



U.S. Department of Justice
Office of Information Policy
441 G Street, NW
Sixth Floor
Washington, DC 20530

Telephone: (202) 514-3642

May 21, 2021

Anne Weismann
CREW
1101 K Street NW, Suite 201
Washington, DC 20005
aweismann@citizensforethics.org

Re: FOIA-2020-01705
No. 20-cv-2553 (DDC)
VRB:TAZ:BRV

Dear Anne Weismann:

This is our first interim response to your Freedom of Information Act (FOIA) request dated and received in this Office on July 23, 2020, in which you are seeking records pertaining to (1) deployment of federal law enforcement personnel to the ongoing protests over racial justice in Portland, Oregon; Chicago, Illinois; Albuquerque, New Mexico; Baltimore, Maryland; Detroit, Michigan; Kansas City, Missouri; New York City, New York; Oakland, California; and Philadelphia, Pennsylvania; and (2) policies to which law enforcement officers under the auspices of the Department of Justice are bound governing the treatment of protesters in the named cities, dating from June 2, 2020.

Please be advised that searches have been conducted in the Offices of the Attorney General, Deputy Attorney General, Associate Attorney General, and Public Affairs, and records responsive to your request were located. At this time, 270 pages containing records responsive to your request have been processed. I have determined that eleven pages are appropriate for release with withholdings made pursuant to Exemptions 5, 7(E), and 7(F) of the FOIA, 5 U.S.C. § 552(b)(5), (b)(7)(E), and (b)(7)(F). Copies of this material is enclosed. Exemption 5 pertains to certain inter- and intra-agency communications protected by the deliberative process privilege. Exemption 7(E) pertains to records or information compiled for law enforcement purposes, the release of which would disclose certain techniques or procedures for law enforcement investigations or prosecutions. Exemption 7(F) pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to endanger the life or personal safety of an individual. Twelve pages are entirely duplicative of the material contained within the eleven pages provided to you today and, as such, will not be provided to you again. An additional sixty-eight pages originated with another Department component and Executive Branch agency and OIP has referred that material to that component and agency for processing and direct response to you. Specifically, sixty-three pages have been referred to the Federal Bureau of Investigation (FBI) and five pages have been referred to the National Guard Bureau. Finally, I have determined that 179 pages are not responsive to your request.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2018). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you have any questions regarding this response, please contact John Truong of the United States Attorney's Office for the District of Columbia at 202-252-2524.

Sincerely,

A handwritten signature in blue ink, appearing to read 'V-R-B' followed by a horizontal flourish.

Vanessa Brinkmann
Senior Counsel

Enclosures

Timmons, Mollie R. (PAO)

From: Timmons, Mollie R. (PAO)
Sent: Wednesday, June 3, 2020 11:18 PM
To: Lloyd, Matt (PAO)
Subject: FW: Info for Press Conference
Attachments: Component Response for AG & LEC Press Conference 6.3.20.docx

From: Timmons, Mollie R. (PAO)
Sent: Wednesday, June 3, 2020 10:15 PM
To: Kupec, Kerri (OPA) <kkupec@jmd.usdoj.gov>
Subject: Info for Press Conference

Two notes:

- (b) (5) [REDACTED]
- Components responded to some potential questions, those are included in their sections. Wyn and Nicole drafted some responses to questions, those are at the very bottom. Specific ones that need clearance are marked with **

Mollie Timmons
Office of Public Affairs
U.S. Department of Justice
(202) 305-1920

Press Conference Prep Document

CRT

Re George Floyd Case:

- (b) (5) [REDACTED]
- [REDACTED]

Consent decrees

- “The Department considers a number of factors in determining the appropriate remedy to resolve a pattern or practice of constitutional violations by a law enforcement agency. It is the mission of the Justice Department to ‘ensure public safety,’ and we will continue to encourage the proven, Constitutional, and proactive policing required to keep American neighborhoods safe from violent crime.”
- Regarding AG Sessions memo (11/2018 (b) (5) [REDACTED]

(b) (5) The memo lays out clear guidelines designed to maintain consistency throughout all of the Department's civil litigating divisions that will create, enter into, and oversee consent decrees in the future with governmental entities, in order to both enforce federal law and respect federalism and local accountability. The memo does not change the terms of any existing consent decree and existing consent decrees are not any less binding."

Police Department Consent decrees:

Active:

1. Albuquerque, NM we have joined the City's motion to dismiss about ¾ of this Consent Decree
2. Baltimore, MD *The consent decree was lodged with the court in the Obama Administration and entered by the court in this Administration.*
3. Cleveland, OH
4. Ferguson, MO
5. Los Angeles County, CA
6. Meridian, MS *A joint motion to terminate the consent decree is pending with the court.*
7. Newark, NJ
8. New Orleans, LA
9. Portland, OR
10. Puerto Rico
11. Seattle, WA A joint motion to terminate 95% of this Decree was lodged with the Court on May 7.
12. Virgin Islands

Terminated (achieved compliance):

13. East Haven, CT *The consent decree terminated in this Administration.*
14. Warren, OH *The consent decree terminated in this Administration on August 12, 2019.*
15. Maricopa County, AZ *The consent decree terminated in this Administration on May 14, 2019. We are still enforcing a court order entered after contested litigation.*

The department is enforcing 17 settlements with law enforcement agencies, including 12 consent decrees, and two post-judgment orders.

- **Consent Decrees:** *Virgin Islands Police Department; Seattle (Washington) Police Department; New Orleans (Louisiana) Police Department; Puerto Rico Police Department; Portland (Oregon) Police Department; Albuquerque (New Mexico) Police Department; Los Angeles County (California) Sheriff's Department-Antelope Valley; Cleveland (Ohio) Division of Police; Meridian (Mississippi) Police Department¹¹; Ferguson (Missouri) Police Department; Newark (New Jersey) Police Department; Baltimore (Maryland) Police Department.*
- **Out-of-Court Agreements:** *Suffolk County (New York) Police Department; Miami Police Department; Yonkers (New York) Police Department; Ville Platte (Louisiana) Police Department; Evangeline Parish (Louisiana) Sheriff's Office.*
- **Post-Judgment Orders:** *Melendres v. Penzone (Maricopa County Sheriff's Office, Arizona) (United States as Intervenor); United States v. Town of Colorado City (Colorado City Marshall's Office, Arizona).*

The department currently has three open investigations.

- **Ongoing Investigations:** *Orange County (California) District Attorney's Office; Orange County (California) Sheriff's Department; Springfield (Massachusetts) Police Department.*

The department does not always find constitutional violations. In the past eight years, the department has concluded five investigations of law enforcement agencies without finding constitutional violations.

- *Escambia County (Florida) Sheriff's Office; Lorain (Ohio) Police Department; Harvey (Illinois) Police Department; Schenectady (New York) Police Department; Inglewood (California) Police Department.*

Pattern and Practice

In this Administration, we've opened one pattern or practice investigation -- the Narcotics Unit in the Springfield (MA) PD.

We've entered two out-of-court settlements -- Evangeline Parish, LA and Ville Platte, LA. None of the consent decrees were initiated in this Administration.

What CRT has said publically about pattern and practice post-George Floyd:

[Tessa Berenson \(6-3-20\)](#)

[@tberenson](#)

NEW: DOJ official tells me the Department isn't ruling out opening a pattern-or-practice investigation in Minneapolis. But official says criminal case against officer Chauvin needs to play out first. For now it's "premature" to "reflexively" call for pattern-or-practice

DOJ official says the underlying criminal conduct at issue needs to be addressed first while DOJ evaluates whether to open a pattern-or-practice

Potential Q&A: Civil Rights Enforcement (b) (5)

(b) (5)

(b) (5)

(b) (5)

ATF

- At the request of the Attorney General, ATF has deployed resources and is supporting our local, state, and federal law enforcement partners to uphold the rule of law. (b) (5), (b) (7)(E) [redacted]
- [redacted]
- ATF agents go through the Federal Law Enforcement Training Center (FLETC) and Special Agent Basic Training.

BOP

- (b) (5), (b) (7)(E), (b) (7)(F) [redacted]
- Per the request of the Attorney General, the BOP has dispatched team (b) (5), (b) (7)(E), (b) (7)(F) [redacted]
- BOP, like other federal, state, and local LEOs may be deputized under the authority granted the USMS to enforce federal criminal statutes and protect federal property and personnel.
- (b) (5), (b) (7)(E), (b) (7)(F) [redacted]

DEA

DEA agents across the country are assisting state and local partners with security during ongoing protests to protect life and property (b) (5), (b) (7)(E) [redacted]

- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]

(b) (5)

(b) (5)

USMS

- Text of the Order: “By virtue of the powers vested in me as Deputy Attorney General, including the authorities and powers described in *In re Neagle*, 135 US 1, 65 (1890), I hereby authorize the Director of the United States Marshals Service to take all reasonable and necessary actions, in response to nationwide violent unrest, to enforce federal criminal statutes and protect federal property and personnel. The Director shall, as appropriate, coordinate enforcement actions with federal, state and local law enforcement authorities charged with enforcing any related offences or, with respect to enforcement of any federal statutes, to deputize federal, state and local law enforcement officials as necessary and appropriate.”

(b) (5), (b) (7)(E)

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

Likely/Anticipated Media Questions and Answers

(b) (5)

(b) (5)

Anticipated Questions and Answers (Nicole & Wyn Drafted Some of the Responses)

(b) (5)

(b) (5)

(b) (5)

^[1] A joint motion to terminate the consent decree, filed May 23, 2019, is pending.