

BRENNAN
CENTER
FOR JUSTICE

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December 23, 2014

Via Certified Mail and E-Mail

Dorothy Lee
Office of Justice Programs
Office of the General Counsel
Attention: FOIA Staff
810 7th St., NW
Room 5400
Washington, DC 20531

Re: Freedom of Information Act Request

Dear Ms. Lee:

This is a Freedom of Information Act (FOIA) request on behalf of the Brennan Center for Justice at NYU School of Law.

The Brennan Center seeks copies of the successful grant applications submitted by entities in three states - California, Massachusetts, and Minnesota – to the Edward Byrne Memorial Justice Assistance Grant (JAG) Program, administered by the Office of Justice Programs (OJP), for Fiscal Year (FY) 2014. In addition, the Brennan Center requests all supporting documentation and any communications between OJP and California, Massachusetts, or Minnesota regarding modifications to their FY 2014 applications.

Specifically, the Brennan Center hereby requests the following records:

1. The successful grant application submitted by the California Board of State and Community Corrections for federal funding from the JAG Program for FY 2014 (Catalog of Federal Domestic Assistance (CFDA) Number 16.738).

- a. The California Board of State and Community Corrections applied for federal funding through the JAG Program for FY 2014.¹ OJP approved the application and awarded \$19,301,034 under award number 2014-DJ-BX-1221. The Brennan Center requests a copy of the successful grant application, including all supporting documentation. The Brennan Center also requests any communications between OJP and California regarding modifications to the state's FY 2014 application.
2. Successful grant applications submitted by entities in Massachusetts for federal funding from the JAG Program for FY 2014 (CFDA No. 16.738).
 - a. The Massachusetts Executive Office of Public Safety applied for federal funding through the JAG Program for FY 2014.² OJP approved the application and awarded \$3,898,445 under award number 2014-DJ-BX-1152. The Brennan Center requests a copy of the successful grant application, including all supporting documentation. The Brennan Center also requests any communications between OJP and Massachusetts regarding modifications to the state's FY 2014 application.
 - b. The City of Boston applied for federal funding through the JAG Program for FY 2014.³ OJP approved the application and awarded \$492,334 under award number 2014-DJ-BX-0711. The Brennan Center requests a copy of the successful grant application, including all supporting documentation. The Brennan Center also requests any communications between OJP and Massachusetts regarding modifications to the state's FY 2014 application.
3. Successful grant applications submitted by entities in Minnesota for federal funding from the JAG Program for FY 2014 (CFDA No. 16.738).
 - a. The Minnesota Department of Public Safety applied for federal funding through the JAG Program for FY 2014.⁴ OJP approved the application and awarded \$2,860,098 under award number 2014-DJ-BX-1150. The Brennan Center requests a copy of the successful grant application, including all supporting documentation. The Brennan Center also requests any

¹BUREAU OF JUSTICE ASSISTANCE, 2014 CALIFORNIA JAG PROGRAM (2014), *available at* <http://grants.ojp.usdoj.gov:85/SelectorServer/awards/pdf/award/2014-DJ-BX-1221/2014-H3253-CA-DJ/2014>.

²BUREAU OF JUSTICE ASSISTANCE, EDWARD J. BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM IN THE COMMONWEALTH OF MASSACHUSETTS (2014), *available at* <http://grants.ojp.usdoj.gov:85/SelectorServer/awards/pdf/award/2014-DJ-BX-1152/2014-H2859-MA-DJ/2014>.

³BUREAU OF JUSTICE ASSISTANCE, FY14 JUSTICE ASSISTANCE GRANT (JAG) (2014), *available at* <http://grants.ojp.usdoj.gov:85/SelectorServer/awards/pdf/award/2014-DJ-BX-0711/2014-H3656-MA-DJ/2014>.

⁴BUREAU OF JUSTICE ASSISTANCE, 2014 MINNESOTA JAG STATE FORMULA GRANT (2014), *available at* <http://grants.ojp.usdoj.gov:85/SelectorServer/awards/pdf/award/2014-DJ-BX-1150/2014-H2854-MN-DJ/2014>.

communications between OJP and Minnesota regarding modifications to the state's FY 2014 application.

- b. The City of Minneapolis applied for federal funding through the JAG Program for FY 2014.⁵ OJP approved the application and awarded \$100,000 under award number 2014-AJ-BX-0003. The Brennan Center requests a copy of the successful grant application, including all supporting documentation. The Brennan Center also requests any communications between OJP and Minnesota regarding modifications to the state's FY 2014 application.

Fees

The Brennan Center is exempt from search and review fees as a noncommercial scientific institution, an educational institution, and a representative of the news media. 28 C.F.R. § 16.11(c)-(d). The Brennan Center is a non-profit, non-partisan public policy and law institute at the NYU School of Law that conducts research and disseminates to the public information about issues affecting justice and democracy. It is engaged in social science research and therefore meets the definition of a noncommercial scientific institution entitled to a waiver of search and review fees. In addition, the Brennan Center's affiliation with NYU Law School (which is plainly an educational institution) means that the Center is exempt from review or search charges. Finally, the Brennan Center qualifies for a waiver as a representative of the news media under 5 U.S.C. § 552(a)(4)(A)(ii)(II) based on its track record of publishing reports and papers, including nine this year alone.

In addition, as a noncommercial requester acting in the public interest, the Brennan Center is eligible for a waiver of duplication fees, or at the very least, a reduction of these fees under § 552(a)(4)(A)(ii)(II). For the same reason, we are entitled to the first 100 duplicated pages free of charge, 28 C.F.R. § 16.11(d)(3)(i), and to a waiver or reduction of any remaining duplication costs under 28 C.F.R. § 16.11(k).

Expedited Processing

Please provide expedited processing pursuant to 28 C.F.R. § 16.5(d)(1). The criteria for expedited processing are satisfied because there is an "urgency to inform the public about an actual or alleged federal government activity," *id.* § 16.5(d)(1)(ii), and the Brennan Center is primarily involved in disseminating information to the public. In this case, the grant programs identified above provide funding for state and local law enforcement to prevent acts of domestic terrorism by using a "countering violent extremism" approach, which continues to be a subject of national importance and debate.⁶

⁵BUREAU OF JUSTICE ASSISTANCE, MINNEAPOLIS FY 14 BYRNE CRIMINAL JUSTICE INNOVATION PROGRAM: PLANNING (2014), available at <http://grants.ojp.usdoj.gov:85/SelectorServer/awards/pdf/award/2014-AJ-BX-0003/2014-H2311-MN-BJ/2014>.

⁶ See, e.g., Press Release, Department of Justice, Attorney General Holder Announces Pilot Program to Counter Violent Extremists (Sept. 15, 2014), available at <http://www.justice.gov/opa/pr/attorney-general-holder-announces-pilot-program-counter-violent-extremists>.

Response Requested in 10 days

Your attention to this request is appreciated, and I will anticipate your determination of our request within ten (10) calendar days pursuant to 28 C.F.R. 16.5(d)(4). Should you have any questions regarding this request, please contact me at your earliest convenience via e-mail at michael.price@nyu.edu or by telephone at (646) 292-8335.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Price', with a long horizontal flourish extending to the right.

Michael Price
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New York, NY 10013
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