



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

November 17, 2021

VIA EMAIL: usms.foia@usdoj.gov

Charlotte M. Luckstone
FOIA/PA Officer
Office of General Counsel, CG-3, 15th Floor
Washington, DC 20530-0001

Re: Freedom of Information Act Request

Dear FOIA Officer:

Citizens for Responsibility and Ethics in Washington (“CREW”) submits this request for records pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and U.S. Department of Justice (“DOJ”) regulations

Specifically, CREW requests the following records relating to the Rutherford County Juvenile Detention Center in Rutherford County, Tennessee (“RCJDC”) from April 14th, 2016 to the date this request is processed::

1. All contracts or agreements between the US Marshals Service (“USMS”) and RCJDC, including but not limited to any documents reflecting the terms and conditions of USMS’s engagement with RCJDC for official agency business..
2. Records sufficient to identify the total amount of federal funds paid by USMS or DOJ to RCJDC.
3. All records reflecting any analysis, determination, consideration, complaints, tips, allegations, or inquiries relating to RCJDC’s compliance with federal laws, rules, directives, regulations, or standards concerning the detention of juveniles.
4. All communications with or relating to Judge Donna Scott Davenport, including but not limited to any complaints, tips, inquiries, or allegations relating to Judge Davenport.

The above request excludes agency records consisting solely of news articles, press clippings, and other publicly-available material, so long as the records include no accompanying discussion by agency officials.

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Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, and anyone who was cc'ed or bcc'ed on any emails.

If it is your position any portion of the requested records is exempt from disclosure, CREW requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. See 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. See *Mead Data Central v. U.S. Dep't of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

Please be advised that CREW intends to pursue all legal remedies to enforce its rights under FOIA. Accordingly, because litigation is reasonably foreseeable, the agency should institute an agency wide preservation hold on all documents potentially responsive to this request.

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A) and agency regulations, CREW requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures likely will contribute to a better understanding of relevant government procedures by CREW and the general public in a significant way. See *id.* § 552(a)(4)(A)(iii). Moreover, the request primarily and fundamentally is for non-commercial purposes. See, e.g., *McClellan Ecological v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

Your cooperation in this matter is greatly appreciated and in the spirit of improving the trust and confidence of the public in its law enforcement agencies. The Rutherford County Juvenile Detention Center has recently been the focus of deserved scrutiny, owing to their repeated cruel and unusual incarceration of juveniles for crimes that do not exist under federal or local statute. On October 8, 2021, ProPublica reported that Rutherford County's Juvenile Detention Center has been jailing minors as young as 8 years old for offenses such as in a gross for profit scheme orchestrated by Judge Donna Davenport. Within the report, it's stated that the United States Marshals Service currently has a contract with the detention center. An institution such as this, which places children in solitary confinement for periods no shorter than 12 hours and as long as indefinitely, has no place in society let alone profiting from taxpayers through federal contracts. Your transparency and accountability in this matter is of substantial interest to the American public.

CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public's right to be aware of the activities of government officials, to ensuring the integrity of those officials, and to

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highlighting and working to reduce the influence of money on politics. CREW uses a combination of research, litigation, and advocacy to advance its mission. CREW intends to¹analyze the information responsive to this request and to share its analysis with the public through reports, press releases, or other means. In addition, CREW will disseminate any documents it acquires from this request to the public through its website, www.citizensforethics.org. The release of information obtained through this request is not in CREW's financial interest.

CREW further requests that it not be charged search or review fees for this request pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) because CREW qualifies as a member of the news media. See *Nat'l Sec. Archive v. U.S. Dep't of Defense*, 880 F.2d 1381, 1386 (D.C. Cir. 1989) (holding non-profit a "representative of the news media" and broadly interpreting the term to include "any person or organization which regularly publishes or disseminates information to the public").

CREW routinely disseminates information obtained through FOIA to the public in several ways. For example, CREW's website receives hundreds of thousands of page views every month. The website includes blogposts that report on and analyze newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. These reports frequently rely on government records obtained through FOIA. CREW also posts the documents it obtains through FOIA on its website.

Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

Conclusion

If you have any questions about this request or foresee any problems in fully releasing the requested records, please contact me at (202) 408-5565 or foia@citizensforethics.org. Also, if CREW's request for a fee waiver is denied, please contact our office immediately upon making such a determination.

Where possible, please produce records in electronic format. Please send the requested records to me at either foia@citizensforethics.org or Tosin Akintola, Citizens for Responsibility and Ethics in Washington, 1331 F St. NW, Suite 900, Washington, D.C. 20004.

Sincerely,

Tosin Akintola
Senior Communications Associate

¹ Armstrong, K. A., & Knight, M. (2021, October 8). Black children were jailed for a crime that doesn't exist. almost nothing happened to the adults in charge. ProPublica. Retrieved November 17, 2021, from <https://www.propublica.org/article/black-children-were-jailed-for-a-crime-that-doesnt-exist>.