disclosure pilot](#) in July 2015, it stated that “the results of this six-month pilot program will be made available to the public, and we intend to be transparent about the pilots and their implementation by participating agencies.” We have seen no news release nor data regarding this effort, three months after that deadline.

Complete construction of a FOIA portal that enables a member of the public to make a request from any agency.

The Department of Justice committed to build a ‘consolidated online FOIA service’ in the [U.S. Open Government Partnership National Action Plan](#).

Beverly Lumpkin, a spokeswoman for the U.S. Department of Justice, told the [Huffington Post](#) that “we’re definitely committed to launching a consolidated request portal that will allow the public to submit a request to a single agency from single website,” yet there has been [no work done](#) on the FOIA software by 18F since July 2015.

We strongly encourage the Department to work with 18F to follow through on its commitment to build FOIA software that allows enables both requestors and government employees to process and track requests. We also recommend adding an analytics page to FOIA.gov to show how long agencies take to acknowledge and then respond to requests.

The Department should also explore the feasibility of building a standardized read/write application programming interface (API) for FOIA requests. Such an API would open up the opportunity for the private sector to compete to build the best software to request, track and receive FOIAs using the government’s platform.

Additionally, we suggest that the Department commission a study into [FOIA technology](#) to map out the landscape of FOIA software currently in use in the federal government and then prepare an estimate of how much time and money could be saved through adopting open standards and open source software.

Commit to improving government-wide compliance with FOIA requests by other agencies and add staffing capacity.

In 2014, the [United States set a new record for censoring and denying](#) FOIA requests, which the federal government then surpassed in 2015. The National Security Archive found that the majority of [federal agencies do not post records in their online](#) FOIA reading rooms.

The Department's legal posture with respect to lawsuits is also not in keeping with the President or Attorney General's memoranda.

The Department should not only lead by example but work with the FOIA Ombudsman to proactively use its influence and authority to ensure federal agencies are adopting a presumption of openness. If additional staff are needed to improve FOIA compliance in the Department or other agencies, DoJ should request more funding support from Congress.

Reduce the FOIA backlogs by proactively posting frequently requested documents and data.

[Research](#) has shown for [years](#) that the majority of FOIA requests are coming from commercial interests. The Department should work with agencies to ensure that frequently requested records and datasets are proactively prioritized and published at Data.gov, freeing up resources to address FOIA requests from media organizations.

Complete and update the Department's enterprise data inventory

Currently, only [13% of the public data sets OMB found](#) in the Department's enterprise data inventory have been published.

[From JMD/OCIO: OMB sent the new "rubric" (score card) on Tuesday. We believe the publishing ratio of the EDI is higher than the 13% cited by Sunlight.

I am in the middle of composing our data call instructions for the spring open data call we will be conducting and should be finished with these and have them approved by early next week.

My intent is to (b) (5)

[REDACTED]

(b) (5) [REDACTED].]

Release more memoranda from the Office of Legal Counsel

There have been no new documents posted to the department's OLC page since 2010.

Broadly speaking, we hope the Department will take proactive steps to embrace the principle that there should be no secret laws or secret interpretations of laws in the federal government.

VII AMERICAN ASSOCIATION OF LAW LIBRARIANS

In addition to following through on prior commitments, AALL hopes that more legislative histories will be added to your online collection, as we [recommended in 2014](#). It appears this page was last updated in 2014: <https://www.justice.gov/jmd/lis/legislative-histories>. Law librarians would appreciate see any additional digitized legislative histories that can be made publicly available. Are there any additional born digital legislative histories that could be made available?

[from Library Staff Director: (b) (5) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

February 28, 2014

Department of Justice
OpenGov@usdoj.gov

To whom it may concern:

Thank you for your recent public request for ideas for the third Open Government Plan on how to be more transparent, collaborative and participatory in how you carry out your various missions. The Project On Government Oversight is a nonpartisan independent watchdog that champions good government reforms. POGO's investigations into corruption, misconduct, and conflicts of interest achieve a more effective, accountable, open, and ethical federal government. As such, we have an interest in this issue.

Increase Transparency

Secrecy at the Office of Professional Responsibility (OPR) has fueled suspicions that the Justice Department does not police attorney misconduct aggressively. The Clinton/Reno-era policy¹ on disclosure of findings regarding DOJ attorney misconduct was an attempt to push OPR more in the direction of transparency while still balancing privacy and other concerns. Although it was an important step to proactively disclose OPR findings, there were too many limitations to that disclosure standard. Most problematic was that for those cases that involved "an allegation of serious professional misconduct," there needed to be a "demonstrated public interest in the disposition." However, how can the public demonstrate an interest in a case if they know nothing about it? Does the mere fact that DOJ has been able to keep a case quiet justify not making the disciplinary determinations public once the case has concluded?

Stephen Saltzburg, George Washington University Law Professor and co-author of the August 2010 ABA resolution regarding professional misconduct by DOJ attorneys,² told POGO he suspects "most of the Senator Stevens-level cases hit the news because a judge files a motion" reprimanding prosecutors. The hundreds of allegations confirmed by OPR as misconduct raises the question of whether the public really knows about all the significant instances of professional misconduct within DOJ.³

He added that he and others in the legal community want confidence that allegations are treated fairly and consistently. More transparency might help.

¹ Memorandum from Philip B. Heymann, Deputy Attorney General, to Michael E. Shaheen Jr., Counsel, Office of Professional Responsibility, regarding "Disclosure of the Results of Investigation of Alleged Professional Misconduct by Department Attorneys," December 13, 1993. <http://www.justice.gov/oip/docs/attorney-misconduct.pdf> (Downloaded February 28, 2014)

² American Bar Association, House of Delegates, Recommendation, August 10, 2010. <http://www.americanbar.org/content/dam/aba/migrated/leadership/2010/annual/pdfs/100a.authcheckdam.pdf> (Downloaded February 28, 2014)

³ Stephen Saltzburg, telephone interview with Nick Schwellenbach, February 10, 2014.

In 2010, the ABA argued in 2010 that the Justice Department should reinstate the Clinton/Reno standard.

RECOMMENDATION: POGO believes that although the Clinton/Reno standard was better than what is currently the standard, it is inadequate. Among other things, any DOJ policy on attorney misconduct needs to ensure that proactive disclosure does not require a demonstrated public interest. When serious allegations of misconduct are found to have merit, details of findings of misconduct and corrective and disciplinary actions should be posted online in a timely fashion, similar to how many state bar associations deal with ethical violations—including the name of the attorneys who acted improperly and the defendants and cases affected by the misconduct. The public interest in learning about government misconduct can far outweigh any privacy interests for the attorneys whose salaries are paid by taxpayers. If allegations of reckless or intentional misconduct are not upheld by OPR, those unredacted findings should be reported to the House and Senate Judiciary Committees for review. This new congressional oversight would better prevent OPR inappropriately letting offending government attorneys off the hook.

Close the Loophole Created by the OPR/ DOJ Office of Inspector General Stovepipe

OPR existed prior to the creation of the DOJ Office of Inspector General in 1988. The IG Act was amended to specifically carve out DOJ attorneys from the DOJ Office of Inspector General jurisdiction. As the DOJ IG testified before the House Oversight and Government Committee, “While we have jurisdiction to review alleged misconduct by non-lawyers in the Department, under Section 8E of the Inspector General Act, we do not have the same jurisdiction over alleged misconduct committed by Department attorneys when they act in their capacity as lawyers—namely, when they are litigating, investigating, or providing legal advice.”⁴ Given OPR’s current exclusive jurisdiction over DOJ attorneys’ professional misconduct, the DOJ IG has been prevented from conducting oversight in this area of great sensitivity.

Even the head of OPR for 24 years—the late Michael Shaheen—who originally opposed the creation of the DOJ OIG, told NPR in 2007 that the DOJ OIG is “a quick and efficient office that’s empowered to investigate both administrative and criminal matters,” and given the “arguable ineffectiveness or limited effectiveness of the current Office of Professional Responsibility” the OIG should take over.⁵

RECOMMENDATION: The DOJ OIG should be given the explicit authority to investigate allegations of misconduct by DOJ attorneys. It’s time to end this wrong-headed exception and to create more independent oversight and accountability

⁴ Statement of Michael E. Horowitz Inspector General, U.S. Department of Justice, before the House of Representatives Committee on Oversight and Government Reform on “Strengthening Agency Oversight: Empowering the Inspectors General Community,” January 15, 2014, p. 3. <http://oversight.house.gov/wp-content/uploads/2014/01/Horowitz-DOJ-Testimony-IG-1-15.pdf> (Downloaded February 28, 2014)

⁵ Ari Shapiro, “Ex-Chief Calls for Scrapping Justice Dept. Watchdog,” NPR, June 1, 2007. <http://www.npr.org/templates/story/story.php?storyId=10634336> (Downloaded February 28, 2014)

One solution is a merger of the two offices, especially considering OPR's relatively small size. It could become a specialized unit of the DOJ OIG, similar to how many OIGs have separate audit, criminal investigative, and program evaluation divisions. An interim step could allow the DOJ OIG the right of first refusal to do the investigation, requiring OPR to send along allegations to DOJ OIG as they come up.

If you have any questions regarding these ideas or need additional information, please contact me at (202) 347-1122

Sincerely,

A handwritten signature in cursive script, reading "Danielle Brian". The signature is written in dark ink and is positioned to the right of the typed name.

Danielle Brian
Executive Director



PROJECT ON
GOVERNMENT OVERSIGHT

Exposing Corruption. Exploring Solutions.

March 13, 2014

Department of Justice
OpenGov@usdoj.gov

To whom it may concern:

On February 28, 2014, the Project On Government Oversight submitted a suggestion in response to your public request for ideas for the third Open Government Plan on how to be more transparent, collaborative, and participatory in how you carry out your various missions. We have since released a report with additional findings regarding OPR.¹ If possible, we would like to submit the following as an addendum:

Report Misconduct to Relevant State Bar Authorities

To alleviate concerns that DOJ management isn't aggressively disciplining its own attorneys for misconduct, OPR should have the authority to make referrals to state bars with jurisdiction, and thereby allow state bar authorities to open an investigation and take necessary disciplinary actions.

RECOMMENDATION: At the conclusion of OPR's review, if OPR finds that there was misconduct and that the misconduct was an intentional violation or a result of reckless disregard, OPR must notify relevant state bar authorities of its findings. In addition, if DOJ management or the Professional Misconduct Review Unit weigh in on the matter, OPR shall notify relevant state bar authorities within 30 days of its receipt of DOJ management's or PMRU's findings.

Also, please note that while we are also seeking to empower the DOJ Office of the Inspector General (IG) to investigate misconduct, we understand that this must be done by Congress. We hope you will support such legislation.

If you have any questions or need additional information, please contact me at (202) 347-1122.

Sincerely,

A handwritten signature in black ink that reads 'Danielle Brian'.

Danielle Brian
Executive Director

¹ Project On Government Oversight, *Hundreds of Justice Department Attorneys Violated Professional Rules, Laws, or Ethical Standards; Administration Won't Name Offending Prosecutors*, March 13, 2014.
<http://www.pogo.org/our-work/reports/2014/hundreds-of-justice-attorneys-violated-standards.html>

**Questions for the Record
Loretta E. Lynch
Attorney General
U.S. Department of Justice
Before the Committee on the Judiciary
U.S. House of Representatives
November 17, 2015**

Questions posed by Chairman Bob Goodlatte

Not Responsive

Not Responsive

Cell Site Simulators

4. **Recent reports indicate that the IRS has used Stingray technology in furtherance of its investigations under a lower standard than probable cause, one otherwise known as the “pen/trap” standard. DOJ recently released a policy to cover the use of cell site simulators like the Stingray. That policy provides that the Department will generally seek a probable cause warrant when it wants to use a cell site simulator for investigative purposes, specifically stating that it applies “to the use of cell-site simulator technology inside the United States in furtherance of criminal investigations.” Does DOJ’s new cell-site simulator policy apply government-wide?**

Response: On September 3, 2015, the Department issued a new policy (policy) for its use of cell-site simulators. The Department also provided a briefing on the new policy to House Judiciary Committee staff on September 18, 2015. This policy, which applies across the Department of Justice, provides Department components and task forces with standard guidance for the use of cell-site simulators in the Department’s domestic criminal investigations and establishes new management controls for the use of the technology. The policy enhances transparency and accountability, improves training and supervision, establishes a higher and more consistent legal standard, and increases privacy protections in relation to law enforcement’s use of this critical technology. Further, the policy ensures the Department’s protocols for this technology are consistent, well-managed, and respectful of individuals’ privacy and civil liberties. The policy does not apply to other Federal agencies.

Not Responsive

From: Lane Scott, Kristi Z (OPCL)
Subject: Dirtbox Briefing
To: Bordley, Ed (USMS)
Cc: Brown Lee, Erika (ODAG); Chung, Joo (OPCL); Harp, Jennifer C. (OPCL);
Cardwell, Christine (ODAG)
Sent: November 20, 2014 12:32 PM (UTC-05:00)

Hi Ed,

Erika is requesting a briefing related to the USMS Cessna aircraft "dirtbox" program. Given the recent attention the program has received, Erika would like to assess the program from a privacy perspective. In particular, she is interested in the details of the deployment process, how the technology is actually used, what sort of retention policy is in use, and whether privacy documentation is required. We think it would also be helpful to hear directly from the program managers. Is it possible to schedule a briefing within the next two weeks? Thanks for all of your assistance.

Best,

Kristi Lane Scott

Deputy Director
Office of Privacy and Civil Liberties
U.S. Department of Justice
1331 Pennsylvania Avenue, NW
Suite 1000
Washington, DC 20530
(b) (6) (office)
(b) (6) (mobile)
202.307.0693 (fax)
(S) (b) (6)
(TS) (b) (6)

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From: Lane Scott, Kristi Z (OPCL)
Subject: RE: Dirtbox Briefing
To: Bordley, Ed (USMS)
Sent: November 20, 2014 3:02 PM (UTC-05:00)

This message has been archived.

Thanks Ed. We would appreciate that.

From: Bordley, Ed (USMS) [mailto:(b) (6)]
Sent: Thursday, November 20, 2014 12:37 PM
To: Lane Scott, Kristi Z (OPCL)
Subject: RE: Dirtbox Briefing

Duplicative Information - See Document ID 0.7.12327.57326-000031

From: Lane Scott, Kristi Z (OPCL)
Subject: RE: Dirtbox Briefing
To: Brown Lee, Erika (ODAG)
Cc: Chung, Joo (OPCL); Harp, Jennifer C. (OPCL)
Sent: November 20, 2014 4:59 PM (UTC-05:00)

This message has been archived.

That's wonderful. Please let us know if you need anything else. Jenny pulled together various articles and resources regarding the program.

From: Brown Lee, Erika (ODAG)
Sent: Thursday, November 20, 2014 3:29 PM
To: Lane Scott, Kristi Z (OPCL)
Cc: Chung, Joo (OPCL); Harp, Jennifer C. (OPCL)
Subject: RE: Dirtbox Briefing

Hi Kristi – thanks for following up and for the recommended plan of action. I just talked to the USMS GC Gerry Auerbach and he's going to set up a briefing.

Best,

Erika

Erika Brown Lee
Chief Privacy and Civil Liberties Officer
Office of the Deputy Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530
Tel: (b) (6)
(b) (6)
TS: (b) (6)

From: Lane Scott, Kristi Z (OPCL)
Sent: Thursday, November 20, 2014 3:01 PM
To: Brown Lee, Erika (ODAG)
Cc: Chung, Joo (OPCL); Harp, Jennifer C. (OPCL)
Subject: FW: Dirtbox Briefing

Hi Erika,

I'll work with Ed on an ETA for a briefing, but we may need to escalate. We could certainly include Ed on the correspondence. USMS has a Tactical Operation Division (b)(6), (7)(C), (7)(E) per USMS and Investigative Operations Division (William Snelson). Presumably, these divisions might be a good place to start. Please advise on how you would like to proceed.

Kristi

From: Bordley, Ed (USMS) [mailto:(b) (6)]
Sent: Thursday, November 20, 2014 12:37 PM
To: Lane Scott, Kristi Z (OPCL)
Subject: RE: Dirtbox Briefing

Kristi,

I know nothing about this program. The first I heard of it was in the news reports. Once I learn more, I'll be happy to arrange a briefing.

Thanks,

Ed

From: Lane Scott, Kristi Z (OPCL) [mailto:(b) (6)]
Sent: Thursday, November 20, 2014 12:32 PM
To: Bordley, Ed (USMS)
Cc: Brown Lee, Erika (ODAG) (JMD); Chung, Joo (OPCL) (JMD); Harp, Jennifer C. (OPCL) (JMD); Cardwell, Christine (ODAG) (JMD)
Subject: Dirtbox Briefing

Duplicative Information - See Document ID 0.7.12327.57326-000001

From: Lane Scott, Kristi Z (OPCL)
Subject: RE: QFRs from the Joint Law Enforcement Hearing for Review
To: Wood, Alexander W (OPCL)
Sent: May 13, 2015 12:05 PM (UTC-04:00)

Let's ask Jenny to review first to get her perspective on accuracy. I know she's at the conference, but maybe she can quickly review.

From: Wood, Alexander W (OPCL)
Sent: Wednesday, May 13, 2015 12:03 PM
To: Lane Scott, Kristi Z (OPCL)
Subject: RE: QFRs from the Joint Law Enforcement Hearing for Review

Ok. I'll send an email to Stephanie to set up a call.

Do we need to talk to Ed Bordley?

From: Lane Scott, Kristi Z (OPCL)
Sent: Wednesday, May 13, 2015 12:01 PM
To: Wood, Alexander W (OPCL)
Cc: Raut, Anant (ATR); Harp, Jennifer C. (OPCL)
Subject: RE: QFRs from the Joint Law Enforcement Hearing for Review

Yes, Jenny and Erika were briefed on the Dirtbox technology, which is similar to cell site. (b)(5), (7)(E) per USMS [REDACTED]. Let's hold off on any responses until we have a consolidated review.

From: Wood, Alexander W (OPCL)
Sent: Wednesday, May 13, 2015 11:54 AM
To: Lane Scott, Kristi Z (OPCL)
Cc: Raut, Anant (ATR)
Subject: FW: QFRs from the Joint Law Enforcement Hearing for Review

Looks like the USMS got the same question on use of cell-site simulator technology. (b) (5) [REDACTED]. As a comparison, (b) (5) [REDACTED].

Also, there is discussion of USMS' use of (b)(7)(E) per USMS [REDACTED]

Thoughts?

From: Raut, Anant (ATR)
Sent: Tuesday, May 12, 2015 6:20 PM
To: Wood, Alexander W (OPCL)
Subject: RE: QFRs from the Joint Law Enforcement Hearing for Review

From: Wood, Alexander W (OPCL)
Sent: Tuesday, May 12, 2015 1:53 PM
To: Raut, Anant (ATR)
Subject: FW: QFRs from the Joint Law Enforcement Hearing for Review

No. 3

From: Riley, Ann J. (OLA)
Sent: Tuesday, May 12, 2015 1:44 PM

From: Lane Scott, Kristi Z (OPCL)
Subject: Draft NAP 3.0 Update
To: Brown Lee, Erika (ODAG); Winn, Peter A. (OPCL)
Sent: July 25, 2016 5:33 PM (UTC-04:00)
Attached: NAP 3.0 OPCL Submission 7-25-16.docx

Erika/Peter,

Please find the first draft of the NAP 3.0 Update. In 2015, DOJ and DHS agreed to the following NAP commitment:

- As law enforcement and homeland security agencies have harnessed the use of new technologies, such as unmanned aircraft systems, the Administration has recognized that these technologies — which have proven to be safe and low-cost alternatives to traditional methods for criminal investigation, identification, and apprehension — must be used in a manner that protects the privacy and civil liberties of the public. Consistent with the goals of the President's February 2015 memorandum, law enforcement agencies are encouraged to develop and make publicly available a privacy analysis for advanced technologies and undertake periodic privacy review of their use.

DOJ issued formal policy memoranda in connection with UAS and Cell-Site Simulator use. Those policies form the basis for this NAP 3.0 update. Although we are currently working on the UAS PIA with FBI, it may not be appropriate to commit to its publication at this stage. Finally, we should plan to clear our submission with OLP. It may be helpful to ask Shimica to review before she departs DOJ. I'll set up a call to discuss after you've had the opportunity to review.

Thanks,

Kristi

From: Winn, Peter A. (OPCL)
Subject: RE: Draft NAP 3.0 Update
To: Brown Lee, Erika (ODAG)
Cc: Lane Scott, Kristi Z (OPCL)
Sent: July 26, 2016 11:27 AM (UTC-04:00)
Attached: NAP 3.0 OPCL Submission 7-26-16.docx

Hi Erika,

Just some minor tweaks to the Draft NAP 3.0 Update.

Ready for your review.

Peter

Peter A. Winn
Director
Office of Privacy and Civil Liberties
National Place Building, Suite 1000
1331 Pennsylvania Avenue, NW
Washington DC 20530
Office (b) (6)
Cell (b) (6)

Duplicative Information - See Document ID 0.7.12327.57336

From: Lane Scott, Kristi Z (OPCL)
Subject: RE: Draft NAP 3.0 Update
To: Winn, Peter A. (OPCL)
Sent: July 26, 2016 1:44 PM (UTC-04:00)

Sounds good!

From: Winn, Peter A. (OPCL)
Sent: Tuesday, July 26, 2016 1:37 PM
To: Lane Scott, Kristi Z (OPCL)
Subject: Re: Draft NAP 3.0 Update

Be there in a minute.

On Jul 26, 2016, at 1:20 PM, Lane Scott, Kristi Z (OPCL) <(b) (6)> wrote:

Hi Peter,

Can we discuss the addition of (b) (5) I'm
concerned (b) (5). Thoughts?

Kristi

From: Winn, Peter A. (OPCL)
Sent: Tuesday, July 26, 2016 11:27 AM
To: Brown Lee, Erika (ODAG)
Cc: Lane Scott, Kristi Z (OPCL)
Subject: RE: Draft NAP 3.0 Update

Hi Erika,

Just some minor tweaks to the Draft NAP 3.0 Update.

Ready for your review.

Peter

Peter A. Winn
Director
Office of Privacy and Civil Liberties
National Place Building, Suite 1000
1331 Pennsylvania Avenue, NW
Washington DC 20530
Office (b) (6)
Cell (b) (6)

From: Winn, Peter A. (OPCL)
Sent: Tuesday, July 26, 2016 11:12 AM
To: Brown Lee, Erika (ODAG)
Cc: Lane Scott, Kristi Z (OPCL)
Subject: RE: Draft NAP 3.0 Update

Hi Erika,

If you haven't started to make edits to this Draft NAP 3.0 update, please wait. I'm making some minor edits now and will forward when done.

Peter

From: Brown Lee, Erika (ODAG)
Sent: Tuesday, July 26, 2016 12:10 AM
To: Lane Scott, Kristi Z (OPCL)
Cc: Winn, Peter A. (OPCL)
Subject: Re: Draft NAP 3.0 Update

Much appreciated, Kristi. I'll review as quickly as possible. I agree that it would also be helpful to have a call with Shimica in OLP, though it may have to be in the next few days, as I believe Friday is her last day with the Department.

Best,
Erika

Erika Brown Lee
Chief Privacy and Civil Liberties Officer
Office of the Deputy Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530
Tel: (b) (6)
(b) (6)

On Jul 25, 2016, at 5:32 PM, Lane Scott, Kristi Z (OPCL) <(b) (6)> wrote:

Duplicative Information - See Document ID 0.7.12327.11599

From: Gaskins, Shimica (OLP)
Subject: RE: Reminder - Due July 21: NAP 3 Progress Report updates
To: Lane Scott, Kristi Z (OPCL)
Cc: Brown Lee, Erika (ODAG); Winn, Peter A. (OPCL); Douglass, Sean (OLP)
Sent: July 26, 2016 4:06 PM (UTC-04:00)

Kristi,

Thanks for the opportunity to review. We took a quick look and it looks good to us. There is one typo on page 1 – replace “publically with publicly.” On a personal note, I will most definitely miss working with you, Erika, and Brian. You guys have been wonderful colleagues. Please do stay in touch!

(Also, copying Sean in case there is further follow-up in my absence.)

All the best,

Shimica

From: Lane Scott, Kristi Z (OPCL)
Sent: Tuesday, July 26, 2016 2:06 PM
To: Gaskins, Shimica (OLP)
Cc: Brown Lee, Erika (ODAG); Winn, Peter A. (OPCL)
Subject: FW: Reminder - Due July 21: NAP 3 Progress Report updates
Importance: High

Hi Shimica,

I’ve attached a draft of the Department’s NAP 3.0 submission for your review. I’m hoping you can provide a quick review before you leave the Department. It’s been wonderful working with you!

In 2015, DOJ and DHS agreed to the following NAP commitment:

- As law enforcement and homeland security agencies have harnessed the use of new technologies, such as unmanned aircraft systems, the Administration has recognized that these technologies — which have proven to be safe and low-cost alternatives to traditional methods for criminal investigation, identification, and apprehension — must be used in a manner that protects the privacy and civil liberties of the public. Consistent with the goals of the President’s February 2015 memorandum, law enforcement agencies are encouraged to develop and make publicly available a privacy analysis for advanced technologies and undertake periodic privacy review of their use.

Erika drafted the NAP commitment with the UAS and Cell Site Simulator policies to serve as the basis for this NAP 3.0 update. The document is only 3 pages; It should only take about 15 minutes to review. OPA promised the White House a quick turn on the response. The report is actually overdue. I’m happy to provide a bit more context over a call.

Best,

Kristi

From: Lumpkin, Beverley (OPA)
Sent: Friday, July 22, 2016 11:33 AM
To: Lane Scott, Kristi Z (OPCL); Winn, Peter A. (OPCL)
Subject: RE: Reminder - Due July 21: NAP 3 Progress Report updates

Update: two of the other DOJ components (OIP & A2J) have submitted their updates directly to WH. Could you try to do one on just your portion of the privacy initiative/s?
Thanks!!

From: Lumpkin, Beverley (OPA)
Sent: Thursday, July 21, 2016 12:56 PM
To: Lane Scott, Kristi Z (OPCL); Winn, Peter A. (OPCL)
Subject: RE: Reminder - Due July 21: NAP 3 Progress Report updates

Hi Kristi & Peter,

As you have seen, I have sent out an abject apology to all DOJ NAP 3 participants asking that they all submit draft self-assessment templates. Basically, the WH did not have my name on their email list so ... well, you know. I am extremely grateful for your being aware and conscientious! I have taken all the responsibility for our late response with WH and will suffer their appropriate opprobrium.

Best,
Beverley

From: Lane Scott, Kristi Z (OPCL)
Sent: Thursday, July 21, 2016 12:08 PM
To: Lumpkin, Beverley (OPA)
Subject: FW: Reminder - Due July 21: NAP 3 Progress Report updates

Begin forwarded message:

From: "Zarek, Corinna J. EOP/OSTP" <(b) (6)>
Date: July 19, 2016 at 10:53:40 PM EDT
Cc: "Tavoulaareas, Emily E. EOP/OSTP" <(b) (6)>
Subject: **Reminder - Due July 21: NAP 3 Progress Report updates**

A friendly reminder that the self-assessment template for the National Action Plan 3.0 commitment that you are working on is due by Thursday, July 21. Thanks to all the teams who already submitted their updates.

Please be sure to send to both Emily (cc'd) and myself.

Thanks!
Cori

-----Original Message-----

From: Zarek, Corinna J. EOP/OSTP
Sent: Monday, July 11, 2016 3:21 PM
Subject: Due July 21: NAP 3 Progress Report updates

Hello again,

You are receiving this email as a point of contact for one or more commitments in the third Open Government National Action Plan (NAP 3) that the United States published in October 2015:
https://www.whitehouse.gov/sites/default/files/microsites/ostp/final_us_open_government_national_action_plan_3_0.pdf.
If you are no longer the proper POC, please let me know and I will remove you from this list.

As flagged in May, I am writing to request that your team please send an update on progress made toward implementation of the commitment you are working on by July 21, 2016. Please complete the attached template and return to myself and Emily Tavoulaareas, copied on this message, by July 21.

The template is fairly straightforward, but please let me know if you have any questions. We will be back in touch to this group with a draft report for your review in mid-August.

Thanks!
Cori

-----Original Message-----

From: Zarek, Corinna J. EOP/OSTP
Sent: Tuesday, May 3, 2016 12:06 PM
Subject: Flagging NAP 3 Progress Report deadlines

Hello!

I'm reaching out to you as a point of contact for one or more commitments in the third Open Government National Action Plan (NAP 3) that the United States published last October:
https://www.whitehouse.gov/sites/default/files/microsites/ostp/final_us_open_government_national_action_plan_3_0.pdf.
If you are no longer the proper POC, please let me know and I will remove you from this list.

The Open Government Partnership (OGP) requires countries to publish midway progress reports detailing implementation of our NAP commitments and the NAP 3 midway progress report is due in September. In July, I will be in touch to formally request an update on implementation progress for all NAP 3 commitments, due July 21, 2016. Since it feels like we just published that NAP yesterday, I wanted to be sure we all have plenty of lead time to continue making progress in advance of that reporting deadline and to plan ahead for reporting since July is a heavy vacation month, etc.

If you have any questions about your NAP commitment(s) or the reporting requirements, please let me know. All U.S. deadlines are captured on the OGP's website:
http://www.opengovpartnership.org/sites/default/files/attachments/OGP_ODD_USA_0.pdf. All NAP 3 commitments should be on track to be completed no later than June 30, 2017.

Additionally, the Administration is considering publishing a NAP 3.1 -- an update to the NAP 3 to fold in additional open government commitments that are coming together in 2016. This is consistent with the NAP 2.1 that was published in 2014. If any of your initiatives is ripe to expand for a possible NAP 3.1 update, please let me know ASAP. This is something we would want to put out very soon.

Finally, we are still working on how we might publish contact information for commitments so please stay tuned for separate follow-up on that topic.

Thanks everyone!

Cori

Corinna Zarek

Deputy U.S. Chief Technology Officer

The White House

From: Lane Scott, Kristi Z (OPCL)
Subject: RE: Reminder - Due July 21: NAP 3 Progress Report updates
To: Lumpkin, Beverley (OPA)
Cc: Brown Lee, Erika (ODAG); Winn, Peter A. (OPCL); Proia, Andrew (OPCL); Young, Brian A. (OPCL); Barnes, Khalia N. (OPCL)
Sent: July 28, 2016 11:03 AM (UTC-04:00)
Attached: NAP 3.0 OPCL Submission Final.docx

Hi Beverley,

Please find OPCL's submission for the NAP 3 Progress Report update. This submission has been cleared by OLP. Please let me know if you have any questions or comments.

Best,

Kristi

Kristi Lane Scott
Deputy Director
Office of Privacy and Civil Liberties
U.S. Department of Justice
1331 Pennsylvania Avenue, Suite 1000
Washington, DC 20503
(b) (6) (Office)
(b) (6) (Mobile)
(202) 307-0693 (Fax)
(S) (b) (6)
(TS) (b) (6)

From: Lumpkin, Beverley (OPA)
Sent: Friday, July 22, 2016 11:33 AM
To: Lane Scott, Kristi Z (OPCL); Winn, Peter A. (OPCL)
Subject: RE: Reminder - Due July 21: NAP 3 Progress Report updates

Duplicative Information - See Document ID 0.7.12327.11607

(b)(5), (b)(6) per OSTP



(b)(5), (b)(6) per OSTP



(b)(5), (b)(6) per OSTP



From: Zarek, Corinna J. EOP/OSTP
Subject: RE: Quick follow-up Qs for NAP report
To: Winn, Peter A. (OPCL)
Cc: Lumpkin, Beverley (OPA); Brown Lee, Erika (ODAG); Lane Scott, Kristi Z (OPCL)
Sent: August 22, 2016 12:36 PM (UTC-04:00)
Last Q -- can someone share the contact information for the DOJ Privacy Mailbox?

Thanks!

-----Original Message-----

From: Zarek, Corinna J. EOP/OSTP
Sent: Monday, August 22, 2016 10:32 AM
To: 'Winn, Peter A. (OPCL)' <(b) (6)>
Cc: Lumpkin, Beverley (OPA) <(b) (6)>; Brown Lee, Erika (ODAG) <(b) (6)>; Lane Scott, Kristi Z (OPCL) <(b) (6)>
Subject: RE: Quick follow-up Qs for NAP report

Thanks so much for the quick reply, Peter!

Cori

-----Original Message-----

From: Winn, Peter A. (OPCL) [mailto:(b) (6)]
Sent: Monday, August 22, 2016 10:27 AM
To: Zarek, Corinna J. EOP/OSTP <(b) (6)>
Cc: Lumpkin, Beverley (OPA) <(b) (6)>; Brown Lee, Erika (ODAG) <(b) (6)>; Lane Scott, Kristi Z (OPCL) <(b) (6)>
Subject: RE: Quick follow-up Qs for NAP report

Cori,

The UAS Policy Press Release was on May 22, 2015:
<https://www.justice.gov/opa/pr/departments-justice-establishes-policy-guidance-domestic-use-unmanned-aircraft-systems>

The CSS Policy Press Release September 3, 2015:
<https://www.justice.gov/opa/pr/justice-department-announces-enhanced-policy-use-cell-site-simulators>

Peter

Peter A. Winn
Director, Office of Privacy and Civil Liberties
United States Department of Justice
National Place Building, Suite 1000
1331 Pennsylvania Avenue, NW
Washington DC 20530
Office (b) (6)
Cell (b) (6)
Fax (202) 307-0693
(b) (6)

-----Original Message-----

From: Zarek, Corinna J. EOP/OSTP [mailto:(b) (6)]

Sent: Sunday, August 21, 2016 4:09 PM

To: Brown Lee, Erika (ODAG); Lane Scott, Kristi Z (OPCL); Winn, Peter A. (OPCL)

Cc: Lumpkin, Beverley (OPA)

Subject: Quick follow-up Qs for NAP report

Hi all,

Quick follow-ups for you as we finalize this first draft of the NAP progress report:

I didn't see dates on either the UAS or cell-site guidance -- can you tell me when (month/year) each was issued?

The language also references the DOJ Privacy Mailbox -- can you share a link or email address to that mailbox?

Thanks!

Cori

From: Winn, Peter A. (OPCL)
Subject: RE: Quick follow-up Qs for NAP report
To: Brown Lee, Erika (ODAG)
Cc: Lane Scott, Kristi Z (OPCL)
Sent: August 23, 2016 11:02 AM (UTC-04:00)

I got her the information she needed yesterday.

Peter

-----Original Message-----

From: Brown Lee, Erika (ODAG)
Sent: Tuesday, August 23, 2016 11:00 AM
To: Winn, Peter A. (OPCL); Lane Scott, Kristi Z (OPCL)
Subject: FW: Quick follow-up Qs for NAP report

Hi Peter, Kristi - Did someone get back to Cori?

Best,
Erika

Erika Brown Lee
Chief Privacy and Civil Liberties Officer Office of the Deputy Attorney General U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530
Tel: (b) (6)
(b) (6)
TS: (b) (6)

-----Original Message-----

From: Zarek, Corinna J. EOP/OSTP [mailto:(b) (6)]
Sent: Monday, August 22, 2016 12:36 PM
To: Winn, Peter A. (OPCL)
Cc: Lumpkin, Beverley (OPA); Brown Lee, Erika (ODAG); Lane Scott, Kristi Z (OPCL)
Subject: RE: Quick follow-up Qs for NAP report

Duplicative Information - See Document ID 0.7.12327.11639

From: Winn, Peter A. (OPCL)
Subject: FW: Quick follow-up Qs for NAP report
To: Brown Lee, Erika (ODAG)
Sent: August 23, 2016 11:51 AM (UTC-04:00)
Done.

-----Original Message-----

From: Zarek, Corinna J. EOP/OSTP [mailto:(b) (6)]
Sent: Tuesday, August 23, 2016 11:45 AM
To: Lane Scott, Kristi Z (OPCL)
Cc: Winn, Peter A. (OPCL)
Subject: Re: Quick follow-up Qs for NAP report

Thanks!

Original Message

From: Lane Scott, Kristi Z (OPCL)
Sent: Tuesday, August 23, 2016 11:26 AM
To: Zarek, Corinna J. EOP/OSTP
Cc: Winn, Peter A. (OPCL)
Subject: RE: Quick follow-up Qs for NAP report

Hi Cori,

The contact information for the DOJ Privacy Mailbox is privacy@usdoj.gov.

Please let us know if you need anything else.

Best,

Kristi

-----Original Message-----

From: Zarek, Corinna J. EOP/OSTP [mailto:(b) (6)]
Sent: Monday, August 22, 2016 12:36 PM
To: Winn, Peter A. (OPCL)
Cc: Lumpkin, Beverley (OPA); Brown Lee, Erika (ODAG); Lane Scott, Kristi Z (OPCL)
Subject: RE: Quick follow-up Qs for NAP report

Duplicative Information - See Document ID 0.7.12327.11639

From: Mayer, Hannah J. (OPCL)
Subject: RE: [Respond by 9/7]: LRM [DJM-114-109] OMB Reports on Open Government National Action Plan #1130106337#
To: Zarek, Corinna J. EOP/OSTP
Cc: Winn, Peter A. (OPCL); Lane Scott, Kristi Z (OPCL); Brown Lee, Erika (ODAG)
Sent: September 7, 2016 4:29 PM (UTC-04:00)
Attached: DJM-109 NAP 3 Self-Assessment Report_HJM edit.docx
Dear Cori,

I hope this email finds you well. In addition to OPCL's previous comments on the NAP 3.0, we have one more edit regarding a typo on page 31. The edit is in track changes in the attached document. Please let me know if you have any questions.

Thank you for the opportunity to conduct an additional final review of the NAP 3.0.

Best,

Hannah

Hannah Mayer
Law Clerk
Office of Privacy and Civil Liberties
U.S. Department of Justice
National Place Building, Suite 1000
1331 Pennsylvania Avenue, NW
Washington, DC 20530
(b) (6) (office)
(b) (6) (cell)
202.307.0693 (fax)
(b) (6)

-----Original Message-----

From: Zarek, Corinna J. EOP/OSTP [mailto:(b) (6)]
Sent: Wednesday, August 31, 2016 10:03 AM
Subject: [Respond by 9/7]: LRM [DJM-114-109] OMB Reports on Open Government National Action Plan #1130106337#

Hello Open Gov leads,

Thank you to many of you for your contributions to the two open government documents included in this LRM interagency review request. This request has gone to your agency's traditional points of contact (Exec Sec, etc) and I wanted to flag for you separately as the interagency open gov leads and points of contact for these efforts to be sure that the right people in your agency are seeing it.

Please see the request below and if your agency has any edits to the attached documents, please be sure you send them back through your agency's usual channels to get to me by the deadline of 5 p.m. on Wednesday, Sept. 7.

The content from both of these documents was generated by the relevant agency points of contact. Please let me know if you have any questions.

Thanks!
Cori

-----Original Message-----

From: Michelson-Horowitz, Daniel J. EOP/OMB

Sent: Tuesday, August 30, 2016 5:32 PM

Subject: LRM [DJM-114-109] OMB Reports on Open Government National Action Plan #1130106337#

DEADLINE: 5pm Wednesday, September 07, 2016

Please send all questions, comments, and responses to Corinna Zarek: (b) (6).

Summary: Attached for your review are two documents. (b)(5) per OMB

As a member of the Open Government Partnership (OGP), the United States must issue biennial NAPs containing specific and measurable open government initiatives. The United States must also publish annual progress reports assessing implementation of the NAP commitments; a midway report is to be published halfway through the plan cycle and the final report is to be published upon completion of the plan cycle. The third NAP was published in October 2015:
https://www.whitehouse.gov/sites/default/files/microsites/ostp/final_us_open_government_national_action_plan_3_0.pdf. The implementation period for the third NAP is October 2015 through June 2017. This progress report is considered the midway progress report. The third NAP was created with extensive input from throughout the interagency and included consultations with civil society. NAPs must include open government commitments that are ambitious, relevant to open government principles, specific, and measurable. The third NAP builds on commitments in the first NAP that was published in 2011 and the second NAP that was published in December 2013.

A prior NAP assessment report was circulated under DJM-114-47. Note that these reports do not contain legislative recommendations.

Please circulate throughout your agency, and provide a consolidated response to Corinna by the deadline above.

LRM ID: DJM-114-109
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET

LEGISLATIVE REFERRAL MEMORANDUM
Tuesday, August 30, 2016

TO: Legislative Liaison Officer - See Distribution

FROM: Menard, Barbara (for) Assistant Director for Legislative Reference
SUBJECT: LRM [DJM-114-109] OMB Report on Open Government National Action Plan

OMB CONTACT: Corinna Zarek

E-Mail: (b) (6) <mailto:(b) (6)>

PHONE: (b) (6)

FAX: (b)(6) per OMB

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. By the deadline above, please reply by e-mail or telephone, using the OMB Contact information above.

Please advise us if this item will affect direct spending or receipts for the purposes of the Statutory Pay-as-You-Go Act of 2010.

Thank you.

Privacy and Civil Liberties

Protecting privacy and civil liberties in a networked world has become increasingly important, whether in connection with law enforcement and national security, in foreign policy, or in connection with the information economy. The Chief Privacy and Civil Liberties Officer (CPCLO) is the principal advisor to the Attorney General, Department leadership and components on privacy and civil liberties matters affecting the Department's missions and operations and oversees privacy and civil liberties programs and initiatives on behalf of the Department. The Office of Privacy and Civil Liberties (OPCL) supports the duties and responsibilities of the CPCLO, and its principal mission is to protect the privacy and civil liberties of the American public through review, oversight, and coordination of the Department's privacy operations. A more comprehensive description of OPCL can be found on the Department's website.¹

To further support the goals of public participation and transparency as the Department seeks to integrate privacy and civil liberties into its missions and operations, the CPCLO and OPCL have arranged meetings with privacy advocacy groups to engage in a dialogue to improve transparency and understanding regarding the Department's privacy practices and programs. The CPCLO and OPCL also have worked with these advocacy organizations to address concerns about privacy and civil liberties, and explore ways to improve agency outreach. Moreover, the CPCLO and OPCL have met with other federal agencies to improve inter-agency coordination on privacy and civil liberties, and discuss common privacy and civil liberties concerns and best practices. They have also worked extensively with the Privacy and Civil Liberties Oversight Board (PCLOB) to see that privacy and civil liberties are appropriately addressed in connection with the Department's national security mission, particularly as it relates to counterterrorist operations. These multi-faceted engagements have enabled the CPCLO and OPCL to review and assess the Department's information and privacy-related policies, and make improvements where appropriate and necessary.

To the greatest extent possible consistent with national security and law enforcement needs, the Department continues to make its work involving privacy and civil liberties transparent, and to develop ideas to increase the level of transparency of its systems and programs that affect privacy and civil liberties. For example, in May 2015, the Department issued public [policy guidance](#) for the domestic use of unmanned aircraft systems (UAS) technology that adheres to the [Presidential Memorandum](#) that outlined required privacy, civil liberties, accountability, and transparency principles. Also, in September 2015, the Department made public its formal [policy guidance](#) on the use of cell-site simulator technology. In addition to reviewing privacy complaints, the CPCLO and OPCL work with components on developing protocols that include training on privacy and civil liberties in connection with the use of UAS and cell-site simulator technology.

¹ See <https://www.justice.gov/opcl>.

U.S. DEPARTMENT OF JUSTICE OPEN GOVERNMENT PLAN 4.0



SEPTEMBER 2016

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	NEW AND EXPANDED INITIATIVES	2
A.	FOIA Flagship Initiative: Proactive Disclosure	2
B.	FOIA: Other New & Expanded Initiatives	3
C.	Privacy and Civil Liberties	4
D.	Whistleblower Protection	5
E.	Websites & Public Notice	5
1.	Office of Public Affairs	5
2.	Executive Office for U.S. Attorneys (EOUSA)	6
3.	Office of Justice Programs (OJP)	6
4.	Federal Bureau of Prisons (BOP)	7
5.	United States Trustee Program (USTP)	8
F.	Forensic Science	9
G.	Body-Worn Camera Toolkit	9
III.	ONGOING INITIATIVES	10
A.	Major FOIA Initiatives	10
B.	Other Continuing FOIA Initiatives	12
C.	FOIA Administration & Management	14
D.	Transparency Initiatives	16
1.	Recovery.gov	16
2.	USASpending.gov	16
3.	Spending Information (USASpending.gov and DATA Act)	17
4.	National Security Division/Foreign Agents Registration Act	17
5.	Office for Attorney Recruitment and Management	18
6.	Citizen Call Response	18
7.	Plain Writing Act Compliance	19
E.	Grant Management	19
F.	Open Data	20
1.	Open Data at the Department: Planned Improvements	20
2.	Office of Justice Programs Open Data Catalog	20
3.	Executive Office for U.S. Attorneys Data and Transparency	21
G.	Records Management	22
H.	Congressional Requests	22
I.	Declassification	23
IV.	PUBLIC PARTICIPATION & COLLABORATION	24
A.	Access to Justice	24
B.	Federal Bureau of Prisons	28
C.	Community Relations Service (CRS)	29
D.	Police Data Initiative	30

E.	Challenge.gov: National Institute of Justice	31
F.	Federal Interagency Reentry Council	32
G.	Regional Justice Forums	32
H.	National Forum on Youth Violence Prevention	33
V.	APPENDIX A: Additional Activities and Initiatives by Individual	
	Department Components	34
	Federal Bureau of Prisons	34
	Civil Division	35
	Civil Rights Division	35
	Community Relations Service	41
	United States Trustee Program	41
	APPENDIX B: Office of Justice Programs New Data Sets	42

U.S. DEPARTMENT OF JUSTICE OPEN GOVERNMENT PLAN 4.0 SEPTEMBER 2016

I. INTRODUCTION

On January 21, 2009, in his Memorandum on Transparency and Open Government, President Obama called upon all executive departments and agencies to achieve unprecedented levels of openness in government by increasing transparency, public participation and collaboration. In accordance with the President's memorandum, the Office of Management and Budget issued an Open Government Directive, which required all agencies to develop Open Government Plans, which must be published on agencies' websites and updated every two years.

Since 2009, the Department of Justice has published three Open Government Plans. As stated in the Department's first Plan, "[t]he principles of transparency, participation and collaboration that underlie the Open Government Initiative are also critical to fulfilling other core missions of the Department." Through the past three Open Government Plans, the Department has achieved a range of ambitious open government initiatives that have helped us better serve our law enforcement missions and the American people.

The principles of transparency, public participation and collaboration are now firmly embedded in the culture of the Department of Justice. This is a large department with multiple missions and almost 40 components with varying missions. Some of those missions require keeping information close – for example, protecting national security and keeping citizens safe from crime, while investigating and prosecuting lawbreakers. But the Department also administers the Freedom of Information Act, or FOIA, which celebrated its 50th birthday on July 4, 2016, and stands for the importance of letting citizens know what their government is doing.

This Fourth Open Government Plan for the Department of Justice builds on our earlier plans in following President Obama's exhortation in his Memorandum on Transparency to achieve "unprecedented levels of openness." In this Open Government Plan 4.0, we report on the status of earlier and ongoing initiatives and describe new and expanded programs.

As before, we reached out to Department components as well as the civil society community for their ideas on how the Department could achieve new levels of openness. The outside groups in particular offered many suggestions and all were considered seriously. We engaged in informal discussions of their "wish lists," through email, telephone conversations and face-to-face meetings with relevant Department officials.

In addition, over the past two years, the Department has posted regular progress reports on how the various components were performing in meeting their promised commitments from our Third Open Government Plan. You can find our Open Government Plan 3.0 here:

<https://www.justice.gov/sites/default/files/open/legacy/2014/06/02/doj-open-government-plan.pdf> and Progress Reports here: <https://www.justice.gov/open/evaluating-our-progress>

II. NEW AND EXPANDED INITIATIVES

A. *FOIA FLAGSHIP INITIATIVE: PROACTIVE DISCLOSURE*

Promoting broader release of records through a "Release to One, Release to All" presumption:

In July 2015, the Department launched a six-month pilot program with seven volunteer federal agencies to assess the viability of a policy that would direct agencies to proactively post online their FOIA responses. This concept would ensure that all citizens—not just those making a request—have access to information released under the FOIA. Over the course of the pilot, the Department's Office of Information Policy (OIP) worked with participating agencies to capture metrics on the time and resources associated with implementing this policy, as well as any impacts on interested stakeholders.

In conjunction with President Obama signing the FOIA Improvement Act of 2016, the Administration announced some new steps to build on a record of openness and transparency. One of these steps is establishing the presumption of "Release to One is Release to All." The President directed the newly established Chief FOIA Officers Council to consider the lessons learned from the Department's pilot program and work to develop a Federal Government policy establishing a "release to one is a release to all" presumptive standard for federal agencies when releasing records under the FOIA.

The Chief FOIA Officers Council was tasked to examine issues critical to this policy's implementation, including assessing the impact on investigative journalism efforts, as well as how best to address technological and resource challenges. The President directed that guidance be issued on the presumption by January 1, 2017.

In addition to promoting broader release of records through the "Release to All" presumption, the Department remains fully committed to the 2009 FOIA Guidelines stating that "agencies should readily and systematically post information online in advance of any public request." As described in the Department's 2016 Chief FOIA Officer Report, all of the Department's components have a process in place to identify records of public interest that should be proactively posted online. Department components use different strategies for identifying this information, tailored to the structure of their operations and the types of records that are of interest to the community of individuals that most frequently visit their websites.

For example, several components consult their FOIA logs or review agency press releases to identify information that would be of significant public interest. The Federal Bureau of Prisons' personnel recommend records for posting each month. The Civil Rights Division established procedures that require each program section of the Division to proactively post records regarding all significant program activity. The Executive Office for U.S. Attorneys' FOIA professionals work in collaboration with the Strategic Communications Staff to identify information of general public interest for posting.

To bring additional attention to agencies' proactive disclosure responsibilities, OIP issued guidance on proactive disclosures and an implementation checklist to assist agencies in detailing their legal obligations to proactively disclose certain categories of records, as well as their responsibilities to increase proactive disclosures in accordance with the Department's 2009 FOIA Guidelines.

B. FOIA: OTHER NEW & EXPANDED INITIATIVES

Launching a centralized FOIA request portal:

Building off work undertaken as a part of the commitments announced in the Administration's Second and Third Open Government National Action Plans, the Department will launch a centralized FOIA request portal on FOIA.gov by the end of calendar year 2017. In addition to a centralized location for the public to submit FOIA requests to federal agencies, and in line with the FOIA Improvement Act of 2016, the portal will also allow for interoperability between it and agency request tracking systems and provide additional tools to improve agency FOIA administration. The portal will be built iteratively in phases, with additional functionality introduced over time – such as a more robust search tool for information released by agencies and tracking of submitted requests. With the launch of the new portal, the Department hopes to improve both the public's experience with the FOIA process and FOIA.gov, as well as overall agency administration of the statute.

Providing Agencies with a FOIA Self-Assessment Tool-Kit:

The President's FOIA Memorandum and the Department of Justice 2009 FOIA Guidelines emphasized the importance of having effective systems in place for responding to FOIA requests. Regular internal reviews of an agency's FOIA operations can be very helpful to agencies in maintaining current procedures and implementing new processes for effective and efficient FOIA Administration in the face of competing priorities and resource challenges. By conducting internal reviews agencies can find ways to further improve their FOIA processes across a wide range of areas, from reducing processing times and backlogs to improving communication with requesters.

To help agencies more fully realize the benefits from such reviews, standardize how they are conducted, and provide guidance for improvement, OIP will publish a FOIA self-assessment tool-kit, consisting of various modules addressing all aspects of a FOIA program. Agencies will be able to select which modules to use from the tool-kit, choosing individual areas of focus or reviewing their entire FOIA workflow. Topics for the tool-kit range from mail intake, to search and review procedures and report processes.

C. PRIVACY AND CIVIL LIBERTIES

Protecting privacy and civil liberties in a networked world has become increasingly important, whether in connection with law enforcement and national security, in foreign policy, or in connection with the information economy. The Chief Privacy and Civil Liberties Officer (CPCLO) is the principal advisor to the Attorney General, Department leadership and components on privacy and civil liberties matters affecting the Department's missions and operations and oversees privacy and civil liberties programs and initiatives on behalf of the Department. The Office of Privacy and Civil Liberties (OPCL) supports the duties and responsibilities of the CPCLO, and its principal mission is to protect the privacy and civil liberties of the American public through review, oversight, and coordination of the Department's privacy operations. A more comprehensive description of OPCL can be found here: <https://www.justice.gov/opcl>

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To the greatest extent possible consistent with national security and law enforcement needs, the Department continues to make its work involving privacy and civil liberties transparent, and to develop ideas to increase the level of transparency of its systems and programs that affect privacy and civil liberties. For example, in May 2015, the Department issued public [policy guidance](#) for the domestic use of unmanned aircraft systems (UAS) technology that adheres to the [Presidential Memorandum](#) that outlined required privacy, civil liberties, accountability, and transparency principles. Also, in September 2015, the Department made public its formal [policy guidance](#) on the use of cell-site simulator technology. In addition to reviewing privacy

complaints, the CPCLO and OPCL work with components on developing protocols that include training on privacy and civil liberties in connection with the use of UAS and cell-site simulator technology.

D. WHISTLEBLOWER PROTECTION

The Department has updated its mandatory whistleblower training program and will continue to examine it for future revisions. The Department continues to work on next steps to revise its regulations providing whistleblower protection procedures for FBI employees. These include making changes to significantly expand the list of officials to whom protected disclosures may be made.

E. WEBSITES & PUBLIC NOTICE

1. Office of Public Affairs

The Department's Office of Public Affairs is responsible for informing both the public and the media of Department activities and the priorities and policies of the Attorney General and the President with regard to law enforcement and legal affairs.

The dissemination of information from the Department to the public through the news media can take various forms; among them: press conferences and calls, news releases, blog entries, and social media. These techniques are integral to the Office of Public Affairs' obligation to ensure that the information provided to news media and the public is current, complete, and accurate. The Office of Public Affairs is also responsible for ensuring that all applicable laws, regulations, and policies involving the release of information to the public are followed. This helps to ensure that maximum disclosure is made without jeopardizing investigations and prosecutions, violating the rights of individuals, or compromising national security interests.

As the Department continues to integrate the principles of transparency, participation, and collaboration into the agency's core missions, the Office of Public Affairs hopes to accomplish the following initiatives:

Social Media & Live Streaming:

As part of the initiative to use social media to increase transparency and improve communication with the public, the Department began live streaming press conferences on www.justice.gov/live-stream and began an Instagram account at www.instagram.com/thejusticedept. Additionally, Attorney General Loretta E. Lynch and Deputy Attorney General Sally Q. Yates launched individual Twitter accounts with [@LorettaLynch](https://twitter.com/LorettaLynch) & [@SallyQYates](https://twitter.com/SallyQYates) to serve as a way to directly engage with the American people and as part of the Attorney General's commitment to make the Department more accessible. The Office of Public Affairs plans to continue to increase the Department's social media and live streaming capabilities.

Press Release Tags:

The Office of Public Affairs, in conjunction with OCIO, has recently updated the tags for press releases, speeches, and blogs. Consistent use of relevant tags will help the public search and find content more easily. In the future, we hope to change the way press releases are displayed so that people can more readily access this content, as with recent updates for display of blogs and videos.

2. Executive Office for United States Attorneys (EOUSA)

Centralized Press Releases:

EOUSA has created a central web platform for all press releases from U.S. Attorneys' Offices (USAO) that create a single point of entry for anyone looking for public information about the work of the U.S. Attorneys' community. With the migration of Justice.gov to a new content management system, the functionality of the USAO community's websites has expanded dramatically. One feature is the ability of content to "trickle up." While the community publishes a significant number of press releases during any given week, the [USAO home page](#) now creates a central press page that reposts many of the press releases and creates a single point of entry for anyone looking for public information about the work of the U.S. Attorneys' community.

(For additional information about EOUSA's efforts, please see Section III.E. on Data.)

3. Office of Justice Programs (OJP)

Common Web Platform:

A key effort currently underway is the establishment of a new OJP web platform that will feature data and content from multiple OJP components, including the primary producers of statistics and scientific research: the Bureau of Justice Statistics (BJS), the National Institute of Justice (NIJ) and the Office of Juvenile Justice and Delinquency Prevention (OJJDP). The content will be federated across the different agencies and organized via a common taxonomy. This will allow users to more easily find all the OJP data and information related to a particular topic regardless of which agency produced it. The new platform will also feature integrated listings of the raw datasets currently hosted by the National Archive of Criminal Justice Data (NACJD) for BJS, NIJ, and OJJDP. This integration will allow platform users to review all available data in one location.

Apart from enhancing access to information for OJP customers, the shared platform will allow the participating agencies to share innovations and reduce cost through re-use of technology. The first participating websites to be hosted on the common platform will go live in the fall of 2016, with more to follow in 2017.

(For additional information on OJP's efforts, please see Sections III.E. and III.F.2, IV.E, F, G, and H; and Appendix B.)

4. Federal Bureau of Prisons (BOP)

New Data on Public Website:

The Federal Bureau of Prisons (Bureau) is finding ways to be more transparent and responsive to requests for data. Recently, two new areas of information were added to the public website, www.bop.gov, pertaining to inmate statistics. The first relates to inmate releases and allows the public to view the numbers of inmates released, and the locations they are released to, for any given month from 1992 to the present. This information can be found here:

https://www.bop.gov/about/statistics/statistics_inmate_releases.jsp.

The second involves statistics on the inmate population in restricted housing. The information is updated on a weekly basis, found here:

https://www.bop.gov/about/statistics/statistics_inmate_shu.jsp.

The Bureau also added a new Program Fact Sheet that displays participation statistics for many Bureau program areas, found here:

https://www.bop.gov/about/statistics/statistics_inmate_programs.jsp.

Additionally, the Bureau redesigned the "Resources for Former Inmates" page on the public website (https://www.bop.gov/resources/former_inmate_resources.jsp) to feature the newly established Reentry Hotline (1-877-895-9196) and the recently released publication "Reentering Your Community: A Handbook" more prominently. Links to employment assistance and other resources are also available on this page.

Increase in public website stories:

During the month leading up to Reentry Week, the Bureau posted a new story every day on the agency's public and internal websites. The stories highlight the programs and services provided for inmates to help them succeed when they return to the community. Additionally, the Bureau produced "Making Changes," a compilation of the stories that were posted to the Bureau's public website leading up to Reentry Week, further showcasing the outstanding work that is done at institutions across the country. "Making Changes" is available electronically on the Bureau's public website (<https://www.bop.gov/resources/publications.jsp>) and was made available to stakeholders who visited prisons during Reentry Week. Following Reentry Week, the Bureau continues to post stories each week to promote transparency and to continue educating the public about the programs and services provided to incarcerated individuals in federal institutions.

Stakeholder Survey:

The Federal Bureau of Prisons is planning to post a new Stakeholder Survey on the agency's public website. Feedback from the survey will provide insights into customer or stakeholder

perceptions, experiences and expectations, and help ensure an effective, efficient, and satisfying experience with the Bureau's programs. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. The survey has been posted in the Federal Register for public comment and is pending Office of Management and Budget approval.

(For additional information about BOP's efforts, please see Appendix A.)

5. United States Trustees Program (USTP)

The USTP has made increasing use of "Important Notices" on the USTP homepage (<http://www.justice.gov/ust>) to direct users to emerging issues, updates, and other pertinent information. Among other things, important notices direct users to information on:

- Legal positions resulting from Supreme Court rulings
- Speeches and testimony
- Updates to means testing standards
- USTP Annual Report of Significant Accomplishments
- Release of annual reports to Congress on debtor audits and criminal referrals
- Notices of public hearings

Additionally, the USTP maintains a FOIA Library at:
<http://www.justice.gov/ust/foia-privacy-act/foia-library>

Through the FOIA Library, users can access:

- Historical FOIA Logs
- Frequently Requested Records
- Final Opinions and Orders
- Policy Statements
- USTP Policies and Practices Manual

To ensure that those who enter the site directly through the FOIA Library Link are aware of additional USTP information available elsewhere on the site, there are several direct links to other items of interest.

- *What's New* (<http://www.justice.gov/ust/whats-new>) lists the most recent postings and updates.
- *Press and Public Affairs* (<http://www.justice.gov/ust/press-and-public-affairs>) lists the most recent press releases and newsworthy items.

- *Bankruptcy Data and Statistics* (<http://www.justice.gov/ust/bankruptcy-data-statistics>) lists publically posted datasets and summary files.

(For more information on USTP efforts, please see Appendix A.)

F. FORENSIC SCIENCE

The Department has recognized that the forensic sciences have become a critical component of our criminal justice system. Accordingly, the Department has begun several efforts to strengthen forensic science.

In 2013, the Department established the National Commission on Forensic Science (NCFS), in partnership with the National Institute of Standards and Technology (NIST), to enhance the practice and improve the reliability of forensic science through policy recommendations to the Attorney General. This Federal Advisory Committee is subject to the Federal Advisory Committee Act rules. The Commission is co-chaired by Deputy Attorney General Sally Yates and includes federal, state and local forensic science service providers; research scientists and academics; law enforcement officials; prosecutors, defense attorneys and judges; and other stakeholders from across the country. All proposed recommendations are posted for public comment. The Attorney General has responded to many recommendations and will respond to many others. One of the recommendations called for increased transparency of quality management systems (QMS); the Attorney General has declared that Department forensic science service providers will post their QMS documents online within 18 months. The current term of the Commission ends in April, 2017. The NCFS website is: <https://www.justice.gov/ncfs>

Also in 2013, the Department collaborated with NIST to create and fund an Organization of Scientific Area Committees (OSAC) to promulgate national standards in the field. The OSAC is managed and maintained by NIST. The OSAC is composed of over 500 committee members, primarily state and local forensic scientists and basic scientists. The OSAC has input into non-governmental Standards Development Organizations (SDOs) and then selects standards to post on a federal registry. The SDOs adhere to the ANSI Essential Requirements that include balance and non-dominance of various interest groups. The OSAC website is: <https://www.nist.gov/forensics/organization-scientific-area-committees-forensic-science>

The Department is also pursuing uniform language for testimony and reports as well as forensic science discipline reviews. Because the Department recognizes that its efforts will impact state and local forensic science service providers, it has presented its plans and preliminary efforts to the NCFS, discussed them with law enforcement and forensic science professional organizations, posted them to the public for comment, and established a public website that makes materials generally available: <https://www.justice.gov/dag/forensic-science>

G. BODY-WORN CAMERA TOOLKIT

In 2015, the Bureau of Justice Assistance (BJA) launched the National Body-Worn Camera Toolkit, an online clearinghouse of resources designed to help law enforcement professionals and the communities they serve plan and implement body-worn camera programs. The toolkit consolidates and translates research, promising practices, templates and tools that have been developed by subject matter experts.

BJA convened a Body-Worn Camera Expert Panel that consisted of law enforcement leaders, recognized criminal justice practitioners, national policy leaders, and civil rights and community advocates. The expert panel came together to discuss the benefits and challenges related to the adoption of body-worn camera technology and to begin developing an online toolkit that can serve as a clearinghouse of resources on body-worn camera program planning and implementation.

Through facilitated discussions, the expert panel covered a full range of issues and considerations that confront communities that are considering adopting the technology and the benefits that can accrue when programs are successful. The expert panel identified strategies to address key implementation issues, including policy implications, technological and legal considerations, and training needs. The result of that joint effort is a toolkit designed to provide assistance in selecting the technology that best fits a department's needs and to provide resources so that law enforcement can collaboratively establish policies that address privacy, training, and implementation.

The National Body-Worn Camera Toolkit can be found at <https://www.bja.gov/bwc/>, and focuses on procurement; policies; training; implementation; and retention. It also includes the perspectives of prosecutors, defenders, advocates and community members.

III. ONGOING INITIATIVES

A. MAJOR FOIA INITIATIVES

Improve Internal Agency Processes (Best Practices Workshop Series):

The Department of Justice's Office of Information Policy (OIP) launched the Best Practices Workshop Series in the spring of 2014 as a part of the Second Open Government National Action Plan's commitment to modernizing FOIA and improving internal agency FOIA processes. Each workshop focuses on a specific FOIA topic, with a panel of representatives sharing experiences, lessons, and strategies for success in these areas. Through these workshops, agencies can continue to learn from one another and leverage the successes of their own organizations for the overall benefit of FOIA administration across the government.

As the Attorney General emphasized in the DOJ 2009 FOIA Guidelines, the "responsibility for effective FOIA administration belongs to all of us . . . [and] [w]e all must do our part to ensure

open government." This workshop series is designed to share lessons learned across agencies in an effort to improve the administration of the FOIA across the government.

Improve FOIA Training Across the Government Through e-Learning:

A proper understanding of the FOIA, including the correct application of the statute's provisions and the President's and the Department's 2009 FOIA Memoranda, is the first step toward any successful FOIA operation. Every year OIP provides and participates in various FOIA training programs across the government. Embracing the importance of FOIA training, many agencies have also reported on their own robust FOIA training efforts in their Chief FOIA Officer Reports.

While these training efforts often focus on agency FOIA professionals, it is important that all federal employees have access to resources that help them understand their FOIA responsibilities. OIP's collection of training tools are designed to help ensure that these important resources are available for all federal employees -- from the senior executive, to the everyday employee whose records might become subject to the FOIA, to the FOIA professionals responsible for processing records for disclosure. The training tools include:

- A brief video from the Director of OIP aimed at senior government executives, providing a general overview of the FOIA and emphasizing the importance of their support to their agency's FOIA program;
- An in-depth e-Learning training module specifically designed for FOIA professionals that addresses all the major procedural and substantive requirements of the law, as well as the importance of customer service;
- A separate e-Learning training module for the everyday federal employee that provides a primer on the FOIA and highlights ways in which they can assist their agency in administering the law; and
- An infographic that can serve as a resource on FOIA basics for all employees new to the federal workforce.

Developing a Consolidated FOIA Portal:

Building off past commitments that include the launch of FOIA.gov, OIP worked as a member of an open government task force and committed funds to explore the viability of creating a consolidated FOIA request portal. This initiative has moved into a new phase and OIP is announcing a follow-up initiative that commits to launching the first phase of a consolidated request portal within calendar year 2017.

Beyond the statutory requirements in the new FOIA Improvement Act of 2016, the Department is now working with OMB and other agencies to launch this consolidated FOIA request portal. The portal will initially provide for centralized submission of requests as part of a larger expansion of the services offered by the Department on FOIA.gov, and will continue to be

enhanced to include other features to guide requesters through the FOIA process, improve the public's ability to locate already posted information, and track requests online, among other functions.

Commitment to Determine Feasibility and Content of Potential "Core" FOIA Regulation:

OIP convened an inter-agency working group to study how to create as much uniformity as is practical and feasible in the content of agency FOIA regulations. Over the course of two years, the group engaged with members of requester organizations and reviewed their suggested model language. After much consideration the working group ultimately determined that the most feasible approach to maximizing consistency across agency FOIA regulations, while also allowing for agency-specific requirements, was to develop a template with suggested language that all agencies can use as they publish or update their FOIA regulations. OIP created guidance to accompany and supplement the template.

B. OTHER CONTINUING FOIA INITIATIVES

e-Discovery Pilot:

With ever increasing numbers of requests asking for high volumes of records, one area in which technology has proved to be particularly beneficial is the use of tools and applications that assist with the core tasks of processing FOIA requests. Automating many of the internal processes for handling FOIA requests can bring great benefits in efficiency.

As a part of the Department's Open Government Plan 2.0, in 2013 OIP announced that it would be conducting a digital-FOIA pilot program. With specific goals in mind, from streamlining conventional processes to improve efficiency and accuracy, to increasing timeliness for responding to requests, the pilot was designed to compare and contrast the processing of requests using both digital tools and conventional methods.

At the conclusion of the pilot, the data was analyzed with extremely positive results, including:

- **Decreased number of times that a search term had to be run** – Using conventional methods, each search term had to be individually run for each custodian; using the digital approach, the records of multiple custodians could be searched with multiple terms at one time.
- **Improved search time** – The digital approach was able to complete a search for records in less than an hour, compared with conventional methods that required multiple work days to complete the search.
- **Decreased time spent on de-duplication** – Conventional methods required FOIA specialists to sort through records to locate multiple copies of the same record by hand, whereas digital tools allowed for this process to be automated, which drastically reduced the time required on this necessary aspect of FOIA processing.

This pilot program illustrated the fundamental benefits that using digital tools in the processing of FOIA requests provides, through gains in efficiency, accuracy, and timeliness. Since the pilot, OIP has shared the results, and has encouraged the use of these tools to increase efficiency through agency Chief FOIA Officer Reports.

New FOIA/PA Job Series:

Recognizing the critical importance of the work performed by FOIA professionals across the government, the Office of Personnel Management (OPM) announced the creation of the Government Information Series during Sunshine Week 2012. This new job series specifically addresses the work performed by FOIA and Privacy Act professionals, which is a key element in recognizing the professional nature of their work.

The Department's 2009 FOIA Guidelines highlighted the important work performed by FOIA professionals. Those professionals' administration of the FOIA plays a vital role in maintaining the transparent and open government that is not only essential for government accountability, but is also integral to our country's representative democracy. To distinguish the importance of their work, OPM created the Government Information Series, a dedicated job category for FOIA and Privacy Act professionals, which promotes "transparency as well as accountability in providing American citizens with easier access to more Government information."

Launch of FOIA.gov:

As part of the Department's first flagship initiative under the Open Government directive, the launch of FOIA.gov provided the public with a significant resource that had never been available before. FOIA.gov is a one-stop shop for those interested in learning more about the FOIA, including how to make a request, finding records that are already available online, as well as viewing and comparing data on agency compliance with the law.

- FOIA.gov is an educational resource with information about how the FOIA works and what to expect when making a request. To enhance public understanding of the FOIA process, short informative videos are embedded throughout the site. The site also includes frequently asked questions and a glossary of FOIA terms.
- A "Find" feature offers a convenient way to search across all agency websites to see what information is already available on a topic, without the need to submit a FOIA request.
- The site provides contact information for every government agency FOIA office, with links to their FOIA websites and when applicable the agency's online request forms. A comprehensive contact list is also available for download.
- Significant releases made by agencies are highlighted. There is also a section on recent FOIA news.
- FOIA.gov also displays a wealth of data on agency FOIA processing, including the number of FOIA requests made and processed by each agency, the disposition of those

requests, the time taken to respond to requests, and any backlogs of pending requests. For the first time, the data can be compared and contrasted between agencies and over time.

New FOIA Reporting Requirements:

The Department has instituted two new FOIA reporting requirements that have further increased agency accountability for FOIA administration. Since 2010, agency Chief FOIA Officers have been required to annually report on their efforts to implement the presumption of openness, improve their FOIA operations and facilitate information disclosure. These reports have added a wealth of information about agencies' FOIA programs that was never available before. Additionally, since 2013, agencies have been required to report certain key FOIA statistics such as the numbers of requests received, processed, and backlogged on a quarterly basis.

In addition, to shed further light on the government's FOIA administration and to encourage agency compliance with the law, every year the Department of Justice has issued summaries of both agency Annual FOIA Reports and Chief FOIA Officer Reports. The summary of the Chief FOIA Officer Reports includes an assessment of agency progress in implementing the President's and the Department of Justice's 2009 FOIA directives. Agencies are scored on different milestones each year that focus on five key areas of FOIA administration: (1) applying the presumption of openness; (2) having effective systems in place for responding to requests; (3) increasing proactive disclosures; (4) utilizing technology; and (5) improving timeliness and reducing backlogs.

C. FOIA ADMINISTRATION & MANAGEMENT

The Department of Justice, through OIP, continues to implement various measures to ensure that the presumption of openness is integrated into the FOIA processing of all agencies. As described in our prior plans, each year OIP issues government-wide policy guidance and provides training to thousands of agency professionals on the proper application of the FOIA and implementation of the President's FOIA Memorandum and the Department's 2009 FOIA Guidelines.

As a separate measure of accountability, OIP also issues new guidelines every year for agency Chief FOIA Officer Reports and conducts assessments of agency progress in meeting the many milestones addressed in those reports. Through these Chief FOIA Officer Report guidelines, OIP establishes multiple requirements and benchmarks for agencies to meet in implementing the President's and the Department's FOIA Memoranda. OIP has continually modified and expanded those requirements as agency implementation of the Department's 2009 FOIA Guidelines has matured.

Each year OIP continues to modify the requirements of the Chief FOIA Officer Report to build on the successes of previous years. Additionally, OIP will continue to assess agencies on the progress being made to improve their FOIA administration by scoring them on various milestones tied directly to the Department's 2009 FOIA Guidelines. As with previous years, to

make the assessment progressively more challenging and to incorporate direct input from civil society, OIP will continue to modify the milestones for which agencies are scored.

The Department handles incoming FOIA requests on a decentralized basis, with each component responsible for maintaining and processing its own records. While the Department's administration of the FOIA is decentralized, the Associate Attorney General serves as the Department's Chief FOIA Officer, and OIP provides guidance and coordinates with the components on the Department's FOIA responsibilities. Additional information about the Department's FOIA administration, including a description of the Department's FOIA staffing and organizational structure, process for responding to requests, and links to all of our FOIA reports can be found on our [website](#).

The Department received more than 67,000 FOIA requests in Fiscal Year 2015. The range in the number of FOIA requests received varies widely between the components, from the Executive Office for Immigration Review (EOIR) which received 31,513 requests in Fiscal Year 2015, constituting over 46% of the Department's total requests received, to nine components that each received fewer than 100 requests. By responding to 67,825 FOIA requests, the Department's FOIA offices were able to process more requests than were received in Fiscal Year 2015 and more than were processed in the prior year.

Despite these accomplishments, as a result of an increase in the number of incoming requests and a continued increase in the complexity of the requests received, unfortunately, the Department's overall request backlog increased. Even with the increase, however, the Department's overall request backlog amounted to less than 15% of the total number of requests received in Fiscal Year 2015. Reviewed component by component, there were many successes in backlog reduction. A total of 12 components decreased their backlogs and three maintained a nominal backlog of two or less, with one component remaining at zero. Eleven components reported only a slight increase in their backlogs of 20 requests or fewer.

OIP worked closely with Department components to identify areas of improvement, with a particular focus on backlog reduction and improving efficiencies. Further, as the Department's Chief FOIA Officer, the Associate Attorney General continued to convene the Department's FOIA Council to manage the Department's overall FOIA administration and to provide top level support for backlog reduction efforts. Many Department components also have individualized plans to reduce their backlogs, including: hiring additional staff, leveraging new technology, providing more training focused on efficiencies and best practices, further outreach to requesters to facilitate more efficient responses, and greater utilization of multiple processing tracks.

To further assist both the Department and all agencies across the government with backlog reduction efforts, in December 2015, OIP hosted its second [Best Practices Workshop](#) dedicated to Reducing Backlogs and Improving Timeliness. The panelists included representatives from a number of agencies that have had particular successes in this area. The panel discussion was once again very well-received and highlighted a number of new best practices that have proven successful in improving timeliness and reducing backlogs.

Finally, OIP and the Department continue to champion the use of advanced technological solutions that assist with the core functions of document processing as a key component of improving FOIA administration. OIP has led the effort to explore the use of these more advanced technologies for the benefit of not only the Department, but all agencies' FOIA administration. During Sunshine Week 2016, OIP reconvened the FOIA IT Working Group to discuss some of these technologies, and in particular, the leveraging of tools that can further improve search and de-duplication capabilities.

In addition to OIP, many of the Department's components are now using tools to search for, sort, and de-duplicate responsive documents. Using these tools to automate many of the internal processes for handling FOIA requests can bring great benefits in efficiency. For example, conducting an adequate search for responsive records often involves the review of both paper and electronic records originating with multiple employees throughout the agency. In turn, these searches can locate hundreds, if not thousands, of pages of material that need to be reviewed for both responsiveness and duplication before a FOIA disclosure analysis can be conducted. With the widespread use of email and the common practice of employees forwarding the same email to multiple other people, with each employee then building still further on that email, long chains of overlapping and duplicative email are frequently created. The benefits of using technology to de-duplicate, sort, and thread all those emails automatically, rather than doing so manually, are readily apparent.

D. TRANSPARENCY INITIATIVES

1. Recovery.gov

In 2009, the Department of Justice received \$4 billion under the American Reinvestment and Recovery Act to fund projects such as increasing tribal prison capacity, fighting violence against women and adding to the number of officers on the streets. To ensure the taxpayer funds were spent appropriately, agencies and recipients provided quarterly reports that were shared on Recovery.gov.

As the timeframe to spend the funds came to a close, OMB directed agencies to complete any remaining activities by September 30, 2013, and reporting was suspended by the Recovery Accountability and Transparency Board in January 2014. The Department's final action was to rescind and transfer any unobligated balances to the Treasury by the end of October 2015.

2. USASpending.gov

The Department continues its efforts to comply with all applicable requirements and transparency initiatives related to USASpending.gov, as required under the Federal Funding Accountability and Transparency Act. Information provided to USASpending.gov by the Department consists of contractual and financial assistance data. Efforts related to the quality of this information include several interrelated and comprehensive initiatives that address

accountability for, and transparency of, financial data. The Department's program and implementation plan for Office of Management and Budget Circular A-123, Appendix A: Internal Controls Over Financial Reporting helps to ensure that proper internal controls exist over expenditures related to contracts and grants.

In addition, the annual assessment of the acquisition function (the Acquisition Assessment) and the FPDS Data Quality Review provide the Department with opportunities to identify controls that need improvement. Through the Acquisition Assessment review, the Department performs an entity-level assessment of the procurement process. The FPDS Data Quality Review requires testing of key Federal Procurement Data System (FPDS) and the Contractor Performance Assessment Reporting System (CPARS) attributes identified in Office of Federal Procurement Policy guidance over a sample of individual contract files. These attributes are the foundation for data in USASpending.gov.

Annually the Department provides updates to the Open Government Initiative: Federal Spending Information Quality Framework (Data Quality Plan). No significant updates have occurred since January 2012.

3. Spending Information (USASpending.gov and DATA Act)

The Department is in the planning and development stages for making additional spending data available on USASpending.gov or its successor site, as required by the Digital Accountability and Transparency Act (DATA Act). The DATA Act and its implementing guidance require agencies to publish spending data on programs, and to improve the quality of spending data for procurement and grant awards, by publishing information from financial systems on a Treasury Department website. Treasury will link the spending data with award data already being provided for contracts and financial assistance (grants). The Department welcomes the opportunity to link spending, program, and award data, for use by public and Departmental stakeholders.

Improved spending information in USASpending.gov will also supplement the Department's participation in other transparency initiatives such as Data.gov, Grants.gov, and CFDA.gov. Treasury plans for the website to provide data visualization that would allow the Department to view its spending alongside other agencies' spending, and to view its spending by location. This should support opportunities for program alignment, interagency collaboration, and category management. The public availability of spending data should also support public inquiries that would otherwise require FOIA requests, by making spending data more quickly available, at a lower effort on the part of data consumers.

4. National Security Division/Foreign Agents Registration Act

The National Security Division continues to make progress in enhancing the functionality of FARA eFile. Personnel are developing and testing improved web form versions of its current fillable forms with the intent of providing greater standardization, improved intuitive features, and less burdensome requirements that will benefit registrants who are required to register under

FARA. New capabilities are expected to improve online search capabilities. NSD is confident that the new features will offer an enhanced system promoting greater transparency.

5. Office for Attorney Recruitment and Management

To reach more potential job-seekers, in 2014, the Department's Office of Attorney Recruitment Management and the Office of the Chief Information Officer developed a Legal Careers Job Search application, *DOJLawjobs*, for iOS and Android devices. The app allows users to search experienced attorney vacancies and volunteer legal internship opportunities throughout the Department. Users have the ability to search for jobs based on geographic preference, legal practice area, or component of interest. They are able to set specific preferences, receive alerts of relevant job opportunities, and share Department attorney and legal intern vacancy announcements with others. With roughly 2,000 legal internships and hundreds of lateral attorney positions filled every year around the country, the app provides potential applicants with information at their fingertips.

6. Citizen Call Response

As reported in our Open Government Plan 3.0, in early 2013, the Department's Justice Management Division created a working group to address the Department's process for handling phone calls from the public. After six months, the working group reported that Department operators needed better training, as well as more accurate and timely information about Department offices and personnel. The result was both inefficiency and frustration for the public as well as employees receiving misdirected calls. The working group made a number of recommendations, and in 2015, the recommendations began to be implemented. By June 2016, the following steps had been taken:

- The automated phone response (IVR or "phone tree") for the Department's main phone number was updated for improved inbound call handling;
- A new citizen call knowledge base was created and is updated regularly, including correct numbers for topic areas instead of specific employees' names;
- The Department's contact web page and individual component web pages were modified to encourage citizens to contact the Department by a web email form rather than by phone;
- The operators' contract was modified to require additional training in both Department structure, components, mission and leadership, as well as "soft," business-friendly skills; and
- The procedures for dealing with threatening or abusive callers were standardized across all components.

In addition, each component was required to designate a point of contact for operators needing occasional assistance in handling citizen calls. Periodic meetings of the points of contact have

been instituted to share updates and best practices in handling citizen calls. The switchboard manager ensures all calls are handled efficiently; that employee updates are received and processed; coordinates with component points of contact to address any questions or concerns; and reports any spikes in call volume and ensures calls are properly routed.

7. Plain Writing Act Compliance

Since the posting of the Department's First Annual Compliance Report in 2012, the component agencies of the Department have continued their efforts to implement the requirements of the Plain Writing Act by writing and revising documents to be more clear, concise, meaningful, and well-organized.

Because the individual components are in the best position to determine which of their documents are covered by the Act, the Department has continued to follow a decentralized process for compliance. Nevertheless, several steps have been taken at the Department level that should be helpful to citizens interested in checking on our efforts.

The Department's Plain Writing Act Report for 2016 can be found here: <https://www.justice.gov/open/plain-writing-act-annual-compliance-report-2016> Earlier reports are also available, here: <https://www.justice.gov/open/plain-writing-act>

E. GRANT MANAGEMENT

Through its grant-making offices, the Department of Justice provides billions of dollars every year to state, local and tribal law enforcement agencies, as well as other public and private service providers, to make their communities safer. The Office of Justice Programs (OJP) aggressively pursues strict accountability of these federal dollars and continues to make improvements to its grant-making process. These improvements help ensure OJP's grants are administered in a fair and transparent manner, demonstrating effective stewardship of federal funds.

To increase transparency, OJP posts on its external OJP website all award decisions, including the type of award, the recipient, and the award amount. Additionally, the Grant Management System allows grant managers to perform grant reviews and monitoring and to communicate these findings to active grantees and Congressional offices.

In 2015, OJP improved the utility of its external Funding Resource Center (FRC). These enhancements included improved tools, guidance, resources, and training to grant management staff, grant recipients and the public on the implementation and impacts of the new OMB Uniform Guidance (2 .C.F.R. Part 200). These websites streamline grant-related information, provide a one-stop shop for the public to explore OJP's grant funding opportunities and requirements, find resources and information on how to apply for grants, and information on how to implement a grant once awarded.

In 2015, to provide transparency and support planning across the funding applicant community, OJP enhanced its Program Plan on its external website. Using an Application Processing Interface (API), anticipated OJP solicitation data is fed from the OJP Forecaster Tool into the Program Plan. The API updates the OJP Program Plan in real time, as program offices update the Forecast Tool with solicitation information year-round. Data available include fiscal year, funding opportunity title, description of funding opportunity, program type/area, awarding office, expected release quarter, release date (actual), applicant eligibility type, awarding agency point of contact, amount available, average award amount. Data is sortable and retrievable by key variables (and selected combinations of variables), including awarding office, expected release date (quarter/year), program type/area, and applicant eligibility type.

In FY 2016, the Office of Community Oriented Policing Services (COPS), OJP, and the Office on Violence Against Women (OVW) collaborated to release the first ever Department of Justice Program Plan, which allows the user to see all DOJ grant-making components solicitations and expected release dates in one location.

The Department of Justice Program Plan can be found at <https://www.grantsnet.justice.gov>.

F. OPEN DATA

1. Listed below are the planned improvements for Department Open Data during FY2017:

- Increase data quality of Department datasets by focusing on key data fields within the scheme for each quarter. The Department will incorporate the quarterly OMB Integrated Data Calls (IDC) to emphasize to the Components the need for data quality in these areas.
- The Department plans to transition from data collection via excel files and data calls to using tools and repositories, such as DKAN to support downstream information processing and dissemination activities (eg. Open Data reporting activities).
- To enhance transparency, components will become more involved in the information creation and collection by exercising information stewardship of their own data sets.

(For more information about Open Data at the Department of Justice, please see: <https://www.justice.gov/open/open-data>. See also Digital Strategy at the Department of Justice, <https://www.justice.gov/digitalstrategy> .)

2. Office of Justice Programs Open Data Catalog

OJP is continuing the development of a comprehensive online data catalog that will greatly improve access to and understanding of OJP data sets. Search and navigation tools will allow OJP customers to quickly find the data they are seeking and access it in a variety of open formats, including built-in API access for developers. Catalog users will be able to build customized data tables and view trends online using interactive charts and other data visualization tools. The OJP data catalog will be directly integrated with the internal OJP data warehouse to ensure accurate and efficient publishing. The same system will be used to automatically update the OJP public data listings on Data.gov.

The open data catalog will be a part of OJP's common web content publishing platform. It will provide our mission offices with the ability to make data sets available to the public in a variety of formats, both machine and human readable. Data managers will be able to upload and manage data sets, tying the data sets to important topics in the criminal justice field, and making the data sets searchable by key words, topical relations, funding types, particular authors or data set managers.

Data managers will be able to create interactive analysis tools that make it easy for the target audiences to interact, parse and use the data. The catalog will provide a method for data managers to enter and publish key metadata regarding the data sets, which conform to the open data standards.

3. Executive Office for U.S. Attorneys (EOUSA) Data and Transparency:

Caseload Statistics – EOUSA is continuing its multi-year effort to make its National Caseload Statistical Data more available by creating a web accessible feature and better publicize it on Justice.gov/USAO

The National Caseload Statistical Data, a monthly case data that are currently tracked in the Legal Information Office Network System (LIONS). These data are publicly released on a monthly basis under the FOIA (except for certain fields, which must be redacted,) approximately 60 days after the last day of the month. The data are provided in a fixed length file format. Because each month's LIONS data typically comprise approximately 20 gigabytes, the data set is divided among several compressed or zip files. These files are available on EOUSA's website in the [FOIA Reading Room](#).

While the public can open the files, only well-trained users could likely understand the information included in the documents. Assuming resources can be allocated to this project, EOUSA plans to make the information more user-friendly so that users would not have to open zip files or refer to complicated indices to understand the information. Further, important information could be displayed graphically so that users could intuitively comprehend the data without having to wade through columns of information.

Make Historical Reports More Accessible – EOUSA continues to look into the feasibility of transforming existing historical Annual Statistical Reports into web accessible features on Justice.gov/USAO. EOUSA currently publishes [Annual Statistical Reports](#) presenting national and district caseload data in statistical tables and charts in PDF format on its website. EOUSA is

looking to start with the most recent reports, to transform these from PDFs into HTML pages in addition to having the PDFs accessible online. EOUSA also hopes to graphically display some of the data so users can more easily comprehend it.

G. RECORDS MANAGEMENT

The Justice Department manages its records in accordance with the requirements of the Federal Records Act. The Office of Records Management Policy (ORMP) manages the Records Program for the Department of Justice. That office develops and implements records policy, conducts operations for the Senior Leadership Office Records Programs, and continuously assists, evaluates, and reviews component efforts to manage their paper and electronic records. ORMP provides training and briefs senior officials and political appointees on their responsibilities for management of their business information. Finally, ORMP works with NARA on issues associated with electronic records and operational responsibility for records and engages in collaborative work with the Office of the Chief Information Officer on the development of electronic systems, services, and applications.

In addition, the Department and its components complete annual self-assessments for the National Archives and Records Administration (NARA) and a Senior Agency Official report for NARA that provides agency status on meeting the requirements of the [Office of Management and Budget and NARA Managing Government Records Directive of August 2012, M-12-18 \(OMB/NARA Directive\)](#). The Department has *continued to*: designate records officers and records managers; establish networks of designated records management liaisons; issue records management directives; and disseminate policies and procedures to ensure records are protected appropriately. In line with meeting the specific goals of the OMB/NARA Directive, the Department has developed and begun implementation of a RIM Certification process for assessing electronic system and application record keeping approaches, developed and initiated an evaluation and review process using a Department specific capability maturity model for RIM Program assessment, and is engaged in scheduling efforts for unscheduled records as well as developing functional records schedules for common records across components.

H. CONGRESSIONAL REQUESTS

The Office of Legislative Affairs (OLA) has responsibility for managing the Department's interactions with Congress, including congressional requests. OLA coordinates responses to congressional committee oversight requests and inquiries from individual Members and congressional staff. OLA also participates in the Senate confirmation process for federal judges and Department nominees, such as Assistant Attorneys General and United States Attorneys.

When the Department receives a letter from a Member of Congress, the Department's Executive Secretariat directs the letter to the components with substantive knowledge of the underlying

matters. Those components prepare responses for OLA review, coordination, clearance as needed, and transmission to Congress.

OLA also tracks the Department's legislative correspondence and congressional hearing testimony and manages the clearance process coordinated by the Office of Management and Budget (OMB) where it applies to these matters. Among the items OLA tracks are:

- Records relating to the Department's positions on pending legislation;
- Legislation proposed by the Department and transmitted to Congress;
- Requests for the Department's views on legislation proposed by Members of Congress, the OMB, and other Federal agencies; and
- The testimony of Department representatives at congressional hearings and follow-up questions for the record of those hearings.

OLA posts the Department's OMB cleared views letters on legislation <https://www.justice.gov/ola/views-letters> and the prepared statements of Department witnesses at congressional hearings <https://www.justice.gov/ola/congressional-testimony> on its website.

I. DECLASSIFICATION

The Department's Declassification Policy and Procedures are posted on its website, including the procedures to access declassified materials. Generally, information may be declassified through one of three programs: the Automatic Declassification Program; the Systematic Declassification Program; or the Mandatory Declassification Review Program. <http://www.justice.gov/open/declassification.html>.

Automatic Declassification Program

The Automatic Declassification Program pertains to agencies with original classification authority (past and current). This process increases the potential release of formerly classified national security information to the general public and researchers, enhancing their knowledge of the United States' democratic institutions and history, while at the same time ensuring that information which can still cause damage to national security continues to be protected. The Department automatically declassifies information appraised as having permanent historical value once it reaches 25 years of age, unless the Attorney General has determined that it falls within a narrow exemption that permits continued classification and it has been appropriately approved. The Department refers records that contain other agencies' classified information to those agencies for action. Though the Department of Justice may declassify its interest in a document, the document will not be fully declassified until other agency equities are cleared.

Systematic Declassification Program

A complement to the automatic declassification process, the Systematic Declassification Program requires all agencies that create classified information to establish and conduct a systematic declassification review program for classified permanently valuable records for the

purpose of declassification after the records reach a specific age. Records exempted from automatic declassification are still subject to the systematic review program.

Mandatory Declassification Review Program

The Mandatory Declassification Review Program permits individuals or agencies to require an agency to review specific classified national security information for purposes of seeking its declassification. At the Department, individuals may file mandatory declassification review requests through OIP.

Interagency Security Classification Appeals Panel (ISCAP)

Individuals or agencies may appeal mandatory declassification review decisions that have been denied at the agency level by appealing to the ISCAP. This panel provides the necessary checks and balances for the mandatory declassification review program and a venue for presenting appeals to a neutral body.

IV. PUBLIC PARTICIPATION & COLLABORATION

A. ACCESS TO JUSTICE

Open Government Flag Ship Initiative 2-Year Update White House Legal Aid Interagency Roundtable (WH-LAIR)

“Providing meaningful access to justice is a national responsibility and a moral charge. I am delighted by President Obama's action to expand legal aid resources for Americans in need, and excited for all that the White House Legal Aid Interagency Roundtable will achieve as it works to advance opportunity, promote equality, and ensure justice for all.” – Attorney General Loretta E. Lynch

In recognition of three years of accomplishments by the original 18 Legal Aid Interagency Roundtable agencies, on September 24, 2015 – the eve of the historic United Nations Summit on Sustainable Development – President Obama issued a [Presidential Memorandum](#) formally establishing the White House Legal Aid Interagency Roundtable (WH-LAIR) to accelerate the Roundtable’s activities, expand to [21 federal partners](#) and demonstrate to the rest of the world that we take access to justice seriously.

The Presidential Memorandum was announced by Roy Austin Jr., Deputy Assistant to the President for Urban Affairs, Justice and Opportunity as well as [Ambassador Samantha Power](#), U.S. Permanent Representative to the United Nations at the High-Level Event on Goal 16 in New York. The event highlighted the inclusion of Goal 16 in the 2030 Agenda for Sustainable Development (2030 Agenda), which calls for the promotion of peaceful and inclusive societies for sustainable development, provision of access to justice for all and the building of effective, accountable and inclusive institutions at all levels. With Goal 16, the international community

has recognized that access to justice is essential to sustainable development and necessary to end poverty.

As the memorandum points out, WH-LAIR comprises 21 federal agencies working together “to help the most vulnerable and underserved among us. . . By encouraging federal departments and agencies to collaborate, share best practices, and consider the impact of legal services on the success of their programs, the Federal Government can enhance access to justice in our communities.” Included in WH-LAIR's mission is the mandate to assist the United States with implementation of Goal 16.

In February 2016, Attorney General Loretta E. Lynch and Domestic Policy Council (DPC) Director Cecilia Muñoz co-chaired the inaugural meeting of WH-LAIR. The WH-LAIR representatives discussed agency-specific agendas for the next two years, outlining how legal aid can enhance their agency program objectives, improve outcomes and expand opportunities for the people most in need.

WH-LAIR Working Groups

Working Group on Access to Justice Indicators and Data Collection:

Announced in June 2016 and convened for the first time in August 2016, the Working Group on Access to Justice Indicators and Data Collection seeks to support two critical functions of the WH-LAIR as defined in the Presidential Memorandum, namely to: (1) assist the United States with implementation of Goal 16 – specifically target 16.3 – of the United Nation's 2030 Agenda for Sustainable Development, and (2) advance evidence-based research, data collection, and analysis of civil legal aid and indigent defense. DOJ's Office for Access to Justice (ATJ) and Bureau of Justice Statistics (BJS) are leading this activity for WH-LAIR.

The 2030 Agenda calls for the creation of international, national, and regional indicators for all 17 goals, which endeavor to end extreme poverty. By tasking WH-LAIR to assist the United States with implementation of Goal 16 of the Agenda, including target 16.3, the President linked WH-LAIR to the creation of national indicators on access to justice. In fact, the United Nations' call for indicators fits with the President's push towards evidence-based policymaking and allows the WH-LAIR to better capture and track its activities in an open and accountable way. The Working Group will identify a process to carry forward this work over the 15 years that the 2030 Agenda remains in effect and will participate in a civil society consultation on this activity with access to justice experts in Washington, D.C., in September 2016.

Working Group on Self-Represented Parties in Administrative Hearings:

In 2015, WH-LAIR created a new Working Group on Self-Represented Parties in Administrative Hearings, co-chaired by the Office for Access to Justice and the Administrative Conference of the United States. Federal agencies and their funding recipients frequently interact with low- and moderate-income people in administrative hearings. These hearings are critically important to program beneficiaries because they may result in establishing, maintaining, or losing eligibility for food assistance, housing subsidies, medical care, and other vital public benefits. Both for agencies and program beneficiaries, it is essential to ensure the fairness and accuracy of these

decisions, as well as to increase the efficiency of the procedures when possible. The working group is exploring best practices for hearing procedures involving the self-represented, drawing on the growing body of case law, studies, and experience in the access to justice field.

WH-LAIR Toolkit

The Roundtable's Toolkit was re-launched as the [WH-LAIR Toolkit](#) with new content including:

- **Welcome message from WH-LAIR co-chairs** Attorney General Loretta Lynch and White House Domestic Policy Council Director Cecilia Muñoz, available at <https://www.justice.gov/lair/welcome-message>.
- **New case studies** on how civil legal aid supports federal efforts to assist law enforcement and promote public safety, help Americans with disabilities, help human trafficking victims, and strengthen families. These new case studies and the previously issued ones can be found at <https://www.justice.gov/lair/wh-lair-case-studies>.
- **Updated information about federal resources** available to support legal aid, available at <https://www.justice.gov/lair/federal-agency-resources>.

WH-LAIR Reports and Guides

First Annual WH-LAIR Report to the President:

- The Presidential Memorandum mandates an annual report to the President. Expected this fall, WH-LAIR will describe progress made towards achieving its mission, and document how WH-LAIR is encouraging greater collaboration among Federal Government agencies, fostering the development of new policies, prompting review of existing grant programs, advancing relevant research and data collection, and creating new strategic partnerships to better align efforts that improve the effectiveness and efficiency of myriad federal programs and initiatives. This report will highlight both the momentum for achieving WH-LAIR's mission, and how the agencies intend to build on that success going forward.

Civil Legal Aid Research Workshop Report:

- Posted on February 2016, the [WH-LAIR Civil Legal Aid Research Workshop Report](#) summarizes the May 20 – 21, 2015, convening hosted by the Office for Access to Justice and National Institute of Justice, in collaboration with the National Science Foundation. The workshop was designed to help create a civil legal aid research agenda and identify federal priorities on civil legal aid for the conveners and WH-LAIR. The workshop brought together an Expert Working Group (EWG) of approximately 40 domestic and international researchers and practitioners to discuss the existing literature and research gaps concerning civil legal aid and its intersection with public safety and criminal justice.

AmeriCorps Guide:

- The Office for Access to Justice and the Corporation for National and Community Service published a Guide to the AmeriCorps State and National Program for Legal Services Organizations. The *Guide* is designed to introduce the AmeriCorps program to legal aid organizations that are not familiar with the program; demonstrate how AmeriCorps can work effectively in the context of legal services to expand the organization's reach and provide more direct legal services; and provide additional resources for organizations interested in using national service to advance their mission. Thanks to contributions by 10 current or recent AmeriCorps legal services program grantees, the Appendix contains a variety of position descriptions and other illustrative documents.

Enhancing Enforcement Through Collaboration with Civil Legal Aid:

- [This document](#) describes how civil legal aid can help support federal agencies to achieve their enforcement objectives by providing insights and information based on their client work and community engagement serving low income populations. WH-LAIR encourages federal agencies to develop and strengthen collaborative partnerships with civil legal aid providers to help enhance their programs. While many agencies have varying types of collaboration, the Federal Trade Commission's Legal Services Collaboration is a prime example of a successful collaboration between an enforcement agency and civil legal aid. The FTC's experience and successes showcased in this document is intended to be useful to other interested agencies.

Filing Complaints with Federal Agencies: A Guide for Legal Aid Organizations:

- WH-LAIR plans to release in the coming months the "Federal Agency Complaint Guide for Civil Legal Aid" in order to increase awareness of available federal resources and to help them better access federally-available tools to file complaints both to resolve their civil justice issues and to inform federal agencies about problems affecting American communities. A wide array of "legal aid issues" such as consumer fraud, wage violations, and erroneous denial of public benefits concerns federal agencies whose missions include protecting the vulnerable and underserved Americans from such harms and ensuring fair administration of safety net programs. Legal aid staff who work with clients living with poverty or other vulnerabilities are in a unique position to share this federal resource and help file complaints with an appropriate federal agency, potentially to resolve the client's problems and/or to contribute to a broader change or law enforcement action to help others experiencing similar problems.

B. FEDERAL BUREAU OF PRISONS

National Reentry Week:

The Federal Bureau of Prisons (Bureau) provided a broad array of programs and events at every one of its 122 institutions during the inaugural National Reentry Week held April 24-30, 2016. Bureau staff and stakeholders provided the inmate population approximately 370 programs during this week, including inmate job fairs, mobile Department of Motor Vehicles visits to assist with photo identification for inmates, legal-aid clinics, parent-child bonding events, and roundtable discussions. Several institutions hosted events in which formerly incarcerated individuals spoke with current inmates regarding their reentry experiences and offered advice on how best to prepare for return to their communities.

United States Attorneys and their staff participated in events at institutions, while at some locations Bureau staff participated with these partners and others in community events. Many of the events were open to the news media to help draw attention to the importance of reentry; the Bureau issued 30 press releases related to Reentry Week events nationwide. The week was highlighted by visits from Attorney General Lynch to the Federal Correctional Institution in Talladega, Alabama, and Deputy Attorney General Yates to the Federal Prison Camp in Bryan, Texas.

“Reentering Your Community: A Handbook,” a reentry guide for inmates, was developed and distributed for the first time during Reentry Week to inmates within one year of release. The guide, available in English and Spanish, provides detailed information to help inmates successfully return to the community and covers many important areas such as housing, employment, family relationships, financial affairs, and more. The handbook is also available on the Bureau’s public website (<https://www.bop.gov/resources/publications.jsp>).

Federal Prison Industries (UNICOR), the Bureau’s largest job training program, activated a new reentry Hotline (1-877-895-9196) to provide assistance to individuals in the community after release. The hotline is operated as a UNICOR call center, and provides job training to inmates at the Federal Prison Camp in Bryan, Texas.

(For more information on reentry programs, please see Section IV.F. below.)

Universal Children’s Day:

Many of the individuals in the Bureau of Prisons’ custody have children who are under the age of 18. For these inmates, building and maintaining positive relationships with their children is vital throughout incarceration. Positive family relationships are an integral part of inmates’ successful reentry into society, and likely contribute to a reduction in recidivism. Since the

White House Children of Incarcerated Parents Initiative launched in 2013, and the Bureau's first Universal Children's Day that same year, the Bureau has expanded parent-child events.

From 2014 to date, every institution has hosted at least one Children's Day event each year. Events offer positive parenting resources, book fairs, educational programs, arts and crafts, summer camps, and other activities to engage inmates and their families. Representatives from community and social service agencies, religious institutions, and nearby colleges and universities often participate in these events to provide activities for the children and to build strong family relationships. In the first three quarters of 2016 alone, Bureau institutions have hosted more than 260 parent-child events, 100 of which included outside agencies. More than 6,600 inmates, 9,700 children, and 6,200 parents and caregivers participated. Bureau institutions plan to continue marking Children's Day with events throughout the remainder of 2016 and 2017.

Stakeholder meetings

The Bureau of Prisons Director and members of the Bureau Executive Staff hold annual stakeholder meetings. Bureau leadership meets with 10-15 stakeholder groups representing a range of disciplines in the field of criminal justice. The Bureau provides information to stakeholders on Bureau initiatives, and agency leadership seeks input from the participants. These meetings are a continuation of the Bureau's efforts to enhance transparency and establish relationships with important stakeholders.

(For more information about BOP publications, please see Section II.E. and Appendix A.)

C. COMMUNITY RELATIONS SERVICE (CRS)

Direct Public Outreach

Working with Local Law Enforcement and Communities:

In the Department's Open Government 3.0 Plan, CRS introduced its transgender cultural professionalism training program for law enforcement. The program was developed with input from transgender advocates and law enforcement leadership from around the country in an effort to break down barriers and misconceptions. The goal of the program is to assist law enforcement in helping to prevent hate crimes, to better respond to transgender victims of violence in their communities, and to provide best practices on building community partnerships to better serve the transgender community. The training will be conducted at the request of community leaders throughout the country, with CRS conciliators presenting the material alongside local transgender leaders and local law enforcement officials as subject matter experts.

Going forward in the Open Government 4.0 Plan, CRS intends to add an additional product aimed at building better police-community relations, specifically in the transgender community. In 2016, CRS will launch a roll-call video and distribute a police pocket card. The roll-call

training video is designed as a stand-alone training tool to be viewed by law enforcement officers and officials during roll call, an informational briefing and equipment inspection meeting for oncoming officers before they begin their patrol shift.
(For more information about CRS, please see the Appendix.)

D. POLICE DATA INITIATIVE

As a result of the President’s Task Force Report on 21st Century Policing, in April 2015, the White House introduced the Police Data Initiative (PDI), a community of practice that includes leading law enforcement agencies, technologists, and researchers committed to improving the relationship between citizens and police through the use of data on police-citizen interactions that increase transparency, build community trust, and strengthen accountability, as called for in the task force report.

The PDI addresses the lack of publicly-available data on policing activity as a category of data separate from crime data. These policing data (e.g., officer-involved shootings, uses of force, traffic and pedestrian stops, resisting arrest, and officer injuries) have been at the forefront of many of the conflicts between law enforcement and communities, and the data are rarely released publicly in a usable format.

In April 2016, the Administration marked the one-year anniversary of the launch of the PDI with a convening during which it was announced that 53 jurisdictions covering more than 40 million people had joined the PDI. Currently, 76 jurisdictions have committed to PDI. To participate in the PDI, jurisdictions must commit to release specific sets of formatted data. Despite the significant number of jurisdictions that have already joined the PDI, many jurisdictions need assistance to provide their data in the required format, and the initiative continues to work toward ways to allow jurisdictions to collect and report both PDI data and crime data in the same way.

Some examples of how the PDI is having an impact on law enforcement are:

- Fayetteville, North Carolina: The Fayetteville Police Department released incident-level data plus maps and charts for context on use of force, citations, arrests, traffic stops, police force demographics, 911 calls for service, crime incidents, accidents, and more. The department also launched a digital tool that allows it to conduct citizen polls across the city’s 157 neighborhoods.
- Orlando, Florida: The Orlando Police Department held a “data dive” with domestic violence and sexual assault victim advocates, private sector technologists, uniformed officers, and city IT staff to work out the best way to balance the value of open data and transparency with protecting victim privacy.
- New Orleans, Louisiana: The New Orleans Police Department joined the PDI and previewed data on police use of force, officer-involved shootings, and 911 calls for service with dispatch arrival time with a group of young software developers in training

from low-opportunity neighborhoods during a three-day summer camp hosted by a local coding academy.

The Police Data Initiative is transitioning from the White House to the Justice Department's Office of Community Oriented Policing Services (COPS). The COPS office will be incorporating PDI into its work to advance 21st Century Policing. Currently, the COPS office is exploring the Collaborative Reform and Technical Assistance initiative to support technical assistance to participating collaborative reform sites in regard to PDI. From that, COPS may be able to pull guidance and lessons from their implementation to help inform the work of others in this space. Additionally, through the Advancing 21st Century Policing Initiative, the COPS Office will continue its work with a cohort of law enforcement agencies that have already made strides in advancing task force recommendations, including the importance of robust data collection.

E. CHALLENGE.gov: NATIONAL INSTITUTE OF JUSTICE

National Institute of Justice (NIJ) Real-Time Crime Forecasting Challenge

The National Institute of Justice rolled out its *Real-Time Crime Forecasting Challenge* (the Challenge) on September 12, 2016. Part of the Challenge.gov initiative launched by the White House in 2010, the Challenge seeks to harness advances in data science to address issues in crime and justice. NIJ hopes to provide researchers and the federal government with a better understanding of the potential for crime forecasting in America. This Challenge will offer a comprehensive comparative analysis between current "off-the-shelf" crime forecasting products used by many police departments and more innovative forecasting methods used by other scientific disciplines.

Accordingly, the Challenge will have three categories of contestants: students; individuals or small businesses; and large businesses. NIJ will evaluate all entries for both effectiveness and efficiency. This Challenge will be based on the locations listed in calls-for-service (CFS) records provided by the Portland Police Bureau (PPB) for the period of March 1, 2012 through February 28, 2017. NIJ will initially release data for the period of March 1, 2012 through July 31, 2016, and NIJ will then release updated PPB's CFS data over a six-month period. During the final week of the six-month data rollout, contestants will submit forecasts of where the largest concentrations of crimes will occur within the PPB jurisdiction.

The four crime categories are: all calls-for-service; burglary (residential and commercial); street crime; and motor vehicle theft. Contestants may submit forecasts for all or some of these categories. Crime forecasts can be submitted for each crime category for periods of one week, two weeks, one month, two months, and three months.

After the PPB CFS data are collected for March 1, 2017, through May 31, 2017, NIJ will compare the Challenge entries to the actual data for each crime category and each designated time period, and will determine the effectiveness and efficiency index values. The most effective

and the most efficient entries for each crime category, time period, and contestant type will be declared the Challenge winners. Contestants may win for more than one crime category and time period.

F. FEDERAL INTERAGENCY REENTRY COUNCIL

The Department of Justice first convened this Council in 2011, in an effort to engage a wide range of federal agencies in developing and advancing innovative and comprehensive approaches to reentry. Over the last five years, this collaboration of more than 20 agencies has worked relentlessly to expand the range of tools that the government uses to ensure that individuals returning to the community from prison or jail have a meaningful chance to rebuild their lives and reclaim their futures.

On April 29, 2016, President Obama issued a Presidential Memorandum that formally established the Reentry Council, to help ensure the Federal Government continues this important work. The Reentry Council is dedicated to expanding access to the key building blocks of a stable life – employment, education, housing, healthcare, and civic participation – to give formerly incarcerated individuals a second chance and to create stronger and safer communities for all. The Council has made important progress towards these goals, developing comprehensive strategies to address the breadth of issues related to reentry.

Together, we are opening doors to higher education and meaningful employment for justice-involved individuals. We are creating a fairer housing market and connecting those returning from prison with healthcare and treatment. And we are investing in promising reentry programs in states and localities all over the country.

In August 2016, the Council issued a report entitled “*A Record of Progress and a Roadmap for the Future*.” This report highlights the achievements to date and focuses on the road forward. The next phase of the Council’s work will chart a course for implementation, to ensure that the Council’s efforts continue to guide the field in the months and years to come. The report can be found at <https://csgjusticecenter.org/wp-content/uploads/2016/08/FIRC-Reentry-Report.pdf> (For more information on reentry programs, please see Section IV.B. above.)

G. REGIONAL JUSTICE FORUMS

In the wake of the recent tragedies in Baton Rouge, Louisiana; Dallas; and St. Paul, Minnesota, Attorney General Loretta E. Lynch convened the first in a series of regional Justice Forums on August 3, 2016, at Wayne State University in Detroit, with regional stakeholders from the law enforcement, youth, faith, non-profit and civil rights communities.

The Attorney General, along with other Department officials, hosted the Justice Forum to create a working group setting for local community leaders, youth advocates, law enforcement, and state and local officials to critically examine police-community issues in their respective cities and regions and seek solutions together. The Justice Forum in Detroit gave stakeholders a

chance to hear different perspectives, explain the challenges they face, and gain a deeper understanding for how police and community can work together to improve public safety and advance the cause of justice.

During the working meeting, community members and stakeholders proposed ideas related to training and education, officer safety and wellness, community engagement, positive police-community encounters, diversity, data collection, crisis response, resources, transparency and officer accountability. Many of the ideas focused on strengthening the community from the ground up, by building stronger ties between law enforcement and the community – including training for officers and the public on mental health, wellness, and implicit bias; promoting diversity in police departments to reflect their communities; better funding for public education; devoting more resources to community policing efforts; and engaging media to capture positive examples of police-community interactions.

The Justice Forum series will continue over the next several months in cities across the nation. And in the coming months, the Department of Justice will release a Justice Forum After-Action Report outlining the specific recommendations presented at the regional working group discussions. The After-Action Report will provide a rubric for other communities across the country that are seeking ways to help build sustained positive engagement between community members, law enforcement, elected officials and other local stakeholders.

H. NATIONAL FORUM ON YOUTH VIOLENCE PREVENTION

The National Forum on Youth Violence Prevention was established at the direction of President Obama in 2010, to build a national conversation concerning youth and gang violence that would increase awareness, drive action, and build local capacity to more effectively address youth violence through comprehensive planning. The Forum models a new kind of federal/local collaboration, encouraging its members to change the way they do business by sharing common challenges and promising strategies, and through coordinated action. The Forum convenes a diverse array of stakeholders at the federal, state, and local levels.

Participating federal agencies include the Departments of Justice, Education, Health and Human Services (particularly the Office of the Assistant Secretary of Planning and Evaluation and the Centers for Disease Control and Prevention), Housing and Urban Development, Labor, the Corporation for National and Community Service and the Office of National Drug Control Policy. Participating localities include Boston, Camden, Chicago, Detroit, Memphis, Minneapolis, New Orleans, Philadelphia, Salinas, San Jose, Long Beach, Cleveland, Louisville, Seattle, and Baltimore. Other participants include faith- and community-based organizations, youth and family groups, as well as business and philanthropic leaders.

On June 27-29, 2016, the National Forum on Youth Violence Prevention and the My Brother's Keeper (MBK) Task Force presented the Fifth National Summit on Preventing Youth Violence – A Hopeful Future: Sustaining Our Work to End Violence. Senior Justice Department officials and teams of mayors, police chiefs, school officials and youth from more than 30 cities, totaling

over 600 participants, participated and discussed strategies for reducing youth violence and gang activity.

V. APPENDIX A

ADDITIONAL ACTIVITIES AND INITIATIVES BY INDIVIDUAL DEPARTMENT COMPONENTS

Federal Bureau of Prisons (BOP)

New Publications

The Bureau has produced several new publications designed to introduce and inform stakeholders and the public to the mission, work, and core values of the Bureau of Prisons. These publications can be found on the agency's public website here:

<https://www.bop.gov/resources/publications.jsp>.

- ***Then and Now*** highlights the Bureau's mission, operations and national programs that prepare inmates for a productive and crime-free return to the community. It also includes key statistics, staff profiles, and a timeline of significant events and dates in the Bureau's history, culminating in President Obama's historic visit to FCI El Reno in July of 2015. The publication will be updated periodically and made available to stakeholders, community leaders, Members of Congress and the news media. Copies were made available during National Reentry Week in April of 2016 to the Bureau's 122 institutions nationwide, six Regional Offices, and Central Office. ***Then and Now*** is accessible on the Bureau's website here:
https://www.bop.gov/resources/pdfs/BOP_ThenNow_2015_12.pdf
- ***Making Changes*** is a compilation of stories recently posted on the agency's website that illustrate the many ways the Bureau protects public safety by helping inmates prepare for productive, crime-free lives after release. Twenty six stories feature programs or events focused on helping inmates build valuable skills for successful transition back to the community. ***Making Changes*** was available during National Reentry Week and is accessible on the Bureau's website here:
https://www.bop.gov/resources/pdfs/bop_making_changes_4.15.2016_1.pdf.
- A new handbook for releasing inmates titled ***Reentering Your Community***. This pocket guide, available in English and Spanish, provides detailed information intended to help inmates successfully return to the community, and covers many important areas such as housing, employment, family relationships, financial affairs, and more. The English and

Spanish versions of the handbook can be found here:
(<https://www.bop.gov/resources/publications.jsp>)

Civil Division

Using Information Technology for Transparency and Improved FOIA Administration

In compliance with President Obama's FOIA Memorandum and Attorney General Holder's FOIA Guidelines, the Civil Division's FOIA office has consistently reduced its backlog of pending FOIA requests by 10% while increasing its responsiveness and openness to the requestor community. When comparing FY 2014 and FY 2015, the Civil Division received 37% more FOIA requests and closed 56% more FOIA requests than in FY 2014. In addition, the Civil Division closed 37% more FOIA requests within 20 days in FY2015 than it did the previous year. The advantages of automating document search, review, and production for FOIA have been a great benefit for the requestor community and the Department's priority goals of timely engagement with those seeking information from the government.

In addition to ongoing initiatives, the FOIA office plans to use proactive disclosures to increase efficiency and advance transparency. The Office will post records that have been requested and released 3 or more times on the Civil Division website. In FY 2017, these disclosures will be easily accessible on the Civil Division's FOIA library page.

Records Management

The Civil Division is working to meet the goal of the Managing Government Records Directive to manage all email records electronically by the end of 2016. The Civil Division is developing an electronic record keeping system for managing case file records, beginning with case file emails.

Outreach to Communities

The Civil Division continues to engage in extensive outreach to the community about the government's e-Discovery priorities and processes through public articles, meetings, and conferences. This work often involves bringing together multiple federal agencies and external organizations, such as national legal and technology groups.

Civil Rights Division

The Civil Rights Division of the Department of Justice, created in 1957 by the enactment of the Civil Rights Act of 1957, works to uphold the civil and constitutional rights of all Americans, particularly some of the most vulnerable members of our society. The Division enforces federal statutes prohibiting discrimination on the basis of race, color, sex, disability, religion, familial status and national origin. The Division's mission and enforcement is carried out by Sections in functional areas such as Criminal, Disability Rights, Education, Employment, Federal

Coordination and Compliance, Housing, Immigration and Voting. The Division's website¹ includes resources such as Press Releases and Speeches, Cases and Matters, Publications, a FOIA Electronic Reading Room, and information on how to file a complaint. The Division also provides internet resources in Prosecuting and Preventing Hate Crimes², protecting the rights of Service Members³, the American with Disabilities Act⁴, and the Limited English Proficiency Interagency website.⁵

Civil Rights Division Ongoing Initiatives

Civil Rights FOIA

The Civil Rights Division continues to make available more resources through its website⁶ and FOIA Electronic Reading Room⁷. The Reading Room includes resources on frequently requested FOIA-Process records, frequently requested documents and significant guidance documents. Under the frequently requested records, the Reading Room provides information on American with Disabilities Act (ADA) agreements and court documents, ADA Technical Assistance Letters, more than two hundred ADA Core Letters, ADA Letters of Findings, and Title I Settlements.

Twitter

The Civil Rights Division's Twitter accounts (*@CivilRights* and *@CivilRightsAAG*) provide timely information to the public and make it easier for the public to find, share and learn about the work of the Division.

Special Litigation Section

The Special Litigation Section publishes key documents, including investigative findings, complaints, settlement agreements, monitoring reports, and briefs and other areas intended to protect the civil rights of all people.⁸ The Section works to protect civil rights in areas such as corrections, juvenile justice, disability rights, safe access to reproductive health care clinics, the rights of people who interact with state or local police or sheriffs' department, the religious exercise of institutionalized persons, and indigent defense.⁹ The Special Litigation Section

¹ <https://www.justice.gov/crt>

² <https://www.justice.gov/crt/hate-crimes-0>

³ <https://www.servicemembers.gov>

⁴ <http://www.ada.gov>

⁵ <https://www.lep.gov>

⁶ <https://www.justice.gov/crt/freedom-information-act-0>

⁷ <https://www.justice.gov/crt/foia-electronic-reading-room>

⁸ <https://www.justice.gov/crt/special-litigation-section>

⁹ <https://www.justice.gov/crt/special-litigation-section-cases-and-matters0>

engages in robust efforts to speak directly with a wide range of stakeholders when doing investigations and enforcement monitoring.

In law enforcement related work, the Section sets up community email addresses and toll-free hotlines to gather information from anyone willing to share it. The Section speaks with line officers, detectives, police supervisors, and command staff; residents and faith, business, and other community leaders; and civil rights advocates and union officials. The diverse range of viewpoints and information gathered helps to inform the Section's perspectives, to ensure community input, and to strengthen the quality of our investigations and enforcement efforts. Information about these efforts can be found in the Section's website at <https://www.justice.gov/crt/special-litigation-section>.

Americans with Disabilities Act (www.ada.gov)

The Disability Rights Section protects the rights of individuals with disabilities under the Americans with Disabilities Act (ADA), 42 U.S.C. 12101-12213. The goal of the ADA is to open up the mainstream of American society to individuals with disabilities. The ADA is a comprehensive civil rights law that seeks to ensure an equal opportunity for individuals with disabilities to participate in all facets of our nation's economic, civic, social, and cultural life. In addition, under Executive Order 12250, the Section coordinates and ensures consistent and effective enforcement of Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability in federally assisted and federally conducted programs and activities.

The Technical Assistance Program, mandated under Section 506 of the ADA, provides answers to questions and creates free technical assistance publications to businesses, state and local governments, people with disabilities, and the general public. The ADA Information Line and the ADA Website¹⁰ are utilized by millions of individuals each year, providing an unparalleled reference source on the Department's enforcement and interpretation of the ADA.

The widely-used ADA Information Line¹¹ is a direct link between the Department and the public, providing compliance assistance to business owners, state and local government officials, people with disabilities, architects and builders, and the general public. The ADA Website, www.ada.gov, is the federal government's leading information source on the Americans with Disabilities Act. The Section is consistently working to increase the current collection of data sets in www.data.gov as well as improve accessibility and usability of ADA.gov.

Hate Crimes (www.justice.gov/hatecrimes)

The Criminal Section, in collaboration with our federal working partners,¹² is responsible for enforcing the federal criminal civil rights statutes to include federal hate crimes. The division

¹⁰ <https://www.ada.gov>

¹¹ <https://www.ada.gov/infoline.htm>

¹² <https://www.justice.gov/crt/information-and-resources-communities-working-prevent-and-respond-hate-crimes>

has updated its Hate Crimes website¹³ to ensure communities know about our work to combat hate violence and enforce laws such as the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act. The Department of Justice issued its final report,¹⁴ “Combating Religious Discrimination Today”, which was announced on July 22, 2016 by the leadership of the Civil Rights Division.

Housing, Lending, Public Accommodations and Religious Land Use

The Housing and Civil Enforcement Section works to protect some of the most fundamental rights of individuals, including the right to access housing free from discrimination, the right to access credit on an equal basis, the right to patronize places of public accommodations and the right to practice one’s faith free from discrimination. The Section enforces the Fair Housing Act, the Equal Credit Opportunity Act, Title II of the Civil Rights Act of 1964, the Religious Land Use and Institutionalized Persons Act, and the Servicemembers Civil Relief Act.

The Section’s web site¹⁵ includes information about these statutes, news about recent enforcement actions and press releases, and links to complaints and settlement agreements. The website also includes links to fair housing policy statements and guidance,¹⁶ including joint statements with the Department of Housing and Urban Development, and reports about the Department’s enforcement efforts under the Religious Land Use and Institutionalized Persons Act,¹⁷ as well as information that can be printed and used by religious organizations, municipal officials, and others. The Department also annually files a report with Congress updating on its activities under the Equal Credit Opportunities Act.¹⁸

The Servicemembers and Veterans Initiative (www.servicemembers.gov)

The Servicemembers and Veterans Initiative,¹⁹ an initiative that includes the Housing and Civil Enforcement Section, the Voting Section and the Employment Section with Department of Justice components and federal agencies to build a comprehensive legal support and protection network focused on serving servicemembers, veterans, and their families. The initiative builds upon this critical enforcement work, as well as the work of other Department components that serve the military community, by sharing information, identifying servicemember and veteran needs, and coordinating the distribution of resources. In this initiative’s website²⁰

¹³ <https://www.justice.gov/hatecrimes>

¹⁴ <https://www.justice.gov/crt/file/877936/download>

¹⁵ <https://www.justice.gov/crt/housing-and-civil-enforcement-section>

¹⁶ <https://www.justice.gov/crt/fair-housing-policy-statements-and-guidance-0>

¹⁷ <https://www.justice.gov/crt/religious-land-use-and-institutionalized-persons-act>

¹⁸ <https://www.justice.gov/crt/equal-credit-opportunity-act-3>

¹⁹ <https://www.justice.gov/crt-military>

²⁰ <https://www.justice.gov/crt-military>

servicemembers, veterans, and their family members will find information about the federal laws that protect their rights, including the Servicemembers and Veterans Initiative Complaint Form,²¹ and the Servicemembers and Veterans Initiative USAO Servicemembers Toolkit.²² The Department of Justice protects a servicemember's civilian employment rights by enforcing the Uniformed Services Employment and Reemployment Rights Act ("USERRA"), voting rights by enforcing the Uniformed and Overseas Citizens Absentee Voting Act of 1986 ("UOCAVA"), and financial security through the Servicemembers Civil Relief Act ("SCRA").

Voting

The Voting Section enforces the civil provisions of the federal laws that protect the right to vote and posts a list of settlements and cases initiated by the United States under the Voting Rights Act, the National Voter Registration Act, the Uniformed and Overseas Citizens Absentee Voting Act, the Help America Vote Act and the Civil Rights Acts. (www.justice.gov/crt/voting-section-litigation)

Immigration

The Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) is the Section within the Civil Rights Division that enforces the anti-discrimination provision (§ 274B) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1324b.²³ Information on OSC's enforcement work, contact information for OSC's worker and employer hotlines, educational materials, and information on how to register for a free OSC webinar²⁴ is available at www.justice.gov/crt/about/osc. OSC's website contains information on OSC's enforcement work,²⁵ including lawsuits, settlement agreements, and informal resolutions. OSC's website provides contact information for its hotlines and summaries of calls where OSC has assisted workers and employers through its hotline intervention program. OSC also has several educational materials for workers and employers, and many materials are available in multiple languages. Another resource is the collection of OSC Technical Assistance letters.²⁶ Finally, OSC offers free webinars to employer and worker audiences, and information on upcoming webinars²⁷ is available on OSC's website.

The Federal Coordination and Compliance Section

The Federal Coordination and Compliance Section (FCS) ensures that all federal agencies consistently and effectively enforce civil rights statutes and Executive Orders that prohibit

²¹ <https://www.justice.gov/crt-military/webform/servicemembers-and-veterans-initiative-questioncomplaint-form>

²² <https://www.justice.gov/crt-military/file/848446/download>

²³ <https://www.justice.gov/crt/8-usc-1324b-unfair-immigration-related-employment-practices>

²⁴ <https://www.justice.gov/crt/about/osc>

²⁵ <https://www.justice.gov/crt/8-usc-1324b-unfair-immigration-related-employment-practices>

²⁶ <https://www.justice.gov/crt/osc-technical-assistance-letters>

²⁷ <https://www.justice.gov/crt/osc-webinars>

discrimination in federally conducted and assisted programs and activities. FCS maintains a repository of federal websites and complaint procedures regarding Title VI, Title IX and Environmental Justice.²⁸ In addition, the FCS website includes information on recent efforts to address challenges to Title VI through issuing Statements of Interest in ongoing litigation, and Title VI findings letters and agreements and resolutions²⁹ in multiple languages including Spanish, Arabic, Chinese simplified, Chinese traditional, Korean, Vietnamese, Khmer and Laotian.

Title VI Newsletter

The Federal Coordination and Compliance Section (FCS) released the Summer 2016 issue of *Title VI Civil Rights News @ FCS*, the Division's Title VI Newsletter. The Newsletter provides examples of current federal Title VI enforcement activities, updates, and frequently asked questions regarding the Title VI. FCS also maintains Newsletter submissions by agency on www.justice.gov/crt/fcs/Enforcement-updates-byagency.

Court Language Access

To ensure courts provide language assistance to those with limited English proficiency (LEP), the Federal Coordination and Compliance Section (FCS) organized existing Court Language Access data on LEP.gov³⁰ to highlight recent efforts to improving language access to the courts for LEP members of the public.

Limited English Proficiency (LEP) Maps

To foster the development of improved language services nationwide, and to recognize the 15th Anniversary of Executive Order 13166, the Federal Coordination and Compliance Section (FCS) released a series of maps and demographic tools, located at www.lep.gov/maps,³¹ which illustrate the diversity of limited English and non-English populations in all 50 states, the District of Columbia, and Puerto Rico. One of the tools, the "LEP Map App," allows users to examine and download Census data on LEP populations at the State and County level using an interactive map. Additional maps illustrate the diversity and scope of LEP Spanish-speaking Americans and LEP Asian American and Pacific Islanders.

Limited English Proficiency (LEP) (www.lep.gov)

The Federal Interagency Working Group on LEP, which functions under the Federal Coordination and Compliance (FCS) Section leadership, has active members from more than 35 federal agencies. During FY 2013, FCS led an Interagency Working Group project that created videos for use in training federal agency staff on how to provide language assistance, making

²⁸ <https://www.justice.gov/crt/fcs/Agency-OCR-Offices>

²⁹ <https://www.justice.gov/crt/fcs/Title-VI-Briefs>
<https://www.justice.gov/crt/fcs/TitleVI-LOF>
<https://www.justice.gov/crt/doj-agreements-and-resolutions>

³⁰ <https://www.lep.gov/resources/resources.html#SC>

³¹ <https://www.lep.gov/maps/>

them public in FY 2015. FCS maintains the <https://www.lep.gov/>³² website, which contains extensive information about LEP issues and assists federal agencies, recipients, and the community in the quest for meaningful language access. To provide language assistance to those with limited proficiency in English, FCS has an active LEP outreach program through which it maintains regular contact with affected communities. As part of this important effort, FCS staff provides LEP training for community groups, as well as to various recipient organizations and other federal agencies.

Data.gov

The Civil Rights Division continues to update its list of datasets and documents available on www.data.gov.

Community Relations Service

Social Networking

CRS recently launched a Facebook and Twitter account in an effort to easily reach the communities CRS serves.

Outreach

CRS will continue to engage with communities through regional outreach and interagency-led efforts. In addition, CRS participates in roundtable discussions, listening sessions, and community forums.

Online Resource Center

CRS makes available a variety of documents, best practices, brochures, and pamphlets that could be useful to communities experiencing tension. In addition, the resource room contains the Agency's Annual Reports dating back to 2009 as well as some translated documents.

United States Trustee Program (USTP)

Ongoing Initiatives

In January 2010, the USTP was one of three Department components identified by the Attorney General for its participation in the Office of Management and Budget's original Open Government Initiative.

Postings related to these initial efforts continue, with semi-annual updates to the data files below.

- Data from final reports filed by trustees after a chapter 7 case with assets is closed are posted at Data.gov and on the website. These reports contain the disposition of assets, distribution of funds to creditors, and administrative expenses dating back to calendar year 2000.

³² <https://www.lep.gov/>

- Research data files on the use of language interpreters under the USTP's Language Assistance Program at Data.Gov and on the website. The Program also maintains an interactive dashboard of Language Assistance Program Summary Statistics.

- Summary data on the Program's enforcement activity from FY 2004 forward are posted on Data.Gov and on the website.

Future Priorities

The USTP will continue to prioritize access of pertinent information to the public, as well as the usability of the USTP homepage and associated sites.

An increasing emphasis on proactive disclosure, where appropriate, will allow the USTP to disseminate additional useful information to the public without first requiring a request for information under FOIA. Any such efforts will be clearly noted on the FOIA Library page.

New data collections and compilations will be evaluated for potential inclusion on Data.gov and the USTP website. Additional postings will be accompanied by appropriate documentation on the site, and the ease of navigation will be assessed so that the user experience is straightforward and intuitive.

APPENDIX B:

OFFICE OF JUSTICE PROGRAMS NEW DATA SETS

The Office of Justice Programs (OJP) has submitted over 100 new data sets to data.gov in the last two years. These submissions included new data considered high value based on analytics and user feedback, including capital punishment, victimization, correctional population, and deaths in custody datasets. These data are available to the public in open formats via the National Archive of Criminal Justice Data (NACJD) website along with related codebooks and online analysis tools.

National Corrections Reporting Program, 1991-2014: Selected Variables

The National Corrections Reporting Program (NCRP) compiles offender-level data on admissions and releases from state and federal prisons and post-confinement community supervision. The data are used to monitor the nation's correctional population and address specific policy questions related to recidivism, prisoner reentry, and trends in demographic characteristics of the incarcerated and community supervision populations. The Bureau of Justice Statistics (BJS) has administered the NCRP since 1983. Abt Associates has served as the NCRP data collection agent since October 2010. This version of the NCRP contains selected variables making it suitable for public release.

Deaths in Custody Reporting Program: Non-standardized Jail Data, 2000 - 2013

The Deaths in Custody Reporting Program (DCRP) is an annual data collection conducted by the Bureau of Justice Statistics (BJS). The DCRP began in 2000 under the Death in Custody Reporting Act of 2000 (P.L. 106-297). It is the only national statistical collection that obtains detailed information about deaths in adult correctional facilities. The DCRP collects data on persons dying in state prisons, local jails and in the process of arrest. Each collection is a separate subcollection, but each is under the umbrella of the DCRP collection. The DCRP collects inmate death records from each of the nation's 50 state prison systems and approximately 2,800 local jail jurisdictions. In addition, this program collects records of all deaths occurring during the process of arrest. Data are collected directly from state and local law enforcement agencies.

Death records include information on decedent personal characteristics (age, race or Hispanic origin, and sex), decedent criminal background (legal status, offense type, and time served), and the death itself (date, time, location, and cause of death, as well as information on the autopsy and medical treatment provided for any illness or disease).

This data collection represents a single year of DCRP Jails data. The variable names and coding, while similar to other years, have not been standardized across years. The concatenated multi-year versions of the DCRP Jails population data have been edited to correct outliers and other data anomalies. Researchers are encouraged to use the concatenated multi-year data for final jail population data.

Deaths in Custody Reporting Program: State Prisons, 2001 – 2013

The Deaths in Custody Reporting Program (DCRP) is an annual data collection conducted by the Bureau of Justice Statistics (BJS). The DCRP began in 2000 under the Death in Custody Reporting Act of 2000 (P.L. 106-297). It is the only national statistical collection that obtains detailed information about deaths in adult correctional facilities. The DCRP collects data on persons dying in state prisons, local jails and in the process of arrest. Each collection is a separate subcollection, but each is under the umbrella of the DCRP collection. This deals with the prison subcollection, which has a prison death file. The prison portion of the Deaths in Custody Reporting Program began in 2001 after the passage of the Deaths in Custody Reporting Act of 2000 in October of 2000. The prison component of the DCRP collects data on inmate deaths occurring in the 50 state departments of corrections while inmates are in the physical custody of prison officials. Deaths in Custody Reporting Program: Local Jails, 2000 – 2013

The Deaths in Custody Reporting Program (DCRP) is an annual data collection conducted by the Bureau of Justice Statistics (BJS). The DCRP began in 2000 under the Death in Custody Reporting Act of 2000 (P.L. 106-297). It is the only national statistical collection that obtains detailed information about deaths in adult correctional facilities. The DCRP collects data on persons dying in state prisons, local jails and in the process of arrest. Each collection is a separate subcollection, but each is under the umbrella of the DCRP collection. This deals with the local jails subcollection, which has a local jail facilities death file. The jails portion of the Deaths in Custody Reporting Program began in 2000 after the passage of the Deaths in Custody Reporting Act of 2000 in October of 2000. The jails component of the DCRP collects data on inmate deaths occurring in local jail facilities while inmates are in the physical custody of jail facility officials.

Survey of State Court Criminal Appeals, 2010

State appellate courts were created to detect and correct errors in trial court decisions and provide fair, consistent, and timely resolutions to all appeals. The Survey of State Court Criminal Appeals, 2010 (SSCCA) data were collected from a nationally representative sample of all criminal appeals disposed in all 143 state appellate courts in 2010. The data include state court criminal appeals, resolution of appeals, and time to resolution. Survey of Inmates in State and Federal Correctional Facilities, 2004. This survey provides nationally representative data on inmates held in state prisons and federally-owned and operated prisons. Through personal interviews conducted from October 2003 through May 2004, inmates in both state and federal prisons provided information about their current offense and sentence, criminal history, family background and personal characteristics, prior drug and alcohol use and treatment programs, gun possession and use, and prison activities, programs, and services. Prior surveys of State prison inmates were conducted in 1974, 1979, 1986, 1991, and 1997. Sentenced federal prison inmates were interviewed in the 1991 and 1997 surveys.

Census of Jails, 2013

To reduce respondent burden for the 2013 collection, the Census of Jails was combined with the Deaths in Custody Reporting Program (DCRP). The census provides the sampling frame for the nationwide Survey of Inmates in Local Jails (SILJ) and the Annual Survey of Jails (ASJ). Previous jail enumerations were conducted in 1970 (ICPSR 7641), 1972 (ICPSR 7638), 1978 (ICPSR 7737), 1983 (ICPSR 8203), 1988 (ICPSR 9256), 1993 (ICPSR 6648), 1999 (ICPSR 3318), 2005 (ICPSR 20367), and 2006 (ICPSR 26602). The RTI International collected the data for the Bureau of Justice Statistics in 2013. The United States Census Bureau was the collection agent from 1970-2006. The 2013 Census of Jails gathered data from all jail detention facilities holding inmates beyond arraignment, a period normally exceeding 72 hours. Jail facilities were operated by cities and counties, by private entities under contract to correctional authorities, and by the Federal Bureau of Prisons (BOP).

Excluded from the census were physically separate temporary holding facilities such as drunk tanks and police lockups that do not hold persons after being formally charged in court. Also excluded were state-operated facilities in Connecticut, Delaware, Hawaii, Rhode Island, Vermont, and Alaska, which have combined jail-prison systems. Fifteen independently operated jails in Alaska were included in the Census.

The 2013 census collected facility-level information on the number of confined and nonconfined inmates, number of inmates participating in weekend programs, number of confined non-U.S. citizens, number of confined inmates by sex and adult or juvenile status, number of juveniles held as adults, conviction and sentencing status, offense type, number of inmates held by race or Hispanic origin, number of inmates held for other jurisdictions or authorities, average daily population, rated capacity, number of admissions and releases, program participation for nonconfined inmates, operating expenditures, and staff by occupational category.

National Corrections Reporting Program, 2000-2014

The National Corrections Reporting Program (NCRP) compiles offender-level data on admissions and releases from state and federal prisons and post-confinement community

supervision. The data are used to monitor the nation's correctional population and address specific policy questions related to recidivism, prisoner reentry, and trends in demographic characteristics of the incarcerated and community supervision populations. The Bureau of Justice Statistics (BJS) has administered the NCRP since 1983. Abt Associates has served as the NCRP data collection agent since October 2010.

National Crime Victimization Survey, Concatenated File, 1992-2014

The National Crime Victimization Survey (NCVS) Series, previously called the National Crime Surveys (NCS), has been collecting data on personal and household victimization through an ongoing survey of a nationally-representative sample of residential addresses since 1973. The NCVS was designed with four primary objectives: (1) to develop detailed information about the victims and consequences of crime, (2) to estimate the number and types of crimes not reported to the police, (3) to provide uniform measures of selected types of crimes, and (4) to permit comparisons over time and types of areas. The survey categorizes crimes as "personal" or "property." Personal crimes include rape and sexual attack, robbery, aggravated and simple assault, and purse-snatching/pocket-picking, while property crimes include burglary, theft, motor vehicle theft, and vandalism. Each respondent is asked a series of screen questions designed to determine whether she or he was victimized during the six-month period preceding the first day of the month of the interview. A "household respondent" is also asked to report on crimes against the household as a whole (e.g., burglary, motor vehicle theft). The data include type of crime, month, time, and location of the crime, relationship between victim and offender, characteristics of the offender, self-protective actions taken by the victim during the incident and results of those actions, consequences of the victimization, type of property lost, whether the crime was reported to police and reasons for reporting or not reporting, and offender use of weapons, drugs, and alcohol. Basic demographic information such as age, race, gender, and income is also collected, to enable analysis of crime by various subpopulations.

This dataset represents the concatenated version of the NCVS on a collection year basis for 1992-2014. A collection year contains records from interviews conducted in the 12 months of the given year. Under the collection year format, victimizations are counted in the year the interview is conducted, regardless of the year when the crime incident occurred.

For additional information, please see the documentation for the data from the most current year of the NCVS, ICPSR Study 36142.

Federal Justice Statistics Program: Defendants Sentenced Under the Sentencing Reform Act, 2013

These data contain records of criminal defendants who were sentenced pursuant to provisions of the Sentencing Reform Act (SRA) of 1984 and reported to the United States Sentencing Commission (USSC) during fiscal year 2013. It is estimated that over 90 percent of felony defendants in the federal criminal justice system are sentenced pursuant to the SRA of 1984. The data were obtained from the United States Sentencing Commission's Office of Policy Analysis' (OPA) Standardized Research Data File. The Standardized Research Data File consists of variables from the Monitoring Department's database, which is limited to those defendants whose records have been furnished to the USSC by United States district courts and United States magistrates, as well as variables created by the OPA specifically for research purposes.

The data include variables from the Judgement and Conviction (J and C) order submitted by the court, background and guideline information collected from the Presentencing Report (PSR), and the report on sentencing hearing in the Statement of Reasons (SOR). These data contain detailed information such as the guideline base offense level, offense level adjustments, criminal history, departure status, statement reasons given for departure, and basic demographic information. These data are the primary analysis file and include only statute, guideline computation, and adjustment variables for the most serious offense of conviction. These data are part of a series designed by Abt and the Bureau of Justice Statistics. Data and documentation were prepared by Abt.

Federal Justice Statistics Program: Offenders in Prison at Year-End, 2013

The data contain records of sentenced offenders in the custody of the Bureau of Prisons (BOP) at year-end of fiscal year 2013. The data include commitments of United States District Court, violators of conditions of release (e.g., parole, probation, or supervised release violators), offenders convicted in other courts (e.g., military or District of Columbia courts), and persons admitted to prison as material witnesses or for purposes of treatment, examination, or transfer to another authority. These data include variables that describe the offender, such as age, race, citizenship, as well as variables that describe the sentences and expected prison terms. The data file contains original variables from the Bureau of Prisons' SENTRY database, as well as "SAF" variables that denote subsets of the data. These SAF variables are related to statistics reported in the Compendium of Federal Justice Statistics, Tables 7.9-7.16. Variables containing identifying information (e.g., name, Social Security Number) were replaced with blanks, and the day portions of date fields were also sanitized in order to protect the identities of individuals. These data are part of a series designed by Abt and the Bureau of Justice Statistics. Data and documentation were prepared by Abt.

Federal Justice Statistics Program: Offenders Released From Prison, 2013

The data contain records of sentenced offenders released from the custody of the Bureau of Prisons (BOP) during fiscal year 2013. The data include commitments of United States District Court, violators of conditions of release (e.g., parole, probation, or supervised release violators), offenders convicted in other courts (e.g., military or District of Columbia courts), and persons admitted to prison as material witnesses or for purposes of treatment, examination, or transfer to another authority. Records of offenders who exit federal prison temporarily, such as for transit to another location, to serve a weekend sentence, or for health care, are not included in the exiting cohort. These data include variables that describe the offender, such as age, race, citizenship, as well as variables that describe the sentences and expected prison terms. The data file contains original variables from the Bureau of Prisons' SENTRY database, as well as "SAF" variables that denote subsets of the data. These SAF variables are related to statistics reported in the Compendium of Federal Justice Statistics, Tables 7.9-7.16. Variables containing identifying information (e.g., name, Social Security Number) were replaced with blanks, and the day portions of date fields were also sanitized in order to protect the identities of individuals. These data are part of a series designed by Abt and the Bureau of Justice Statistics. Data and documentation were prepared by Abt.

Federal Justice Statistics Program: Offenders Admitted to Prison, 2013

The data contain records of sentenced offenders committed to the custody of the Bureau of Prisons (BOP) during fiscal year 2013. The data include commitments of United States District Court, violators of conditions of release (e.g., parole, probation, or supervised release violators), offenders convicted in other courts (e.g., military or District of Columbia courts), and persons admitted to prison as material witnesses or for purposes of treatment, examination, or transfer to another authority. These data include variables that describe the offender, such as age, race, citizenship, as well as variables that describe the sentences and expected prison terms. The data file contains original variables from the Bureau of Prisons' SENTRY database, as well as "SAF" variables that denote subsets of the data. These SAF variables are related to statistics reported in the Compendium of Federal Justice Statistics, Tables 7.9-7.16. Variables containing identifying information (e.g., name, Social Security Number) were replaced with blanks, and the day portions of date fields were also sanitized in order to protect the identities of individuals. These data are part of a series designed by Abt and the Bureau of Justice Statistics. Data and documentation were prepared by Abt.

Federal Justice Statistics Program: Defendants in Federal Criminal Cases in District Court - Terminated, 2013

The data contain records of defendants in criminal cases terminated in United States District Court during fiscal year 2013. The data were constructed from the Administrative Office of the United States District Courts' (AOUSC) criminal file. Defendants in criminal cases may be either individuals or corporations. There is one record for each defendant in each case filed. Included in the records are data from court proceedings and offense codes for up to five offenses charged at the time the case was filed. (The most serious charge at termination may differ from the most serious charge at case filing, due to plea bargaining or action of the judge or jury.) In a case with multiple charges against the defendant, a "most serious" offense charge is determined by a hierarchy of offenses based on statutory maximum penalties associated with the charges. The data file contains variables from the original AOUSC files as well as additional analysis variables, or "SAF" variables, that denote subsets of the data. These SAF variables are related to statistics reported in the Compendium of Federal Justice Statistics, Tables 4.1-4.5 and 5.1-5.6. Variables containing identifying information (e.g., name, Social Security number) were replaced with blanks, and the day portions of date fields were also sanitized in order to protect the identities of individuals. These data are part of a series designed by Abt and the Bureau of Justice Statistics. Data and documentation were prepared by Abt.

Federal Justice Statistics Program: Defendants in Federal Criminal Cases in District Court - Pending, 2013

The data contain records of defendants in criminal cases filed in United States District Court before or during fiscal year 2013 and still pending as of year-end. The data were constructed from the Administrative Office of the United States District Courts' (AOUSC) criminal file. Defendants in criminal cases may be either individuals or corporations. There is one record for each defendant in each case filed. Included in the records are data from court proceedings and offense codes for up to five offenses charged at the time the case was filed. (The most serious charge at termination may differ from the most serious charge at case filing, due to plea bargaining or action of the judge or jury.) In a case with multiple charges against the defendant, a "most serious" offense charge is determined by a hierarchy of offenses based on statutory maximum penalties associated with the charges. The data file contains variables from the

original AOUSC files as well as additional analysis variables, or "SAF" variables, that denote subsets of the data. These SAF variables are related to statistics reported in the Compendium of Federal Justice Statistics, Tables 4.1-4.5 and 5.1-5.6. Variables containing identifying information (e.g., name, Social Security number) were replaced with blanks, and the day portions of date fields were also sanitized in order to protect the identities of individuals. These data are part of a series designed by Abt and the Bureau of Justice Statistics. Data and documentation were prepared by Abt.

Federal Justice Statistics Program: Defendants in Federal Criminal Cases Filed in District Court, 2013

The data contain records of defendants in criminal cases filed in United States District Court during fiscal year 2013. The data were constructed from the Administrative Office of the United States District Courts' (AOUSC) criminal file. Defendants in criminal cases may be either individuals or corporations. There is one record for each defendant in each case filed. Included in the records are data from court proceedings and offense codes for up to five offenses charged at the time the case was filed. (The most serious charge at termination may differ from the most serious charge at case filing, due to plea bargaining or action of the judge or jury.) In a case with multiple charges against the defendant, a "most serious" offense charge is determined by a hierarchy of offenses based on statutory maximum penalties associated with the charges. The data file contains variables from the original AOUSC files as well as additional analysis variables, or "SAF" variables, that denote subsets of the data. These SAF variables are related to statistics reported in the Compendium of Federal Justice Statistics, Tables 4.1-4.5 and 5.1-5.6. Variables containing information (e.g., name, Social Security number) were replaced with blanks, and the day portions of date fields were also sanitized in order to protect the identities of individuals. These data are part of a series designed by Abt and the Bureau of Justice Statistics. Data and documentation were prepared by Abt.

Federal Justice Statistics Program: Criminal Appeals Cases in Courts of Appeals - Terminated, 2013

The data contain records of criminal appeals cases terminated in United States Courts of Appeals during fiscal year 2013. The data were constructed from the Administrative Office of the United States Courts' (AOUSC) Court of Appeals file. These contain variables on the nature of the criminal appeal, the underlying offense, and the disposition of the appeal. An appeal can be filed by the government or the offender, and the appellant can appeal the sentence, the verdict, or both sentence and verdict. Appeals may be terminated on the merits or on procedural grounds. Of those that are terminated on the merits, the district court ruling may be affirmed, reversed, remanded to criminal court, or dismissed. The data file contains variables from the original AOUSC files as well as additional analysis variables, or "SAF" variables, that denote subsets of the data. These SAF variables are related to statistics reported in the Compendium of Federal Justice Statistics, Tables 6.1-6.5. Variables containing information (e.g., name, Social Security number) were replaced with blanks, and the day portions of date fields were also sanitized in order to protect the identities of individuals. These data are part of a series designed by Abt and the Bureau of Justice Statistics. Data and documentation were prepared by Abt.

Federal Justice Statistics Program: Statuses for Counts of Convictions for Defendants Sentenced Under the Sentencing Reform Act, 2013

These data contain records of statutes for each count of conviction for criminal defendants who were sentenced pursuant to provisions of the Sentencing Reform Act (SRA) of 1984 and reported to the United States Sentencing Commission (USSC) during fiscal year 2013. The data are one of two supplementary files that should be used in conjunction with the primary analysis file, which contains records for all defendants sentenced under the guidelines. These data can be linked to the primary analysis file using the unique identifier variable USSCIDN. The number of records for a defendant in the current data corresponds to the total number of counts of conviction for that defendant, and that total is recorded in the NOCOUNT variable. As an example, if a defendant has five counts of conviction (NOCOUNT=5), he or she will have five records in the current data. As it is possible for defendants to have multiple statutes applying to a single count of conviction, up to three statutes (STA1-STA3) are recorded for each count of conviction. The data were obtained from the United States Sentencing Commission's Office of Policy Analysis' (OPA) Standardized Research Data File. These data are part of a series designed by Abt and the Bureau of Justice Statistics. Data and documentation were prepared by Abt.

Federal Justice Statistics Program: Arrests and Bookings for Federal Offenses, 2013

The data contain records of arrests and bookings for federal offenses in the United States during fiscal year 2013. The data were constructed from the United States Marshals Service (USMS) Prisoner Tracking System database. Records include arrests made by federal law enforcement agencies (including the USMS), state and local agencies, and self-surrenders. Offenders arrested for federal offenses are transferred to the custody of the USMS for processing, transportation, and detention. The Prisoner Tracking System contains data on all offenders within the custody of the USMS. The data file contains variables from the original USMS files as well as additional analysis variables, or "SAF" variables, that denote subsets of the data. These SAF variables are related to statistics reported in the Compendium of Federal Justice Statistics, Tables 1.1-1.3. Variables containing identifying information (e.g., name, Social Security Number) were replaced with blanks, and the day portions of date fields were also sanitized in order to protect the identities of individuals. These data are part of a series designed by Abt and the Bureau of Justice Statistics. Data and documentation were prepared by Abt.

Federal Justice Statistics Program: Suspects in Federal Criminal Matters, 2013

The data contain records of suspects in federal criminal matters received by United States attorneys or filed before the United States magistrates during fiscal year 2013. The data were constructed from the Executive Office for United States Attorneys (EOUSA) Central System file. Records include suspects in criminal matters, and are limited to suspects whose matters were not declined immediately by the United States attorneys. According to the EOUSA, the United States attorneys conduct approximately 95 percent of the prosecutions handled by the Department of Justice. The Central System data contain variables from the original EOUSA files as well as additional analysis variables, or "SAF" variables, that denote subsets of the data. These SAF variables are related to statistics reported in the Compendium of Federal Justice Statistics, Table 1.1. Variables containing identifying information (e.g., name, Social Security Number) were replaced with blanks, and the day portions of date fields were also sanitized in order to protect the identities of individuals. These data are part of a series designed by Abt and the Bureau of Justice Statistics. Data and documentation were prepared by Abt.

Federal Justice Statistics Program: Defendants in Federal Criminal Cases - Terminated, 2013

The data contain records of defendants in federal criminal cases terminated in United States District Court during fiscal year 2013. The data were constructed from the Executive Office for United States Attorneys (EOUSA) Central System file. According to the EOUSA, the United States attorneys conduct approximately 95 percent of the prosecutions handled by the Department of Justice. The Central System data contain variables from the original EOUSA files as well as additional analysis variables, or "SAF" variables, that denote subsets of the data. These SAF variables are related to statistics reported in the Compendium of Federal Justice Statistics. Variables containing identifying information (e.g., name, Social Security Number) were replaced with blanks, and the day portions of date fields were also sanitized in order to protect the identities of individuals. These data are part of a series designed by Abt and the Bureau of Justice Statistics. Data and documentation were prepared by Abt.

Federal Justice Statistics Program: Defendants Charged in Criminal Cases Filed in District Court, 2013

The data contain records of defendants in federal criminal cases filed in United States District Court during fiscal year 2013. The data were constructed from the Executive Office for United States Attorneys (EOUSA) Central System file. According to the EOUSA, the United States attorneys conduct approximately 95 percent of the prosecutions handled by the Department of Justice. The Central System data contain variables from the original EOUSA files as well as additional analysis variables, or "SAF" variables, that denote subsets of the data. These SAF variables are related to statistics reported in the Compendium of Federal Justice Statistics. Variables containing identifying information (e.g., name, Social Security Number) were replaced with blanks, and the day portions of date fields were also sanitized in order to protect the identities of individuals. These data are part of a series designed by Abt and the Bureau of Justice Statistics. Data and documentation were prepared by Abt.

Federal Justice Statistics Program: Suspects in Federal Criminal Matters Concluded, 2013

The data contain records of suspects in federal criminal matters concluded by United States attorneys or United States magistrates during fiscal year 2013. The data were constructed from the Executive Office for United States Attorneys (EOUSA) Central System file. Records include suspects in criminal matters, and are limited to suspects whose matters were not declined immediately by the United States attorneys. According to the EOUSA, the United States attorneys conduct approximately 95 percent of the prosecutions handled by the Department of Justice. The Central System data contain variables from the original EOUSA files as well as additional analysis variables, or "SAF" variables, that denote subsets of the data. These SAF variables are related to statistics reported in the Compendium of Federal Justice Statistics, Tables 1.2-1.5. Variables containing identifying information (e.g., name, Social Security Number) were replaced with blanks, and the day portions of date fields were also sanitized in order to protect the identities of individuals. These data are part of a series designed by Abt and the Bureau of Justice Statistics. Data and documentation were prepared by Abt.

Federal Justice Statistics Program: Charges Filed Against Defendants in Criminal Cases in District Court - Terminated, 2013

The data contain records of charges filed against defendants whose cases were terminated by United States attorneys in United States district court during fiscal year 2013. The data are charge-level records, and more than one charge may be filed against a single defendant. The data were constructed from the Executive Office for United States Attorneys (EOUSA) Central Charge file. The charge-level data may be linked to defendant-level data (extracted from the EOUSA Central System file) through the CS_SEQ variable, and it should be noted that some defendants may not have any charges other than the lead charge appearing on the defendant-level record. The Central Charge and Central System data contain variables from the original EOUSA files as well as additional analysis variables, or "SAF" variables, that denote subsets of the data. These SAF variables are related to statistics reported in the Compendium of Federal Justice Statistics. Variables containing identifying information (e.g., name, Social Security Number) were replaced with blanks, and the day portions of date fields were also sanitized in order to protect the identities of individuals. These data are part of a series designed by Abt and the Bureau of Justice Statistics. Data and documentation were prepared by Abt.

Federal Justice Statistics Program: Charges Filed Against Defendants in Criminal Cases in District Court, 2013

The data contain records of charges filed against defendants whose cases were filed by United States attorneys in United States district court during fiscal year 2013. The data are charge-level records, and more than one charge may be filed against a single defendant. The data were constructed from the Executive Office for United States Attorneys (EOUSA) Central Charge file. The charge-level data may be linked to defendant-level data (extracted from the EOUSA Central System file) through the CS_SEQ variable, and it should be noted that some defendants may not have any charges other than the lead charge appearing on the defendant-level record. The Central Charge and Central System data contain variables from the original EOUSA files as well as additional analysis variables, or "SAF" variables, that denote subsets of the data. These SAF variables are related to statistics reported in the Compendium of Federal Justice Statistics. Variables containing identifying information (e.g., name, Social Security Number) were replaced with blanks, and the day portions of date fields were also sanitized in order to protect the identities of individuals. These data are part of a series designed by Abt and the Bureau of Justice Statistics. Data and documentation were prepared by Abt.

Deaths in Custody Reporting Program: Arrest-Related Deaths, 2003-2009

The Arrest-Related Deaths (ARD) program is an annual national census of persons who die either during the process of arrest or while in the custody of state or local law enforcement personnel. The Bureau of Justice Statistics (BJS) implemented the ARD program in 2003 as part of the deaths in Custody Reporting Program (DCRP). The DCRP was initiated to fulfill the data collection requirement of the Deaths in Custody Reporting Act of 2000 (DICRA, P.L. 106-247). It collects in-depth information on deaths during arrest and incarceration, and it provides national-level information on the deaths of suspects and offenders from their initial contact with law enforcement personnel through the time they are incarcerated in a jail or prison. ARD data are collected to quantify and describe the circumstances surrounding civilian deaths that take place during an arrest or while in the custody of law enforcement. These data describe the prevalence and incidence of arrest-related deaths across the nation, identify the circumstances or activities that contribute to these deaths, and reveal trends in the causes and circumstances of these deaths in custody at national and state levels. These data can be used to inform specific

policies that may increase the safety of law enforcement officers and citizens, identify training needs in law enforcement agencies, and assist in developing prevention strategies.

The current ARD program relies on state reporting coordinators (SRCs) in each of the 50 states and the District of Columbia to identify and report on all eligible cases of arrest-related deaths. BJS compiles data from the states to produce national-level statistics on deaths that occur in the process of arrest by, or while in the custody of, state and local law enforcement personnel.

National Crime Victimization Survey: Identity Theft Supplement, 2014

The primary purpose of the Identity Theft Supplement is to obtain additional information about identity theft-related victimizations so that policymakers, academic researchers, practitioners at the Federal, state and local levels, and special interest groups who are concerned with identity theft can make informed decisions concerning policies and programs. Responses are linked to the NCVS survey instrument responses for a more complete understanding of the individual's circumstances.

Annual Survey of Jails in Indian Country, 2014

The purpose of the Survey of Jails in Indian Country is an enumeration of all known adult and juvenile facilities -- jails, confinement facilities, detention centers, and other correctional facilities operated by tribal authorities or the Bureau of Indian Affairs (BIA), United States Department of the Interior. For the purpose of this collection, Indian country includes reservations, pueblos, rancherias, and other Native American and Alaska Native communities throughout the United States. The survey collects data on the number of adults and juveniles held on the last weekday in June 2014, type of offense, average daily population in June, most crowded day in June, admissions and releases in June, number of inmate deaths and suicide attempts, rated capacity, and jail staffing.

National Survey of Youth in Custody, 2012

The National Survey of Youth in Custody (NSYC) is part of the BJS National Prison Rape Statistics Program to gather mandated data on the incidence of prevalence of sexual assault in juvenile facilities under the Prison Rape Elimination Act of 2003 (PREA; P.L. 108-79). The Act requires a 10 percent sample of juvenile facilities to be listed by incidence of sexual assault. Data are collected directly from youth in a private setting using audio computer-assisted self interview (ACASI) technology with a touch-screen laptop and an audio feed to maximize inmate confidentiality and minimize literacy issues. The NSYC-2 was administered to 8,707 youth in 326 state operated and locally or privately operated juvenile facilities within the United States. The NSYC-2 utilized two questionnaires, based on the age of the respondent. The Older Youth questionnaire was administered to youths ages 15 and up, and the Younger Youth questionnaire was administered to those 14 and younger. The survey was divided into five sections. Section A collected background information, such as details of admission to facility and demographics including education, height, weight, race, ethnicity, gender, sexual orientation, and history of any forced sexual contact. Section B, Facility Perceptions and Victimization, included respondents' opinions of the facility and staff, any incidence of gang activity, and any injuries that had occurred. Section C, Sexual Activity Within Facility, captured the types of sexual contact that occurred and the circumstances of sexual contact. Section D, Description of Event(s) with Youth, and Section E, Description of Event(s) with Staff, focused on when and where the contact

occurred, the race and gender of the other youths or staff members, if threats or coercion were involved, and outcomes, including whether or not the sexual contact was reported.

Other variables include debriefing questions about respondents' experiences completing the survey, interviewer observations, created variables to summarize victimization reports (due to the complicated routing in Section C), weight and stratification data, and administrative data about the facilities.

Annual Survey of Jails, 2014

The Annual Survey of Jails (ASJ) is the only data collection effort that provides an annual source of data on local jails and jail inmates. Data on the size of the jail population and selected inmate characteristics are obtained every five to six years from the Census of Jails. In each of the years between the complete censuses, a sample survey of jails is conducted to estimate baseline characteristics of the nation's jails and inmates housed in these jails. The 2014 Annual Survey of Jails is the 27th such survey in a series begun in 1982. The ASJ supplies data on characteristics of jails such as admissions and releases, growth in the number of jail facilities, changes in their rated capacities and level of occupancy, growth in the population supervised in the community, changes in methods of community supervision, and crowding issues. The ASJ also provides information on changes in the demographics of the jail population, supervision status of persons held, and a count of non-citizens in custody.

Starting in 2010, BJS enhanced the ASJ survey instruments to address topics on the number of convicted inmates that are unsentenced or sentenced and the number of unconvicted inmates awaiting trial/arraignment, or transfers/holds for other authorities. In order to reduce respondent burden, the ASJ no longer collects data on conviction status by sex. Also new to the survey, data are collected on jails' operational capacity and design capacity. Incorporating enhanced capacity measurements enables BJS to describe more accurately the variation and volatility of inmate bed space and crowding, especially as they relate to safety and security in jails.

To address more directly issues related to overcrowding and safety and security in jails, BJS started collecting data on staff and assaults against staff from the largest jails. In the modifications to the ASJ, starting in 2010, 335 jail jurisdictions (370 respondents) included with certainty in the ASJ sample survey were asked to provide additional information (forms CJ-5D or CJ-5DA) on the flow of inmates going through jails and the distribution of time served, staff characteristics and assaults on staff resulting in death, and inmate misconduct. The data presented in this study were collected in the Annual Survey of Jails, 2014. These data are used to track growth in the number of jails and the capacities nationally, changes in the demographics of the jail population and supervision status of persons held, the prevalence of crowding issues, and a count of non-United States citizens within the jail population. The data are intended for a variety of users, including federal and state agencies, local officials in conjunction with jail administrators, researchers, planners, and the public. The reference date for the survey is June 30, 2014.

National Prisoner Statistics, 1978-2014

The National Prisoner Statistics (NPS) data collection began in 1926 in response to a congressional mandate to gather information on persons incarcerated in state and federal prisons.

Originally under the auspices of the United States Census Bureau, the collection moved to the Bureau of Prisons in 1950, and then in 1971 to the National Criminal Justice Information and Statistics Service, the precursor to the Bureau of Justice Statistics (BJS) which was established in 1979. Since 1979, the Census Bureau has been the NPS data collection agent. The NPS is administered to 51 respondents. Before 2001, the District of Columbia was also a respondent, but responsibility for housing the District of Columbia's sentenced prisoners was transferred to the federal Bureau of Prisons, and by yearend 2001 the District of Columbia no longer operated a prison system. The NPS provides an enumeration of persons in state and federal prisons and collects data on key characteristics of the nation's prison population. NPS has been adapted over time to keep pace with the changing information needs of the public, researchers, and federal, state, and local governments.

Law Enforcement Management and Administrative Statistics (LEMAS), 2013

The Law Enforcement Management and Administrative Statistics (LEMAS) survey collects data from a nationally representative sample of state and local law enforcement agencies in the United States. Although the data collection instrument (see page 150 of the codebook) uses the year 2012 for the title, most questions have a reference date of January 1, 2013. For this reason, the study title uses the year 2013. The 2013 LEMAS sample design called for the survey questionnaire to be sent to 3,336 general purpose state and local law enforcement agencies including 2,353 local police departments, 933 sheriffs' offices, and the 50 primary state law enforcement agencies. The design called for all agencies employing 100 or sworn personnel to be included with certainty (self-representing) and for smaller agencies to be sampled from strata base on number of officers employed. A total of 26 local police departments were determined to be out-of-scope for the survey because they were closed, outsourced, or operating on a part-time basis. A total of 38 sheriffs' offices were excluded from the survey because they had no primary law enforcement jurisdiction. The final mailout total of 3,272 agencies included 2,327 local police departments, 895 sheriffs' offices, and the 50 state agencies.

National Crime Victimization Survey, 2014

The National Crime Victimization Survey (NCVS) Series, previously called the National Crime Surveys (NCS), has been collecting data on personal and household victimization through an ongoing survey of a nationally-representative sample of residential addresses since 1973. The NCVS was designed with four primary objectives: (1) to develop detailed information about the victims and consequences of crime, (2) to estimate the number and types of crimes not reported to the police, (3) to provide uniform measures of selected types of crimes, and (4) to permit comparisons over time and types of areas. The survey categorizes crimes as "personal" or "property." Personal crimes include rape and sexual attack, robbery, aggravated and simple assault, and purse-snatching/pocket-picking, while property crimes include burglary, theft, motor vehicle theft, and vandalism. Each respondent is asked a series of screen questions designed to determine whether she or he was victimized during the six-month period preceding the first day of the month of the interview. A "household respondent" is also asked to report on crimes against the household as a whole (e.g., burglary, motor vehicle theft). The data include type of crime, month, time, and location of the crime, relationship between victim and offender, characteristics of the offender, self-protective actions taken by the victim during the incident and results of those actions, consequences of the victimization, type of property lost, whether the crime was reported to police and reasons for reporting or not reporting, and offender use of weapons, drugs,

and alcohol. Basic demographic information such as age, race, gender, and income is also collected, to enable analysis of crime by various subpopulations. This version of the NCVS, referred to as the collection year, contains records from interviews conducted in the 12 months of the given year.

National Prisoner Statistics, 1978-2013

The National Prisoner Statistics (NPS) data collection began in 1926 in response to a congressional mandate to gather information on persons incarcerated in state and federal prisons. Originally under the auspices of the United States Census Bureau, the collection moved to the Bureau of Prisons in 1950, and then in 1971 to the National Criminal Justice Information and Statistics Service, the precursor to the Bureau of Justice Statistics (BJS) which was established in 1979. Since 1979, the Census Bureau has been the NPS data collection agent. The NPS is administered to 51 respondents. Before 2001, the District of Columbia was also a respondent, but responsibility for housing the District of Columbia's sentenced prisoners was transferred to the federal Bureau of Prisons, and by yearend 2001 the District of Columbia no longer operated a prison system. The NPS provides an enumeration of persons in state and federal prisons and collects data on key characteristics of the nation's prison population. NPS has been adapted over time to keep pace with the changing information needs of the public, researchers, and federal, state, and local governments.

Survey of Campus Law Enforcement Agencies, 2011-2012

These data are from the Bureau of Justice Statistics' (BJS) 2011-12 Survey of Campus Law Enforcement Agencies. In preparation for the survey, a universe list of 4-year and 2-year campuses was compiled using the United States Department of Education's Integrated Postsecondary Education Data System (IPEDS). The survey focused primarily on agencies serving 4-year universities and colleges with a fall headcount enrollment of 2,500 or more. In addition, 2-year institutions with 2,500 or more students and a sample of 4-year institutions with 1,000 to 2,499 students were surveyed. These campuses are covered in a separate report. Schools were classified according to the level of the highest proportion of degrees awarded. The survey excluded: United States military academies and schools, for-profit institutions, schools operating primarily online. Of the 905 4-year campuses with 2,500 or more students identified as being potentially eligible for the 2011-12 survey, 861 reported that they were operating their own campus law enforcement agency. These 861 agencies were asked to provide data describing their personnel, functions, expenditures and pay, operations, equipment, computers and information systems, community policing activities, specialized units, and emergency preparedness activities. ICF International, with the assistance of BJS, served as the data collection agent. BJS also conducted surveys of campus law enforcement agencies covering the 1994-95 and 2004-05 school years. The reports produced from these surveys are available on the BJS Web site and data are available on the ICPSR Web site.

Annual Survey of Jails in Indian Country, 2013

The purpose of the Survey of Jails in Indian Country is an enumeration of all known adult and juvenile facilities -- jails, confinement facilities, detention centers, and other correctional facilities operated by tribal authorities or the Bureau of Indian Affairs (BIA), United States Department of the Interior. For the purpose of this collection, Indian country includes reservations, pueblos, rancherias, and other Native American and Alaska Native communities

throughout the United States. The survey collects data on the number of adults and juveniles held on the last weekday in June 2013, type of offense, average daily population in June, most crowded day in June, admissions and releases in June, number of inmate deaths and suicide attempts, rated capacity, and jail staffing.

Federal Justice Statistics Program: Arrests and Bookings for Federal Offenses, 1996
[United States]

The data contain records of arrests and bookings for federal offenses in the United States during fiscal year 1996. The data were constructed from the United States Marshals Service (USMS) Prisoner Tracking System database. Records include arrests made by federal law enforcement agencies (including the USMS), state and local agencies, and self-surrenders. Offenders arrested for federal offenses are transferred to the custody of the USMS for processing, transportation, and detention. The Prisoner Tracking System contains data on all offenders within the custody of the USMS. The data file contains variables from the original USMS files as well as additional analysis variables, or "SAF" variables, that denote subsets of the data. These SAF variables are related to statistics reported in the Compendium of Federal Justice Statistics, Tables 1.1-1.3. Variables containing identifying information (e.g., name, Social Security Number) were replaced with blanks, and the day portions of date fields were also sanitized in order to protect the identities of individuals. These data are part of a series designed by the Urban Institute (Washington, DC) and the Bureau of Justice Statistics. Data and documentation were prepared by the Urban Institute.

Federal Justice Statistics Program: Arrests and Bookings for Federal Offenses, 1995
[United States]

The data contain records of arrests and bookings for federal offenses in the United States during fiscal year 1995. The data were constructed from the United States Marshals Service (USMS) Prisoner Tracking System database. Records include arrests made by federal law enforcement agencies (including the USMS), state and local agencies, and self-surrenders. Offenders arrested for federal offenses are transferred to the custody of the USMS for processing, transportation, and detention. The Prisoner Tracking System contains data on all offenders within the custody of the USMS. The data file contains variables from the original USMS files as well as additional analysis variables, or "SAF" variables, that denote subsets of the data. These SAF variables are related to statistics reported in the Compendium of Federal Justice Statistics, Tables 1.1-1.3. Variables containing identifying information (e.g., name, Social Security Number) were replaced with blanks, and the day portions of date fields were also sanitized in order to protect the identities of individuals. These data are part of a series designed by the Urban Institute (Washington, DC) and the Bureau of Justice Statistics. Data and documentation were prepared by the Urban Institute.

Federal Justice Statistics Program: Arrests and Bookings for Federal Offenses, 1994
[United States]

The data contain records of arrests and bookings for federal offenses in the United States during fiscal year 1994. The data were constructed from the United States Marshals Service (USMS) Prisoner Tracking System database. Records include arrests made by federal law enforcement agencies (including the USMS), state and local agencies, and self-surrenders. Offenders arrested for federal offenses are transferred to the custody of the USMS for processing, transportation,

and detention. The Prisoner Tracking System contains data on all offenders within the custody of the USMS. The data file contains variables from the original USMS files as well as additional analysis variables, or "SAF" variables, that denote subsets of the data. These SAF variables are related to statistics reported in the Compendium of Federal Justice Statistics, Tables 1.1-1.3. Variables containing identifying information (e.g., name, Social Security Number) were replaced with blanks, and the day portions of date fields were also sanitized in order to protect the identities of individuals. These data are part of a series designed by the Urban Institute (Washington, DC) and the Bureau of Justice Statistics. Data and documentation were prepared by the Urban Institute.

Federal Justice Statistics Program: Arrests and Bookings for Federal Offenses, 2001
[United States]

The data contain records of arrests and bookings for federal offenses in the United States during fiscal year 2001. The data were constructed from the United States Marshals Service (USMS) Prisoner Tracking System database. Records include arrests made by federal law enforcement agencies (including the USMS), state and local agencies, and self-surrenders. Offenders arrested for federal offenses are transferred to the custody of the USMS for processing, transportation, and detention. The Prisoner Tracking System contains data on all offenders within the custody of the USMS. The data file contains variables from the original USMS files as well as additional analysis variables, or "SAF" variables, that denote subsets of the data. These SAF variables are related to statistics reported in the Compendium of Federal Justice Statistics, Tables 1.1-1.3. Variables containing identifying information (e.g., name, Social Security Number) were replaced with blanks, and the day portions of date fields were also sanitized in order to protect the identities of individuals. These data are part of a series designed by the Urban Institute (Washington, DC) and the Bureau of Justice Statistics. Data and documentation were prepared by the Urban Institute.

Federal Justice Statistics Program: Arrests and Bookings for Federal Offenses, 2000
[United States]

The data contain records of arrests and bookings for federal offenses in the United States during fiscal year 2000. The data were constructed from the United States Marshals Service (USMS) Prisoner Tracking System database. Records include arrests made by federal law enforcement agencies (including the USMS), state and local agencies, and self-surrenders. Offenders arrested for federal offenses are transferred to the custody of the USMS for processing, transportation, and detention. The Prisoner Tracking System contains data on all offenders within the custody of the USMS. The data file contains variables from the original USMS files as well as additional analysis variables, or "SAF" variables, that denote subsets of the data. These SAF variables are related to statistics reported in the Compendium of Federal Justice Statistics, Tables 1.1-1.3. Variables containing identifying information (e.g., name, Social Security Number) were replaced with blanks, and the day portions of date fields were also sanitized in order to protect the identities of individuals. These data are part of a series designed by the Urban Institute (Washington, DC) and the Bureau of Justice Statistics. Data and documentation were prepared by the Urban Institute.

Federal Justice Statistics Program: Arrests and Bookings for Federal Offenses, 1999
[United States]

The data contain records of arrests and bookings for federal offenses in the United States during fiscal year 1999. The data were constructed from the United States Marshals Service (USMS) Prisoner Tracking System database. Records include arrests made by federal law enforcement agencies (including the USMS), state and local agencies, and self-surrenders. Offenders arrested for federal offenses are transferred to the custody of the USMS for processing, transportation, and detention. The Prisoner Tracking System contains data on all offenders within the custody of the USMS. The data file contains variables from the original USMS files as well as additional analysis variables, or "SAF" variables, that denote subsets of the data. These SAF variables are related to statistics reported in the Compendium of Federal Justice Statistics, Tables 1.1-1.3. Variables containing identifying information (e.g., name, Social Security Number) were replaced with blanks, and the day portions of date fields were also sanitized in order to protect the identities of individuals. These data are part of a series designed by the Urban Institute (Washington, DC) and the Bureau of Justice Statistics. Data and documentation were prepared by the Urban Institute.

**Federal Justice Statistics Program: Arrests and Bookings for Federal Offenses, 1998
[United States]**

The data contain records of arrests and bookings for federal offenses in the United States during fiscal year 1998. The data were constructed from the United States Marshals Service (USMS) Prisoner Tracking System database. Records include arrests made by federal law enforcement agencies (including the USMS), state and local agencies, and self-surrenders. Offenders arrested for federal offenses are transferred to the custody of the USMS for processing, transportation, and detention. The Prisoner Tracking System contains data on all offenders within the custody of the USMS. The data file contains variables from the original USMS files as well as additional analysis variables, or "SAF" variables, that denote subsets of the data. These SAF variables are related to statistics reported in the Compendium of Federal Justice Statistics, Tables 1.1-1.3. Variables containing identifying information (e.g., name, Social Security Number) were replaced with blanks, and the day portions of date fields were also sanitized in order to protect the identities of individuals. These data are part of a series designed by the Urban Institute (Washington, DC) and the Bureau of Justice Statistics. Data and documentation were prepared by the Urban Institute.

**Federal Justice Statistics Program: Arrests and Bookings for Federal Offenses, 1997
[United States]**

The data contain records of arrests and bookings for federal offenses in the United States during fiscal year 1997. The data were constructed from the United States Marshals Service (USMS) Prisoner Tracking System database. Records include arrests made by federal law enforcement agencies (including the USMS), state and local agencies, and self-surrenders. Offenders arrested for federal offenses are transferred to the custody of the USMS for processing, transportation, and detention. The Prisoner Tracking System contains data on all offenders within the custody of the USMS. The data file contains variables from the original USMS files as well as additional analysis variables, or "SAF" variables, that denote subsets of the data. These SAF variables are related to statistics reported in the Compendium of Federal Justice Statistics, Tables 1.1-1.3. Variables containing identifying information (e.g., name, Social Security Number) were replaced with blanks, and the day portions of date fields were also sanitized in order to protect the identities of individuals. These data are part of a series designed by the Urban Institute

(Washington, DC) and the Bureau of Justice Statistics. Data and documentation were prepared by the Urban Institute.

Capital Punishment in the United States, 1973-2013

CAPITAL PUNISHMENT IN THE UNITED STATES, 1973-2013 provides annual data on prisoners under a sentence of death, as well as those who had their sentences commuted or vacated and prisoners who were executed. This study examines basic sociodemographic classifications including age, sex, race and ethnicity, marital status at time of imprisonment, level of education, and state and region of incarceration. Criminal history information includes prior felony convictions and prior convictions for criminal homicide and the legal status at the time of the capital offense. Additional information is provided on those inmates removed from death row by yearend 2013.

The dataset consists of one part which contains 9,058 cases. The file provides information on inmates whose death sentences were removed in addition to information on those inmates who were executed. The file also gives information about inmates who received a second death sentence by yearend 2013 as well as inmates who were already on death row.

Law Enforcement Agency Identifiers Crosswalk, 2012

Criminal justice research may require merging disparate data sources that have no common match keys. The Law Enforcement Agency Identifiers Crosswalk (LEAIC) file facilitates linking reported crime data with socio-economic data. It does this by having a record for each law enforcement agency, law enforcement reporting entity, and access identifier for the National Crime Information Center (NCIC). Essentially, if an entity (law enforcement agency or section of a law enforcement agency) is capable of reporting crime information, it is included in the file. The LEAIC records contain common match keys for merging reported crime data and Census Bureau data. These linkage variables include the Originating Agency Identifier (ORI) code, Federal Information Processing Standards (FIPS) state, county and place codes, and Governments Integrated Directory government identifier codes.

National Inmate Survey, 2011-2012

The National Inmate Survey, 2011-2012 (NIS-3) was conducted in 233 state and federal prisons between February 2011 and May 2012; 358 jails between February 2011 and May 2012; and 15 special (military, Indian country, and Immigration and Customs Enforcement (ICE)) facilities between February 2011 and May 2012. The data were collected by RTI International under a cooperative agreement with the Bureau of Justice Statistics (BJS). The NIS-3 comprised two questionnaires -- a survey of sexual victimization and a survey of mental and physical health, past drug and alcohol use, and treatment for substance abuse. Inmates were randomly assigned to receive one of the questionnaires so that at the time of the interview the content of the survey remained unknown to facility staff and the interviewers. A total of 81,566 inmates participated in the survey, including 32,029 inmates in state and federal prisons, 48,066 inmates in jails, 399 inmates in military facilities, 115 inmates in Indian country jails, and 957 inmates in facilities operated by ICE. The NIS-3 was specially designed to provide estimates of sexual victimization for inmates ages 16 to 17 held in adult facilities. Previous NIS collections excluded inmates age 17 or younger due to special human subject issues (related to consent and assent, as well as risk of trauma in the survey process) and statistical issues (related to clustering of youth and the need

to oversample to ensure a representative sample). To address issues of consent and risk, the NIS-3 juvenile sample was restricted to inmates ages 16 to 17 (who represented an estimated 95 percent of the 1,790 juveniles held in prisons at year end 2011 and 97 percent of the 5,870 juveniles held in local jails at midyear 2011). The respondents were asked about the type of sexual contact, the frequency, when it occurred, and where it occurred. The survey also sought information on any injuries received and the treatment obtained for those injuries. Other questions pertained to the reporting of sexual contact -- if it was reported, to whom it was reported, and any results from reporting sexual contact. Respondents were also asked for reasons why they had not reported the sexual contact if no report was made. Background and demographic information collected includes reasons for incarceration, sexual history, sexual orientation, marital status, gender, ethnicity, and physical characteristics such as height and weight. The NIS-3 collected data on the mental health problems of inmates for the first time in 2011-12. Inmates were asked whether they had been told by a mental health professional that they had a mental disorder or if because of a mental health problem they had stayed overnight in a hospital or other facility, used prescription medicine, or they had received counseling or treatment from a trained professional.

Deaths in Custody Reporting Program: State Prisons 2001 - 2012

The Deaths in Custody Reporting Program (DCRP) is an annual data collection conducted by the Bureau of Justice Statistics (BJS). The DCRP began in 2000 under the Death in Custody Reporting Act of 2000 (P.L. 106-297). It is the only national statistical collection that obtains detailed information about deaths in adult correctional facilities. The DCRP collects data on persons dying in state prisons, local jails and in the process of arrest. Each collection is a separate subcollection, but each is under the umbrella of the DCRP collection. This deals with the prison subcollection, which has a prison death file. The prison portion of the Deaths in Custody Reporting Program began in 2001 after the passage of the Deaths in Custody Reporting Act of 2000 in October of 2000. The prison component of the DCRP collects data on inmate deaths occurring in the 50 state departments of corrections while inmates are in the physical custody of prison officials.

Federal Justice Statistics Program: Paired-Agency Linked Files, 2012

The new FJSRC linking system, implemented with the 2008 FJSRC data, includes sets of agency dyad linked files created by improved methods of algorithmic matching. There are both inter-agency linked files and intra-agency dyad linked files. The inter-agency matched pair files (or "dyads") permit the linking of records from two different source agencies for adjacent stages of federal case processing by providing a crosswalk of the agency-specific key ID variables for the two agency data files in the pair. These agency ID variables (sequential ID numbers) may be used to link records from one agency's standard analysis file (SAF) to the next. The system enables users to track individual defendant-cases through stages of the federal criminal justice system (from arrest to prosecution, adjudication, sentencing, and corrections) sequentially, one agency dyad pair at a time. Each inter-agency paired linked file relates the sequential record numbers (i.e. SEQ_NUM) included in the SAFs from one agency/stage to another. The intra-agency matched pair files (also dyads) permit the same type of linking as described above except that the linkages are within the same federal agency. The linkages are to different stages of case processing within a particular agency. The system covers all data years from 1994-2012. These

data are part of a series designed by the Urban Institute (Washington, D.C.) and the Bureau of Justice Statistics. Data and documentation were prepared by the Urban Institute.

Federal Justice Statistics Program: Statutes for Counts of Convictions for Defendants Sentenced Under the Sentencing Reform Act, 2012

These data contain records of statutes for each count of conviction for criminal defendants who were sentenced pursuant to provisions of the Sentencing Reform Act (SRA) of 1984 and reported to the United States Sentencing Commission (USSC) during fiscal year 2012. The data are one of two supplementary files that should be used in conjunction with the primary analysis file, which contains records for all defendants sentenced under the guidelines. These data can be linked to the primary analysis file using the unique identifier variable USSCIDN. The number of records for a defendant in the current data corresponds to the total number of counts of conviction for that defendant, and that total is recorded in the NOCOUNT variable. As an example, if a defendant has five counts of conviction (NOCOUNT=5), he or she will have five records in the current data. As it is possible for defendants to have multiple statutes applying to a single count of conviction, up to three statutes (STA1-STA3) are recorded for each count of conviction. The data were obtained from the United States Sentencing Commission's Office of Policy Analysis' (OPA) Standardized Research Data File. These data are part of a series designed by the Urban Institute (Washington, DC) and the Bureau of Justice Statistics. Data and documentation were prepared by the Urban Institute.

Federal Justice Statistics Program: Guideline Computations for Defendants Sentenced Under the Sentencing Reform Act, 2012

These data contain records of guideline computations and adjustments for each count of conviction for criminal defendants who were sentenced pursuant to provisions of the Sentencing Reform Act (SRA) of 1984 and reported to the United States Sentencing Commission (USSC) during fiscal year 2012. The data are one of two supplementary files that should be used in conjunction with the primary analysis file, which contains records for all defendants sentenced under the guidelines. These data can be linked to the primary analysis file using the unique identifier variable USSCIDN. The number of records for a defendant in the current data corresponds to the total number of guideline computations, which may or may not equal the total counts of conviction for that defendant, dependent upon the grouping rules of the particular guideline in question (see Section 3D1.2 of the guidelines manual). As an example, a defendant with five counts of drug trafficking will only have one guideline computation because each of the drug weights for each count are simply added together and only one calculation is necessary. However, if a defendant has five counts of bank robbery, he or she will have five separate guideline computations because bank robbery is considered to be a nongroupable offense. The data were obtained from the United States Sentencing Commission's Office of Policy Analysis' (OPA) Standardized Research Data File. These data are part of a series designed by the Urban Institute (Washington, DC) and the Bureau of Justice Statistics. Data and documentation were prepared by the Urban Institute.

Federal Justice Statistics Program: Defendants Sentenced Under the Sentencing Reform Act, 2012

These data contain records of criminal defendants who were sentenced pursuant to provisions of the Sentencing Reform Act (SRA) of 1984 and reported to the United States Sentencing Commission (USSC) during fiscal year 2012. It is estimated that over 90 percent of felony

defendants in the federal criminal justice system are sentenced pursuant to the SRA of 1984. The data were obtained from the United States Sentencing Commission's Office of Policy Analysis' (OPA) Standardized Research Data File. The Standardized Research Data File consists of variables from the Monitoring Department's database, which is limited to those defendants whose records have been furnished to the USSC by United States district courts and United States magistrates, as well as variables created by the OPA specifically for research purposes. The data include variables from the Judgement and Conviction (J and C) order submitted by the court, background and guideline information collected from the Presentencing Report (PSR), and the report on sentencing hearing in the Statement of Reasons (SOR). These data contain detailed information such as the guideline base offense level, offense level adjustments, criminal history, departure status, statement of reasons given for departure, and basic demographic information. These data are the primary analysis file and include only statute, guideline computation, and adjustment variables for the most serious offense of conviction. These data are part of a series designed by the Urban Institute (Washington, DC) and the Bureau of Justice Statistics. Data and documentation were prepared by the Urban Institute.

Federal Justice Statistics Program: Suspects in Federal Criminal Matters, 2012

The data contain records of suspects in federal criminal matters received by United States attorneys or filed before the United States magistrates during fiscal year 2012. The data were constructed from the Executive Office for United States Attorneys (EOUSA) Central System file. Records include suspects in criminal matters, and are limited to suspects whose matters were not declined immediately by the United States attorneys. According to the EOUSA, the United States attorneys conduct approximately 95 percent of the prosecutions handled by the Department of Justice. The Central System data contain variables from the original EOUSA files as well as additional analysis variables, or "SAF" variables, that denote subsets of the data. These SAF variables are related to statistics reported in the Compendium of Federal Justice Statistics, Table 1.1. Variables containing identifying information (e.g., name, Social Security Number) were replaced with blanks, and the day portions of date fields were also sanitized in order to protect the identities of individuals. These data are part of a series designed by the Urban Institute (Washington, DC) and the Bureau of Justice Statistics. Data and documentation were prepared by the Urban Institute.

Federal Justice Statistics Program: Defendants in Federal Criminal Cases -- Terminated, 2012

The data contain records of defendants in federal criminal cases terminated in United States District Court during fiscal year 2012. The data were constructed from the Executive Office for United States Attorneys (EOUSA) Central System file. According to the EOUSA, the United States attorneys conduct approximately 95 percent of the prosecutions handled by the Department of Justice. The Central System data contain variables from the original EOUSA files as well as additional analysis variables, or "SAF" variables, that denote subsets of the data. These SAF variables are related to statistics reported in the Compendium of Federal Justice Statistics. Variables containing identifying information (e.g., name, Social Security Number) were replaced with blanks, and the day portions of date fields were also sanitized in order to protect the identities of individuals. These data are part of a series designed by the Urban Institute (Washington, DC) and the Bureau of Justice Statistics. Data and documentation were prepared by the Urban Institute.

Federal Justice Statistics Program: Suspects in Federal Criminal Matters Concluded, 2012

The data contain records of suspects in federal criminal matters concluded by United States attorneys or United States magistrates during fiscal year 2012. The data were constructed from the Executive Office for United States Attorneys (EOUSA) Central System file. Records include suspects in criminal matters, and are limited to suspects whose matters were not declined immediately by the United States attorneys. According to the EOUSA, the United States attorneys conduct approximately 95 percent of the prosecutions handled by the Department of Justice. The Central System data contain variables from the original EOUSA files as well as additional analysis variables, or "SAF" variables, that denote subsets of the data. These SAF variables are related to statistics reported in the Compendium of Federal Justice Statistics, Tables 1.2-1.5. Variables containing identifying information (e.g., name, Social Security Number) were replaced with blanks, and the day portions of date fields were also sanitized in order to protect the identities of individuals. These data are part of a series designed by the Urban Institute (Washington, DC) and the Bureau of Justice Statistics. Data and documentation were prepared by the Urban Institute.

Federal Justice Statistics Program: Charges Filed Against Defendants in Criminal Cases in District Court -- Terminated, 2012

The data contain records of charges filed against defendants whose cases were terminated by United States attorneys in United States district court during fiscal year 2012. The data are charge-level records, and more than one charge may be filed against a single defendant. The data were constructed from the Executive Office for United States Attorneys (EOUSA) Central Charge file. The charge-level data may be linked to defendant-level data (extracted from the EOUSA Central System file) through the CS_SEQ variable, and it should be noted that some defendants may not have any charges other than the lead charge appearing on the defendant-level record. The Central Charge and Central System data contain variables from the original EOUSA files as well as additional analysis variables, or "SAF" variables, that denote subsets of the data. These SAF variables are related to statistics reported in the Compendium of Federal Justice Statistics. Variables containing identifying information (e.g., name, Social Security Number) were replaced with blanks, and the day portions of date fields were also sanitized in order to protect the identities of individuals. These data are part of a series designed by the Urban Institute (Washington, DC) and the Bureau of Justice Statistics. Data and documentation were prepared by the Urban Institute.

Federal Justice Statistics Program: Charges Filed Against Defendants in Criminal Cases in District Court, 2012

The data contain records of charges filed against defendants whose cases were filed by United States attorneys in United States district court during fiscal year 2012. The data are charge-level records, and more than one charge may be filed against a single defendant. The data were constructed from the Executive Office for United States Attorneys (EOUSA) Central Charge file. The charge-level data may be linked to defendant-level data (extracted from the EOUSA Central System file) through the CS_SEQ variable, and it should be noted that some defendants may not have any charges other than the lead charge appearing on the defendant-level record. The Central Charge and Central System data contain variables from the original EOUSA files as well as additional analysis variables, or "SAF" variables, that denote subsets of the data. These SAF

variables are related to statistics reported in the Compendium of Federal Justice Statistics. Variables containing identifying information (e.g., name, Social Security Number) were replaced with blanks, and the day portions of date fields were also sanitized in order to protect the identities of individuals. These data are part of a series designed by the Urban Institute (Washington, DC) and the Bureau of Justice Statistics. Data and documentation were prepared by the Urban Institute.

Federal Justice Statistics Program: Offenders in Prison at Year-End, 2012

The data contain records of sentenced offenders in the custody of the Bureau of Prisons (BOP) at year-end of fiscal year 2012. The data include commitments of United States District Court, violators of conditions of release (e.g., parole, probation, or supervised release violators), offenders convicted in other courts (e.g., military or District of Columbia courts), and persons admitted to prison as material witnesses or for purposes of treatment, examination, or transfer to another authority. These data include variables that describe the offender, such as age, race, citizenship, as well as variables that describe the sentences and expected prison terms. The data file contains original variables from the Bureau of Prisons' SENTRY database, as well as "SAF" variables that denote subsets of the data. These SAF variables are related to statistics reported in the Compendium of Federal Justice Statistics, Tables 7.9-7.16. Variables containing identifying information (e.g., name, Social Security Number) were replaced with blanks, and the day portions of date fields were also sanitized in order to protect the identities of individuals. These data are part of a series designed by the Urban Institute (Washington, DC) and the Bureau of Justice Statistics. Data and documentation were prepared by the Urban Institute.

Federal Justice Statistics Program: Offenders Released From Prison, 2012

The data contain records of sentenced offenders released from the custody of the Bureau of Prisons (BOP) during fiscal year 2012. The data include commitments of United States District Court, violators of conditions of release (e.g., parole, probation, or supervised release violators), offenders convicted in other courts (e.g., military or District of Columbia courts), and persons admitted to prison as material witnesses or for purposes of treatment, examination, or transfer to another authority. Records of offenders who exit federal prison temporarily, such as for transit to another location, to serve a weekend sentence, or for health care, are not included in the exiting cohort. These data include variables that describe the offender, such as age, race, citizenship, as well as variables that describe the sentences and expected prison terms. The data file contains original variables from the Bureau of Prisons' SENTRY database, as well as "SAF" variables that denote subsets of the data. These SAF variables are related to statistics reported in the Compendium of Federal Justice Statistics, Tables 7.9-7.16. Variables containing identifying information (e.g., name, Social Security Number) were replaced with blanks, and the day portions of date fields were also sanitized in order to protect the identities of individuals. These data are part of a series designed by the Urban Institute (Washington, DC) and the Bureau of Justice Statistics. Data and documentation were prepared by the Urban Institute.

Federal Justice Statistics Program: Offenders Admitted to Prison, 2012

The data contain records of sentenced offenders committed to the custody of the Bureau of Prisons (BOP) during fiscal year 2012. The data include commitments of United States District Court, violators of conditions of release (e.g., parole, probation, or supervised release violators), offenders convicted in other courts (e.g., military or District of Columbia courts), and persons

admitted to prison as material witnesses or for purposes of treatment, examination, or transfer to another authority. These data include variables that describe the offender, such as age, race, citizenship, as well as variables that describe the sentences and expected prison terms. The data file contains original variables from the Bureau of Prisons' SENTRY database, as well as "SAF" variables that denote subsets of the data. These SAF variables are related to statistics reported in the Compendium of Federal Justice Statistics, Tables 7.9-7.16. Variables containing identifying information (e.g., name, Social Security Number) were replaced with blanks, and the day portions of date fields were also sanitized in order to protect the identities of individuals. These data are part of a series designed by the Urban Institute (Washington, DC) and the Bureau of Justice Statistics. Data and documentation were prepared by the Urban Institute.

Federal Justice Statistics Program: Defendants in Federal Criminal Cases in District Court -- Terminated, 2012

The data contain records of defendants in criminal cases terminated in United States District Court during fiscal year 2012. The data were constructed from the Administrative Office of the United States District Courts' (AOUSC) criminal file. Defendants in criminal cases may be either individuals or corporations. There is one record for each defendant in each case filed. Included in the records are data from court proceedings and offense codes for up to five offenses charged at the time the case was filed. (The most serious charge at termination may differ from the most serious charge at case filing, due to plea bargaining or action of the judge or jury.) In a case with multiple charges against the defendant, a "most serious" offense charge is determined by a hierarchy of offenses based on statutory maximum penalties associated with the charges. The data file contains variables from the original AOUSC files as well as additional analysis variables, or "SAF" variables, that denote subsets of the data. These SAF variables are related to statistics reported in the Compendium of Federal Justice Statistics, Tables 4.1-4.5 and 5.1-5.6. Variables containing identifying information (e.g., name, Social Security number) were replaced with blanks, and the day portions of date fields were also sanitized in order to protect the identities of individuals. These data are part of a series designed by the Urban Institute (Washington, DC) and the Bureau of Justice Statistics. Data and documentation were prepared by the Urban Institute.

Federal Justice Statistics Program: Defendants in Federal Criminal Cases in District Court -- Pending, 2012

The data contain records of defendants in criminal cases filed in United States District Court before or during fiscal year 2012 and still pending as of year-end. The data were constructed from the Administrative Office of the United States District Courts' (AOUSC) criminal file. Defendants in criminal cases may be either individuals or corporations. There is one record for each defendant in each case filed. Included in the records are data from court proceedings and offense codes for up to five offenses charged at the time the case was filed. (The most serious charge at termination may differ from the most serious charge at case filing, due to plea bargaining or action of the judge or jury.) In a case with multiple charges against the defendant, a "most serious" offense charge is determined by a hierarchy of offenses based on statutory maximum penalties associated with the charges. The data file contains variables from the original AOUSC files as well as additional analysis variables, or "SAF" variables, that denote subsets of the data. These SAF variables are related to statistics reported in the Compendium of Federal Justice Statistics, Tables 4.1-4.5 and 5.1-5.6. Variables containing identifying

information (e.g., name, Social Security number) were replaced with blanks, and the day portions of date fields were also sanitized in order to protect the identities of individuals. These data are part of a series designed by the Urban Institute (Washington, DC) and the Bureau of Justice Statistics. Data and documentation were prepared by the Urban Institute.

Federal Justice Statistics Program: Defendants in Federal Criminal Cases Filed in District Court, 2012

The data contain records of defendants in criminal cases filed in United States District Court during fiscal year 2012. The data were constructed from the Administrative Office of the United States District Courts' (AOUSC) criminal file. Defendants in criminal cases may be either individuals or corporations. There is one record for each defendant in each case filed. Included in the records are data from court proceedings and offense codes for up to five offenses charged at the time the case was filed. (The most serious charge at termination may differ from the most serious charge at case filing, due to plea bargaining or action of the judge or jury.) In a case with multiple charges against the defendant, a "most serious" offense charge is determined by a hierarchy of offenses based on statutory maximum penalties associated with the charges. The data file contains variables from the original AOUSC files as well as additional analysis variables, or "SAF" variables, that denote subsets of the data. These SAF variables are related to statistics reported in the Compendium of Federal Justice Statistics, Tables 4.1-4.5 and 5.1-5.6. Variables containing information (e.g., name, Social Security number) were replaced with blanks, and the day portions of date fields were also sanitized in order to protect the identities of individuals. These data are part of a series designed by the Urban Institute (Washington, DC) and the Bureau of Justice Statistics. Data and documentation were prepared by the Urban Institute.

Federal Justice Statistics Program: Defendants Charged in Criminal Cases Filed in District Court, 2012

The data contain records of defendants in federal criminal cases filed in United States District Court during fiscal year 2012. The data were constructed from the Executive Office for United States Attorneys (EOUSA) Central System file. According to the EOUSA, the United States attorneys conduct approximately 95 percent of the prosecutions handled by the Department of Justice. The Central System data contain variables from the original EOUSA files as well as additional analysis variables, or "SAF" variables, that denote subsets of the data. These SAF variables are related to statistics reported in the Compendium of Federal Justice Statistics. Variables containing identifying information (e.g., name, Social Security Number) were replaced with blanks, and the day portions of date fields were also sanitized in order to protect the identities of individuals. These data are part of a series designed by the Urban Institute (Washington, DC) and the Bureau of Justice Statistics. Data and documentation were prepared by the Urban Institute.

Federal Justice Statistics Program: Arrests and Bookings for Federal Offenses, 2012

The data contain records of arrests and bookings for federal offenses in the United States during fiscal year 2012. The data were constructed from the United States Marshals Service (USMS) Prisoner Tracking System database. Records include arrests made by federal law enforcement agencies (including the USMS), state and local agencies, and self-surrenders. Offenders arrested for federal offenses are transferred to the custody of the USMS for processing, transportation, and detention. The Prisoner Tracking System contains data on all offenders within the custody of

the USMS. The data file contains variables from the original USMS files as well as additional analysis variables, or "SAF" variables, that denote subsets of the data. These SAF variables are related to statistics reported in the Compendium of Federal Justice Statistics, Tables 1.1-1.3. Variables containing identifying information (e.g., name, Social Security Number) were replaced with blanks, and the day portions of date fields were also sanitized in order to protect the identities of individuals. These data are part of a series designed by the Urban Institute (Washington, DC) and the Bureau of Justice Statistics. Data and documentation were prepared by the Urban Institute.

Annual Survey of Jails, 2013

The Annual Survey of Jails (ASJ) is the only data collection effort that provides an annual source of data on local jails and jail inmates. Data on the size of the jail population and selected inmate characteristics are obtained every five to six years from the Census of Jails. In each of the years between the full censuses, a sample survey of jails is conducted to estimate baseline characteristics of the nation's jails and inmates housed in these jails. The 2013 Annual Survey of Jails is the 26th such survey in a series begun in 1982. The ASJ supplies data on characteristics of jails such as admissions and releases, growth in the number of jail facilities, changes in their rated capacities and level of occupancy, growth in the population supervised in the community, changes in methods of community supervision, and crowding issues. The ASJ also provides information on changes in the demographics of the jail population, supervision status of persons held, and a count of non-citizens in custody. Starting in 2010, BJS enhanced the ASJ survey instruments to address topics on the number of convicted inmates that are unsentenced or sentenced and the number of unconvicted inmates awaiting trial/arraignment, or transfers/holds for other authorities. In order to reduce respondent burden, the ASJ no longer collects data on conviction status by sex. Also new to the survey, data are collected on jails' operational capacity and design capacity. Incorporating enhanced capacity measurements enables BJS to describe more accurately the variation and volatility of inmate bed space and crowding, especially as they relate to safety and security in jails.

To address more directly issues related to overcrowding and safety and security in jails, BJS started collecting data on staff and assaults against staff from the largest jails. In the modifications to the ASJ, starting in 2010, 335 jail jurisdictions (370 respondents) included with certainty in the ASJ sample survey were asked to provide additional information (forms CJ-5D or CJ-5DA) on the flow of inmates going through jails and the distribution of time served, staff characteristics and assaults on staff resulting in death, and inmate misconduct. The data presented in this study were collected in the Annual Survey of Jails, 2013. These data are used to track growth in the number of jails and the capacities nationally, changes in the demographics of the jail population and supervision status of persons held, the prevalence of crowding issues, and a count of non-United States citizens within the jail population. The data are intended for a variety of users, including federal and state agencies, local officials in conjunction with jail administrators, researchers, planners, and the public. The reference date for the survey is June 30, 2013.

Recidivism of Prisoners Released in 1994

RECIDIVISM OF PRISONERS RELEASED IN 1994 is a database containing information on each of 38,624 sampled prisoners released from prisons in 15 states in 1994 and tracked for three

years following their release. The majority of the database consists of information on each released prisoner's entire officially recorded criminal history (before and after the 1994 release). Sources for criminal history information are state and FBI automated RAP ("Records of Arrests and Prosecutions") sheets, which contain records of arrests, adjudications, and sentences. The study is the second major recidivism study conducted by the Bureau of Justice Statistics. The first study, **RECIDIVISM AMONG RELEASED PRISONERS, 1983: [UNITED STATES]** (ICPSR 8875), tracked over 16,000 prisoners released in 11 states in 1983 for three years. These two studies are the closest approximation to "national" recidivism studies in the United States. They are distinguished by their large sample size (over 16,000 released prisoners in the first study, 38,624 in the second), geographic breadth of coverage (11 states in the first study, 15 in the second), length of prospective tracking (three years from date of release in both studies), ability to track the movement of released prisoners across state boundaries (both studies), and multiple measures of recidivism (both studies). Demographic data include race, ethnicity, sex, and date of birth.

National Crime Victimization Survey: School Crime Supplement, 2013

The primary purpose of the School Crime Supplement (SCS) is to obtain additional information about school-related victimizations so that policymakers; academic researchers; practitioners at the federal, state, and local levels; and special interest groups who are concerned with crime in schools can make informed decisions concerning policies and programs. The SCS asks questions related to students' experiences with, and perceptions of crime and safety at school, including preventive measures employed by schools; students' participation in after school activities; students' perception of school rules and enforcement of these rules; the presence of weapons, drugs, alcohol, and gangs in school; student bullying; hate-related incidents; and attitudinal questions relating to the fear of victimization at school. These responses are linked to the National Crime Victimization Survey (NCVS) survey instrument responses for a more complete understanding of the individual student's circumstances.

Annual Parole Survey, 2012

The 2012 Annual Parole Survey provides a count of the total number of persons supervised in the community on January 1 and December 31, 2012, and a count of the number entering and leaving supervision during the year. The survey also provides counts of the number of parolees by certain characteristics, such as gender, race and Hispanic or Latino origin, supervision status, and type of offense. This survey covers all 50 states, the District of Columbia, and the Federal System.

National Crime Victimization Survey, Concatenated File, 1992-2013

The National Crime Victimization Survey (NCVS) Series, previously called the National Crime Surveys (NCS), has been collecting data on personal and household victimization through an ongoing survey of a nationally-representative sample of residential addresses since 1973. The NCVS was designed with four primary objectives: (1) to develop detailed information about the victims and consequences of crime, (2) to estimate the number and types of crimes not reported to the police, (3) to provide uniform measures of selected types of crimes, and (4) to permit comparisons over time and types of areas. The survey categorizes crimes as "personal" or "property." Personal crimes include rape and sexual attack, robbery, aggravated and simple assault, and purse-snatching/pocket-picking, while property crimes include burglary, theft, motor

vehicle theft, and vandalism. Each respondent is asked a series of screen questions designed to determine whether she or he was victimized during the six-month period preceding the first day of the month of the interview. A "household respondent" is also asked to report on crimes against the household as a whole (e.g., burglary, motor vehicle theft). The data include type of crime, month, time, and location of the crime, relationship between victim and offender, characteristics of the offender, self-protective actions taken by the victim during the incident and results of those actions, consequences of the victimization, type of property lost, whether the crime was reported to police and reasons for reporting or not reporting, and offender use of weapons, drugs, and alcohol. Basic demographic information such as age, race, gender, and income is also collected, to enable analysis of crime by various subpopulations. This dataset represents the concatenated version of the NCVS on a collection year basis for 1992-2013. A collection year contains records from interviews conducted in the 12 months of the given year. Under the collection year format, victimizations are counted in the year the interview is conducted, regardless of the year when the crime incident occurred. For additional information, please see the documentation for the data from the most current year of the NCVS, ICPSR Study 35164.

National Crime Victimization Survey, 2013

The National Crime Victimization Survey (NCVS) Series, previously called the National Crime Surveys (NCS), has been collecting data on personal and household victimization through an ongoing survey of a nationally-representative sample of residential addresses since 1973. The NCVS was designed with four primary objectives: (1) to develop detailed information about the victims and consequences of crime, (2) to estimate the number and types of crimes not reported to the police, (3) to provide uniform measures of selected types of crimes, and (4) to permit comparisons over time and types of areas. The survey categorizes crimes as "personal" or "property." Personal crimes include rape and sexual attack, robbery, aggravated and simple assault, and purse-snatching/pocket-picking, while property crimes include burglary, theft, motor vehicle theft, and vandalism. Each respondent is asked a series of screen questions designed to determine whether she or he was victimized during the six-month period preceding the first day of the month of the interview. A "household respondent" is also asked to report on crimes against the household as a whole (e.g., burglary, motor vehicle theft). The data include type of crime, month, time, and location of the crime, relationship between victim and offender, characteristics of the offender, self-protective actions taken by the victim during the incident and results of those actions, consequences of the victimization, type of property lost, whether the crime was reported to police and reasons for reporting or not reporting, and offender use of weapons, drugs, and alcohol. Basic demographic information such as age, race, gender, and income is also collected, to enable analysis of crime by various subpopulations. This version of the NCVS, referred to as the collection year, contains records from interviews conducted in the 12 months of the given year.

Annual Probation Survey, 2012

The 2012 Annual Probation Survey provides a count of the total number of persons supervised on probation on January 1 and December 31, 2012, and a count of the number of persons entering and exiting probation supervision during 2012. The survey also provides counts of the number of probationers by certain characteristics, such as gender, race, Hispanic or Latino origin, offense, and supervision status. The survey covers all 50 states, the District of Columbia, and the federal system.

State Court Processing Statistics, 1990-2009: Felony Defendants in Large Urban Counties

Originally known as the National Pretrial Reporting Program, the State Court Processing Statistics (SCPS) program tracks felony cases filed in May of a given year until final disposition or until one year has elapsed from the date of filing. This collection presents data on felony cases filed in approximately 40 of the nation's 75 most populous counties in even numbered years from 1990-2006 and 2009. These 75 counties account for more than a third of the United States population and approximately half of all reported crimes. The cases from these 40 jurisdictions are weighted to represent all felony filings during the month of May in the 75 most populous counties. Data were collected on arrest charges, demographic characteristics, criminal history, pretrial release and detention, adjudication, and sentencing.

Federal Justice Statistics Program: Suspects in Federal Criminal Matters, 2011

The data contain records of suspects in federal criminal matters received by United States attorneys or filed before the United States magistrates during fiscal year 2011. The data were constructed from the Executive Office for United States Attorneys (EOUSA) Central System file. Records include suspects in criminal matters, and are limited to suspects whose matters were not declined immediately by the United States attorneys. According to the EOUSA, the United States attorneys conduct approximately 95 percent of the prosecutions handled by the Department of Justice. The Central System data contain variables from the original EOUSA files as well as additional analysis variables, or "SAF" variables, that denote subsets of the data. These SAF variables are related to statistics reported in the Compendium of Federal Justice Statistics, Table 1.1. Variables containing identifying information (e.g., name, Social Security Number) were replaced with blanks, and the day portions of date fields were also sanitized in order to protect the identities of individuals. These data are part of a series designed by the Urban Institute (Washington, DC) and the Bureau of Justice Statistics. Data and documentation were prepared by the Urban Institute.

Federal Justice Statistics Program: Defendants Charged in Criminal Cases Filed in District Court, 2011

The data contain records of defendants in federal criminal cases filed in United States District Court during fiscal year 2011. The data were constructed from the Executive Office for United States Attorneys (EOUSA) Central System file. According to the EOUSA, the United States attorneys conduct approximately 95 percent of the prosecutions handled by the Department of Justice. The Central System data contain variables from the original EOUSA files as well as additional analysis variables, or "SAF" variables, that denote subsets of the data. These SAF variables are related to statistics reported in the Compendium of Federal Justice Statistics. Variables containing identifying information (e.g., name, Social Security Number) were replaced with blanks, and the day portions of date fields were also sanitized in order to protect the identities of individuals. These data are part of a series designed by the Urban Institute (Washington, DC) and the Bureau of Justice Statistics. Data and documentation were prepared by the Urban Institute.

Federal Justice Statistics Program: Suspects in Federal Criminal Matters Concluded, 2011

The data contain records of suspects in federal criminal matters concluded by United States attorneys or United States magistrates during fiscal year 2011. The data were constructed from

the Executive Office for United States Attorneys (EOUSA) Central System file. Records include suspects in criminal matters, and are limited to suspects whose matters were not declined immediately by the United States attorneys. According to the EOUSA, the United States attorneys conduct approximately 95 percent of the prosecutions handled by the Department of Justice. The Central System data contain variables from the original EOUSA files as well as additional analysis variables, or "SAF" variables, that denote subsets of the data. These SAF variables are related to statistics reported in the Compendium of Federal Justice Statistics, Tables 1.2-1.5. Variables containing identifying information (e.g., name, Social Security Number) were replaced with blanks, and the day portions of date fields were also sanitized in order to protect the identities of individuals. These data are part of a series designed by the Urban Institute (Washington, DC) and the Bureau of Justice Statistics. Data and documentation were prepared by the Urban Institute.

Federal Justice Statistics Program: Charges Filed Against Defendants in Criminal Cases in District Court -- Terminated, 2011

The data contain records of charges filed against defendants whose cases were terminated by United States attorneys in United States district court during fiscal year 2011. The data are charge-level records, and more than one charge may be filed against a single defendant. The data were constructed from the Executive Office for United States Attorneys (EOUSA) Central Charge file. The charge-level data may be linked to defendant-level data (extracted from the EOUSA Central System file) through the CS_SEQ variable, and it should be noted that some defendants may not have any charges other than the lead charge appearing on the defendant-level record. The Central Charge and Central System data contain variables from the original EOUSA files as well as additional analysis variables, or "SAF" variables, that denote subsets of the data. These SAF variables are related to statistics reported in the Compendium of Federal Justice Statistics. Variables containing identifying information (e.g., name, Social Security Number) were replaced with blanks, and the day portions of date fields were also sanitized in order to protect the identities of individuals. These data are part of a series designed by the Urban Institute (Washington, DC) and the Bureau of Justice Statistics. Data and documentation were prepared by the Urban Institute.

Federal Justice Statistics Program: Statutes for Counts of Convictions for Defendants Sentenced Under the Sentencing Reform Act, 2011

These data contain records of statutes for each count of conviction for criminal defendants who were sentenced pursuant to provisions of the Sentencing Reform Act (SRA) of 1984 and reported to the United States Sentencing Commission (USSC) during fiscal year 2011. The data are one of two supplementary files that should be used in conjunction with the primary analysis file, which contains records for all defendants sentenced under the guidelines. These data can be linked to the primary analysis file using the unique identifier variable USSCIDN. The number of records for a defendant in the current data corresponds to the total number of counts of conviction for that defendant, and that total is recorded in the NOCOUNT variable. As an example, if a defendant has five counts of conviction (NOCOUNT=5), he or she will have five records in the current data. As it is possible for defendants to have multiple statutes applying to a single count of conviction, up to three statutes (STA1-STA3) are recorded for each count of conviction. The data were obtained from the United States Sentencing Commission's Office of Policy Analysis' (OPA) Standardized Research Data File. These data are part of a series designed by the Urban

Institute (Washington, DC) and the Bureau of Justice Statistics. Data and documentation were prepared by the Urban Institute.

Federal Justice Statistics Program: Guideline Computations for Defendants Sentenced Under the Sentencing Reform Act, 2011

These data contain records of guideline computations and adjustments for each count of conviction for criminal defendants who were sentenced pursuant to provisions of the Sentencing Reform Act (SRA) of 1984 and reported to the United States Sentencing Commission (USSC) during fiscal year 2011. The data are one of two supplementary files that should be used in conjunction with the primary analysis file, which contains records for all defendants sentenced under the guidelines. These data can be linked to the primary analysis file using the unique identifier variable USSCIDN. The number of records for a defendant in the current data corresponds to the total number of guideline computations, which may or may not equal the total counts of conviction for that defendant, dependent upon the grouping rules of the particular guideline in question (see Section 3D1.2 of the guidelines manual). As an example, a defendant with five counts of drug trafficking will only have one guideline computation because each of the drug weights for each count are simply added together and only one calculation is necessary. However, if a defendant has five counts of bank robbery, he or she will have five separate guideline computations because bank robbery is considered to be a nongroupable offense. The data were obtained from the United States Sentencing Commission's Office of Policy Analysis' (OPA) Standardized Research Data File. These data are part of a series designed by the Urban Institute (Washington, DC) and the Bureau of Justice Statistics. Data and documentation were prepared by the Urban Institute.

Federal Justice Statistics Program: Defendants Sentenced Under the Sentencing Reform Act, 2011

These data contain records of criminal defendants who were sentenced pursuant to provisions of the Sentencing Reform Act (SRA) of 1984 and reported to the United States Sentencing Commission (USSC) during fiscal year 2011. It is estimated that over 90 percent of felony defendants in the federal criminal justice system are sentenced pursuant to the SRA of 1984. The data were obtained from the United States Sentencing Commission's Office of Policy Analysis' (OPA) Standardized Research Data File. The Standardized Research Data File consists of variables from the Monitoring Department's database, which is limited to those defendants whose records have been furnished to the USSC by United States district courts and United States magistrates, as well as variables created by the OPA specifically for research purposes. The data include variables from the Judgement and Conviction (J and C) order submitted by the court, background and guideline information collected from the Presentencing Report (PSR), and the report on sentencing hearing in the Statement of Reasons (SOR). These data contain detailed information such as the guideline base offense level, offense level adjustments, criminal history, departure status, statement of reasons given for departure, and basic demographic information. These data are the primary analysis file and include only statute, guideline computation, and adjustment variables for the most serious offense of conviction. These data are part of a series designed by the Urban Institute (Washington, DC) and the Bureau of Justice Statistics. Data and documentation were prepared by the Urban Institute.

Federal Justice Statistics Program: Defendants in Federal Criminal Cases -- Terminated, 2011

The data contain records of defendants in federal criminal cases terminated in United States District Court during fiscal year 2011. The data were constructed from the Executive Office for United States Attorneys (EOUSA) Central System file. According to the EOUSA, the United States attorneys conduct approximately 95 percent of the prosecutions handled by the Department of Justice. The Central System data contain variables from the original EOUSA files as well as additional analysis variables, or "SAF" variables, that denote subsets of the data. These SAF variables are related to statistics reported in the Compendium of Federal Justice Statistics. Variables containing identifying information (e.g., name, Social Security Number) were replaced with blanks, and the day portions of date fields were also sanitized in order to protect the identities of individuals. These data are part of a series designed by the Urban Institute (Washington, DC) and the Bureau of Justice Statistics. Data and documentation were prepared by the Urban Institute.

Federal Justice Statistics Program: Charges Filed Against Defendants in Criminal Cases in District Court, 2011

The data contain records of charges filed against defendants whose cases were filed by United States attorneys in United States district court during fiscal year 2011. The data are charge-level records, and more than one charge may be filed against a single defendant. The data were constructed from the Executive Office for United States Attorneys (EOUSA) Central Charge file. The charge-level data may be linked to defendant-level data (extracted from the EOUSA Central System file) through the CS_SEQ variable, and it should be noted that some defendants may not have any charges other than the lead charge appearing on the defendant-level record. The Central Charge and Central System data contain variables from the original EOUSA files as well as additional analysis variables, or "SAF" variables, that denote subsets of the data. These SAF variables are related to statistics reported in the Compendium of Federal Justice Statistics. Variables containing identifying information (e.g., name, Social Security Number) were replaced with blanks, and the day portions of date fields were also sanitized in order to protect the identities of individuals. These data are part of a series designed by the Urban Institute (Washington, DC) and the Bureau of Justice Statistics. Data and documentation were prepared by the Urban Institute.

Federal Justice Statistics Program: Offenders in Prison at Year-End, 2011

The data contain records of sentenced offenders in the custody of the Bureau of Prisons (BOP) at year-end of fiscal year 2011. The data include commitments of United States District Court, violators of conditions of release (e.g., parole, probation, or supervised release violators), offenders convicted in other courts (e.g., military or District of Columbia courts), and persons admitted to prison as material witnesses or for purposes of treatment, examination, or transfer to another authority. These data include variables that describe the offender, such as age, race, citizenship, as well as variables that describe the sentences and expected prison terms. The data file contains original variables from the Bureau of Prisons' SENTRY database, as well as "SAF" variables that denote subsets of the data. These SAF variables are related to statistics reported in the Compendium of Federal Justice Statistics, Tables 7.9-7.16. Variables containing identifying information (e.g., name, Social Security Number) were replaced with blanks, and the day portions of date fields were also sanitized in order to protect the identities of individuals. These

data are part of a series designed by the Urban Institute (Washington, DC) and the Bureau of Justice Statistics. Data and documentation were prepared by the Urban Institute.

Federal Justice Statistics Program: Offenders Released From Prison, 2011

The data contain records of sentenced offenders released from the custody of the Bureau of Prisons (BOP) during fiscal year 2011. The data include commitments of United States District Court, violators of conditions of release (e.g., parole, probation, or supervised release violators), offenders convicted in other courts (e.g., military or District of Columbia courts), and persons admitted to prison as material witnesses or for purposes of treatment, examination, or transfer to another authority. Records of offenders who exit federal prison temporarily, such as for transit to another location, to serve a weekend sentence, or for health care, are not included in the exiting cohort. These data include variables that describe the offender, such as age, race, citizenship, as well as variables that describe the sentences and expected prison terms. The data file contains original variables from the Bureau of Prisons' SENTRY database, as well as "SAF" variables that denote subsets of the data. These SAF variables are related to statistics reported in the Compendium of Federal Justice Statistics, Tables 7.9-7.16. Variables containing identifying information (e.g., name, Social Security Number) were replaced with blanks, and the day portions of date fields were also sanitized in order to protect the identities of individuals. These data are part of a series designed by the Urban Institute (Washington, DC) and the Bureau of Justice Statistics. Data and documentation were prepared by the Urban Institute.

Federal Justice Statistics Program: Offenders Admitted to Prison, 2011

The data contain records of sentenced offenders committed to the custody of the Bureau of Prisons (BOP) during fiscal year 2011. The data include commitments of United States District Court, violators of conditions of release (e.g., parole, probation, or supervised release violators), offenders convicted in other courts (e.g., military or District of Columbia courts), and persons admitted to prison as material witnesses or for purposes of treatment, examination, or transfer to another authority. These data include variables that describe the offender, such as age, race, citizenship, as well as variables that describe the sentences and expected prison terms. The data file contains original variables from the Bureau of Prisons' SENTRY database, as well as "SAF" variables that denote subsets of the data. These SAF variables are related to statistics reported in the Compendium of Federal Justice Statistics, Tables 7.9-7.16. Variables containing identifying information (e.g., name, Social Security Number) were replaced with blanks, and the day portions of date fields were also sanitized in order to protect the identities of individuals. These data are part of a series designed by the Urban Institute (Washington, DC) and the Bureau of Justice Statistics. Data and documentation were prepared by the Urban Institute.

Federal Justice Statistics Program: Defendants in Federal Criminal Cases in District Court -- Terminated, 2011

The data contain records of defendants in criminal cases terminated in United States District Court during fiscal year 2011. The data were constructed from the Administrative Office of the United States District Courts' (AOUSC) criminal file. Defendants in criminal cases may be either individuals or corporations. There is one record for each defendant in each case filed. Included in the records are data from court proceedings and offense codes for up to five offenses charged at the time the case was filed. (The most serious charge at termination may differ from the most serious charge at case filing, due to plea bargaining or action of the judge or jury.) In a case with

multiple charges against the defendant, a "most serious" offense charge is determined by a hierarchy of offenses based on statutory maximum penalties associated with the charges. The data file contains variables from the original AOUSC files as well as additional analysis variables, or "SAF" variables, that denote subsets of the data. These SAF variables are related to statistics reported in the Compendium of Federal Justice Statistics, Tables 4.1-4.5 and 5.1-5.6. Variables containing identifying information (e.g., name, Social Security number) were replaced with blanks, and the day portions of date fields were also sanitized in order to protect the identities of individuals. These data are part of a series designed by the Urban Institute (Washington, DC) and the Bureau of Justice Statistics. Data and documentation were prepared by the Urban Institute.

Federal Justice Statistics Program: Defendants in Federal Criminal Cases in District Court -- Pending, 2011

The data contain records of defendants in criminal cases filed in United States District Court before or during fiscal year 2011 and still pending as of year-end. The data were constructed from the Administrative Office of the United States District Courts' (AOUSC) criminal file. Defendants in criminal cases may be either individuals or corporations. There is one record for each defendant in each case filed. Included in the records are data from court proceedings and offense codes for up to five offenses charged at the time the case was filed. (The most serious charge at termination may differ from the most serious charge at case filing, due to plea bargaining or action of the judge or jury.) In a case with multiple charges against the defendant, a "most serious" offense charge is determined by a hierarchy of offenses based on statutory maximum penalties associated with the charges. The data file contains variables from the original AOUSC files as well as additional analysis variables, or "SAF" variables, that denote subsets of the data. These SAF variables are related to statistics reported in the Compendium of Federal Justice Statistics, Tables 4.1-4.5 and 5.1-5.6. Variables containing identifying information (e.g., name, Social Security number) were replaced with blanks, and the day portions of date fields were also sanitized in order to protect the identities of individuals. These data are part of a series designed by the Urban Institute (Washington, DC) and the Bureau of Justice Statistics. Data and documentation were prepared by the Urban Institute.

Federal Justice Statistics Program: Defendants in Federal Criminal Cases Filed in District Court, 2011

The data contain records of defendants in criminal cases filed in United States District Court during fiscal year 2011. The data were constructed from the Administrative Office of the United States District Courts' (AOUSC) criminal file. Defendants in criminal cases may be either individuals or corporations. There is one record for each defendant in each case filed. Included in the records are data from court proceedings and offense codes for up to five offenses charged at the time the case was filed. (The most serious charge at termination may differ from the most serious charge at case filing, due to plea bargaining or action of the judge or jury.) In a case with multiple charges against the defendant, a "most serious" offense charge is determined by a hierarchy of offenses based on statutory maximum penalties associated with the charges. The data file contains variables from the original AOUSC files as well as additional analysis variables, or "SAF" variables, that denote subsets of the data. These SAF variables are related to statistics reported in the Compendium of Federal Justice Statistics, Tables 4.1-4.5 and 5.1-5.6. Variables containing information (e.g., name, Social Security number) were replaced with

blanks, and the day portions of date fields were also sanitized in order to protect the identities of individuals. These data are part of a series designed by the Urban Institute (Washington, DC) and the Bureau of Justice Statistics. Data and documentation were prepared by the Urban Institute.

Federal Justice Statistics Program: Arrests and Bookings for Federal Offenses, 2011

The data contain records of arrests and bookings for federal offenses in the United States during fiscal year 2011. The data were constructed from the United States Marshals Service (USMS) Prisoner Tracking System database. Records include arrests made by federal law enforcement agencies (including the USMS), state and local agencies, and self-surrenders. Offenders arrested for federal offenses are transferred to the custody of the USMS for processing, transportation, and detention. The Prisoner Tracking System contains data on all offenders within the custody of the USMS. The data file contains variables from the original USMS files as well as additional analysis variables, or "SAF" variables, that denote subsets of the data. These SAF variables are related to statistics reported in the Compendium of Federal Justice Statistics, Tables 1.1-1.3. Variables containing identifying information (e.g., name, Social Security Number) were replaced with blanks, and the day portions of date fields were also sanitized in order to protect the identities of individuals. These data are part of a series designed by the Urban Institute (Washington, DC) and the Bureau of Justice Statistics. Data and documentation were prepared by the Urban Institute.

From: Wroblewski, Jonathan (OLP)
Subject: RE: Privacy Forum - Surveillance Technologies Panel - RESCHEDULED for October 25
To: Douglass, Sean (OLP); Bressler, Steven (OLP)
Cc: Michalic, Mark (ODAG)
Sent: September 22, 2016 3:28 PM (UTC-04:00)

[No objection from here.](#)

-JJW

From: Douglass, Sean (OLP)
Sent: Thursday, September 22, 2016 3:13 PM
To: Bressler, Steven (OLP); Wroblewski, Jonathan (OLP)
Cc: Michalic, Mark (ODAG)
Subject: FW: Privacy Forum - Surveillance Technologies Panel - RESCHEDULED for October 25

FYI. If there's no objection, I plan to tell OPCL that I'm happy to help, but it'll be good for us to get on the same page regarding what we want to say about UAS.

Best,

Sean

From: Young, Brian A. (OPCL)
Sent: Thursday, September 22, 2016 3:04 PM
To: Quinn, Maura F. (DEA); Bordley, Ed (USMS); O'Shea, Michael; Douglass, Sean (OLP)
Cc: Winn, Peter A. (OPCL); Lane Scott, Kristi Z (OPCL)
Subject: Privacy Forum - Surveillance Technologies Panel - RESCHEDULED for October 25

Hi Maura, Ed, Michael, and Sean.

I hope you all will be able to join us on **Tuesday, October 25**, as we (OPCL and Chief Privacy and Civil Liberties Officer Erika Brown Lee) try again to have the privacy forum for which we had prepared in January, but that we had to cancel due to the blizzard.

Sean, Shimica had been our OLP UAS panelist. But since you've so ably taken over for her leading the UAS working group for OLP, we hope you can join us on the panel *Surveillance Technologies: UAS and Cell Site Simulators*. For general information on the topic, please see the email below.

Maura, Ed, and Michael, I'm hoping that since we had already basically prepared what you would talk about, this should not be a huge lift for you.

So please let me know if you can participate on this panel on Tuesday, October 25. The panel will likely be from about 11am-noon; and the forum will run from about 9:00am-3:45pm. The DAG will speak at some point during the day.

Thanks, and hope to talk to you all soon.

-Brian

Brian A. Young
Senior Counsel
Office of Privacy and Civil Liberties (OPCL)
U.S. Department of Justice

(b) (6) (office)

(b) (6) (mobile)

(202) 307-0693 (fax)

SECRET: (b) (6)

TS: (b) (6)

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From: Young, Brian A. (OPCL)

Sent: Wednesday, January 20, 2016 12:56 PM

To: Gaskins, Shimica (OLP); Quinn, Maura F. (DEA); Bordley, Ed (USMS); O'Shea, Michael

Cc: Lane Scott, Kristi Z (OPCL); Harp, Jennifer C. (OPCL); Proia, Andrew (OPCL)

Subject: Privacy Forum - Surveillance Technologies Panel - Scheduling a Planning Call

Importance: High

Hi Shimica, Maura, Ed, and Michael.

Thank you for agreeing to serve as a panelist at the DOJ Privacy Forum on Tuesday, January 26th. We have received confirmation from all four of you.

I'm hoping the Surveillance Technologies panel will provide our privacy POCs with interesting and helpful information, and generate some discussion among the panelists and audience regarding relevant privacy issues that have arisen or may arise in the future. All discussion will be UNCLASSIFIED.

I have attached the Forum's draft agenda.

<< File: 2016 DOJ Privacy Forum Agenda (1-7-16 Draft).docx >>

Our panel is currently scheduled from 11:00am-12:00pm. I would like to hear your thoughts on what you would like to address. You may know a great deal about both UAS and cell site simulators; or you may know more about one than the other. Please feel free to let me know what kinds of things you'd like to address, and not address. Here are my preliminary thoughts on what each panelist can talk about in their initial statements (maybe about 8-10 minutes each):

- Brian: Introduction of panel topics and panelists' bios, and OPCL's role with these issues;
- Shimica: Introduction of UAS and cell-site simulators issues—How it came to pass that we now have special DOJ policies for these two tools, generally what those policies say, and how the policies seek to protect privacy and civil liberties;
- Maura: (b)(5) per DEA
[REDACTED]
[REDACTED]
[REDACTED]
- Ed: USMS history of use of UAS and cell site simulators and relevant past privacy issues with these tools at USMS; USMS involvement (if any) in the construction of the UAS and cell site simulators policies; how USMS has changed their use of these tools since implementation of these policies; and current and foreseeable privacy issues for USMS use of these tools;
- Michael: History of OJP's work with state and locals' on the use of UAS and cell site simulators and relevant past privacy issues; OJP and state and locals' involvement (if any) in the construction of the UAS and cell site simulators policies; how OJP and state and locals have changed their training and/or use of these tools since implementation of these policies, including whether OJP has used Global to provide guidance to State/Locals; current and foreseeable privacy issues for OJP and state and locals in the use of these tools.

After initial statements, we can have some Q&A with me and/or the audience asking questions. If you'd like me to ask you, or not ask you, particular questions, please let me know that too.

BIOS: If you could all send me a bio that you would like me to use for this panel, maybe between 2 and 4 sentences, that would be great.

PLANNING CALL: I'd like to schedule a planning call with all of you for **tomorrow** so we can finalize what you plan to talk about and how you'd like this panel to go. As a last resort, if we can't schedule the call for tomorrow, I'm hoping you will be able to take home whatever materials you will need so we can schedule a call for the next day, Snowmageddon-Friday. Would you all please send me the times you could be on a call for tomorrow and Friday? After I receive responses from all of you, hoping we all match up schedules sometime, I'll get back to you all ASAP.

Thanks again. I will talk to you soon.
-Brian

Brian A. Young
Senior Counsel (Detailee from Federal Bureau of Investigation)
Office of Privacy and Civil Liberties (OPCL)
U.S. Department of Justice
(b) (6) (office)
(b) (6) (mobile)
(202) 307-0693 (fax)

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From: Bressler, Steven (OLP)
Subject: RE: Privacy Forum - Surveillance Technologies Panel - RESCHEDULED for October 25
To: Douglass, Sean (OLP)
Cc: Wroblewski, Jonathan (OLP)
Sent: September 22, 2016 4:45 PM (UTC-04:00)

Sean, as you may know, Shannon had the end of the cell site simulators policy formulation project here. She did not work on the earlier stages, and so our institutional memory is a little bit thin. But I think she can give you a general idea of what took place.

Obviously you need no tutoring on UAS!

From: Douglass, Sean (OLP)
Sent: Thursday, September 22, 2016 3:13 PM
To: Bressler, Steven (OLP); Wroblewski, Jonathan (OLP)
Cc: Michalic, Mark (ODAG)
Subject: FW: Privacy Forum - Surveillance Technologies Panel - RESCHEDULED for October 25

Duplicative Information - See Document ID 0.7.12327.6073



From: Young, Brian A. (OPCL)
Subject: RE: Privacy Forum - Surveillance Technologies Panel - RESCHEDULED for October 25
To: Quinn, Maura F. (DEA); Bordley, Ed (USMS); O'Shea, Michael; Douglass, Sean (OLP)
Cc: Winn, Peter A. (OPCL); Lane Scott, Kristi Z (OPCL)
Sent: September 27, 2016 4:07 PM (UTC-04:00)
Hi all.

I haven't heard back from any of you. So I figured I'd try again. I really hope you can join our panel on October 25. But if you can't, that's fine. It would really help if you could just let me know if you can think of anyone else who could take your place.

Thanks,
Brian

Brian A. Young
Senior Counsel
Office of Privacy and Civil Liberties (OPCL)
U.S. Department of Justice

(b) (6) (office)

(b) (6) (mobile)

(202) 307-0693 (fax)

SECRET: (b) (6)

TS: (b) (6)

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From: Young, Brian A. (OPCL)
Sent: Thursday, September 22, 2016 3:04 PM
To: Quinn, Maura F. (DEA); Bordley, Ed (USMS); O'Shea, Michael; Douglass, Sean (OLP)
Cc: Winn, Peter A. (OPCL); Lane Scott, Kristi Z (OPCL)
Subject: Privacy Forum - Surveillance Technologies Panel - RESCHEDULED for October 25

Duplicative Information - See Document ID 0.7.12327.6073

From: Young, Brian A. (OPCL)
Subject: RE: Privacy Forum - Surveillance Technologies Panel - RESCHEDULED for October 25
To: Douglass, Sean (OLP)
Sent: September 27, 2016 4:25 PM (UTC-04:00)
Great! Thanks so much, Sean.

Yes, I'll be in touch.

-Brian

Brian A. Young
Senior Counsel
Office of Privacy and Civil Liberties (OPCL)
U.S. Department of Justice

(b) (6) (office)

(b) (6) (mobile)

(202) 307-0693 (fax)

SECRET: (b) (6)

TS: (b) (6)

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From: Douglass, Sean (OLP)
Sent: Tuesday, September 27, 2016 4:24 PM
To: Young, Brian A. (OPCL)
Cc: Winn, Peter A. (OPCL); Lane Scott, Kristi Z (OPCL); Quinn, Maura F. (DEA); Bordley, Ed (USMS); O'Shea, Michael
Subject: RE: Privacy Forum - Surveillance Technologies Panel - RESCHEDULED for October 25

Hi Brian,

Thanks for the invitation. I am happy to join the panel on October 25, and look forward to being in touch.

Best,

Sean

From: Young, Brian A. (OPCL)
Sent: Tuesday, September 27, 2016 4:07 PM
To: Quinn, Maura F. (DEA); Bordley, Ed (USMS); O'Shea, Michael; Douglass, Sean (OLP)

Cc: Winn, Peter A. (OPCL); Lane Scott, Kristi Z (OPCL)

Subject: RE: Privacy Forum - Surveillance Technologies Panel - RESCHEDULED for October 25

Duplicative Information - See Document ID 0.7.12327.57461



From: O'Shea, Michael
Subject: Re: Privacy Forum - Surveillance Technologies Panel - RESCHEDULED for October 25
To: Young, Brian A. (OPCL)
Sent: September 27, 2016 5:37 PM (UTC-04:00)

Brian,

It should not be an issue on my end.

Take care,

Mike

Michael K. O'Shea
Senior Law Enforcement Program Manager
US Department of Justice/OJP/NIJ
Office of Science and Technology
(b) (6)

Sent from my iPhone

On Sep 27, 2016, at 16:07, Young, Brian A. (OPCL) <(b) (6)> wrote:

Duplicative Information - See Document ID 0.7.12327.57461

From: Young, Brian A. (OPCL)
Subject: RE: Privacy Forum - Surveillance Technologies Panel - RESCHEDULED for October 25
To: Quinn, Maura F. (DEA); Gleason, Robert (Chris) (DEA)
Sent: September 28, 2016 8:26 AM (UTC-04:00)

Thanks Maura. Congratulations to you! Hope you like your new position.

Chris, thanks for your help on this. Any thoughts on who I might contact to take over Maura's spot on this panel? If it would be easier for me to give you a call (or you to call me), please let me know.

-Brian

Brian A. Young
Senior Counsel
Office of Privacy and Civil Liberties (OPCL)
U.S. Department of Justice
(b) (6) (office)
(b) (6) (mobile)
(202) 307-0693 (fax)
SECRET: (b) (6)
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From: Quinn, Maura F. [mailto:(b)(6), (b)(7)(C) per DEA]
Sent: Tuesday, September 27, 2016 4:29 PM
To: Young, Brian A. (OPCL)
Cc: Gleason, Robert (Chris) (DEA)
Subject: RE: Privacy Forum - Surveillance Technologies Panel - RESCHEDULED for October 25

Hi Brian,

I have moved on to a different position in DEA. Chris Gleason will be able to help you find a replacement for me.
Thanks, Maura

From: Young, Brian A. (OPCL) (JMD)
Sent: Tuesday, September 27, 2016 4:07 PM
To: Quinn, Maura F.; Bordley, Ed (USMS); O'Shea, Michael (OJP); Douglass, Sean (OLP) (JMD)
Cc: Winn, Peter A. (OPCL) (JMD); Lane Scott, Kristi Z (OPCL) (JMD)
Subject: RE: Privacy Forum - Surveillance Technologies Panel - RESCHEDULED for October 25

Duplicative Information - See Document ID 0.7.12327.57461