

BRENNAN
CENTER
FOR JUSTICE

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at New York University School of Law

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May 18, 2016

Via Certified Mail and E-Mail

Federal Bureau of Investigation
Attn: FOI/PA Request
Record/Information Dissemination Section
170 Marcel Drive
Winchester, VA 22602-4843

Re: Freedom of Information Act Request

To Whom It May Concern:

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 updated and current policy directives and policy implementation guides pertaining to the FBI's community outreach programs.

In an earlier FOIA request, the Brennan Center obtained a 2013 corporate policy directive and policy implementation guide titled "Community Outreach in Field Offices." The directive's date of publication was March 4, 2013, and was scheduled to be reviewed on March 4, 2016.¹ A courtesy copy of the directive's title page is attached.

The Brennan Center therefore specifically requests:

¹ See attachment at 1.

1. A copy of the above-mentioned 2016 updated and/or reviewed policy directive and/or policy implementation guide regarding guidelines for community engagement or community outreach.
2. Any similar policy directives issued between 2013 and the present.

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, 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 over twenty-five this year alone.

Finally, 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 policy directive identified above relates to programs whose improper functioning would place an undue burden on the civil liberties of law-abiding citizens. This matter has been an ongoing issue of national importance and debate for several years.²

² Danielle Jefferis, *The FBI Wants Schools to Spy on Students' Thoughts*, JUST SECURITY (Mar. 11, 2016), <https://www.justsecurity.org/29901/fbi-schools-spy-students-thoughts/>; Cora Currier, *Spies Among Us: How Community Outreach Programs To Muslims Blur Lines Between Outreach and Intelligence*, INTERCEPT (Jan. 21, 2015), <https://firstlook.org/theintercept/2015/01/21/spies-among-us-community-outreach-programs-muslims-blur-lines-outreach-intelligence/>.

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 by email at [REDACTED] or by phone at (646) 292-8335.

Sincerely,



Michael Price
Counsel, Liberty & National Security Program
Brennan Center for Justice
161 Avenue of the Americas, 12th Floor
New York, NY 10013

[REDACTED]
[REDACTED]