



Monica Potter-Johnson
Government Information Specialist
Office of Justice Programs
Department of Justice
Room 5400, 810 7th Street, N.W.
Washington, D.C. 20531
FOIAOJP@usdoj.gov

April 29, 2022

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:

1. All records from May 20, 2021 to April 29, 2022 relating to the Office of Justice Policy’s (OJP) Bureau of Justice Assistance award of grants to state and local law enforcement and prosecution agencies to investigate and prosecute hate crimes following the increase in anti-Asian violence following the onset of the COVID-19 pandemic.
2. All communications from May 20, 2021 to April 29, 2022 between DOJ and any state, local, and tribal law enforcement agencies providing guidance on how to establish online reporting for hate crimes and incidents consistent with the relevant provisions of the COVID-19 Hate Crimes Act (P.L. 117-13).

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).

On May 20, 2021, President Biden signed the COVID-19 Hate Crimes Act (“the Act”) into law.¹ The bill was designed to address the dearth of resources and training available to state and local law enforcement agencies to accurately identify and report hate crimes to federal authorities and also increase law enforcement reporting accessibility within the Asian American and Pacific Islander (AAPI) communities.² The bipartisan measure came about as violence against Asian Americans reached a crescendo in the United States following the March 16, 2021 shootings at three spas in the Atlanta, Georgia area which left 8 dead, including six Asian women.³ In furtherance of the Act’s desired goals, DOJ announced on October 28, 2021, that its Office of Justice Programs (“OJP”) would seek

¹ Barbara Sprunt, [Here’s What The New Hate Crimes Law Aims To Do As Attacks on Asian Americans Rise](https://www.npr.org/2021/05/20/998599775/biden-to-sign-the-covid-19-hate-crimes-bill-as-anti-asi-an-american-attacks-rise), *NPR*, May 20, 2021, <https://www.npr.org/2021/05/20/998599775/biden-to-sign-the-covid-19-hate-crimes-bill-as-anti-asi-an-american-attacks-rise>.

² [Fact Sheet: Biden-Harris Administration Advances Equity and Opportunity for Asian American, Native Hawaiian, and Pacific Islander Communities Across the Country](https://www.whitehouse.gov/briefing-room/statements-releases/2022/01/20/fact-sheet-biden-harris-administration-advances-equity-and-opportunity-for-asian-american-native-hawaiian-and-pacific-islander-communities-across-the-country/), *The White House*, January 20, 2022, <https://www.whitehouse.gov/briefing-room/statements-releases/2022/01/20/fact-sheet-biden-harris-administration-advances-equity-and-opportunity-for-asian-american-native-hawaiian-and-pacific-islander-communities-across-the-country/>.

³ Ruth Graham, [8 Dead in Atlanta Spa Shootings, With Fears of Anti-Asian Bias](https://www.nytimes.com/live/2021/03/17/us/shooting-atlanta-acworth/six-of-the-eight-victims-were-women-of-asian-descent?smid=url-copy), *The New York Times*, <https://www.nytimes.com/live/2021/03/17/us/shooting-atlanta-acworth/six-of-the-eight-victims-were-women-of-asian-descent?smid=url-copy>.

to award in excess of \$21 million to state and local agencies and community organizations to promote the investigation and prosecution of hate crimes, generally, and also assist hate crime victims.⁴ As of this request, OJP's Bureau of Justice Assistance has awarded in excess of \$800,000 to the Los Angeles Police Department to prevent and address anti-Asian hate crimes, though the police department has yet to accept the funding.⁵ As AAPI communities continue to face violent attacks and incidents of bias and intolerance – exacerbated further by the racist and vitriolic language of prominent elected officials in response to the COVID-19 pandemic – it is imperative that the government remain accountable to its promise to increase resources and funding to address these systemic injustices.

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 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 to analyze 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.

⁴ Justice Department Will Award More Than \$21 Million to Prevent and Respond to Hate Crimes, *The Department of Justice*, October 28, 2021, <https://www.justice.gov/opa/pr/justice-department-will-award-more-21-million-prevent-and-respond-hate-crimes#:~:text=Justice%20Department%20Will%20Award%20More%20Than%20%2421%20Million,prosecute%20hate%20crimes%20and%20assist%20hate%20crime%20victims>.

⁵ BJA FY 21 Collaborative Approaches towards Preventing and Addressing hate – Demonstration Projects, *DOJ Office of Justice Programs*, <https://data.ojp.usdoj.gov/stories/s/O-BJA-2021-11001/sn76-d29x/>.

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 liheanachor@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 liheanachor@citizensforethics.org or Laura Iheanachor, Citizens for Responsibility and Ethics in Washington, 1331 F St. NW, Suite 900, Washington, D.C. 20004.

Sincerely,

A handwritten signature in black ink, appearing to read "Laura Iheanachor", with a long horizontal flourish extending to the right.

Laura Iheanachor
Staff Counsel