

April 30, 2024

VIA FOIA STAR

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U.S Department of Justice
Office of Community Oriented Policing Services
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Re: Freedom of Information Act Request

Dear Nicole Lee:

Citizens for Responsibility and Ethics in Washington (“CREW”) makes 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. I am seeking the following information regarding grant monitoring activities conducted by the Community Oriented Policing Services (COPS), Grant Monitoring Division, from January 1, 2020 to the date this request is processed;

1. Documentation, reports, or memos related to site visits conducted by the COPS Office, Grant Monitoring Division (GMD), to monitor compliance and assess programmatic benefits of grants awarded to law enforcement agencies.
2. Records or documentation related to enhanced office-based grant reviews (EOBGRs) conducted by the GMD, including but not limited to internal reviews of grant documentation to evaluate compliance with grant terms and conditions.
3. Records, correspondences or findings concerning alleged noncompliance reviews (ANCRs), including any documentation on investigations initiated in response to external (media and/or citizen complaints) or internal sources.
4. Correspondence and communications between the Audit Liaison Section (ALS) and the U.S. Department of Justice, Office of Inspector General (OIG), regarding reports and findings from audits including recommendations and resolutions.
5. Any communication, correspondence, or documentation regarding the resolution of compliance issues identified during monitoring activities including site visits, EOBGRs, and ANCRs.
6. Any and all documentation related to civil rights complaints received by the DOJ COPS Program regarding grant recipients and any investigative reports, findings, or resolutions related to the aforementioned civil rights complaints.

7. Any documentation related to misconduct complaints received by the DOJ COPS Program regarding grant recipients and any investigative reports, findings, or resolutions related to the aforementioned misconduct complaints.

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.

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.

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).

The Community Oriented Policing Services (COPS) program, established by Title I of the Violent Crime Control and Law Enforcement Act of 1994 under the U.S. Department of Justice (DOJ), has been instrumental in providing monetary grants for three key purposes, including hiring or rehiring police officers for community policing, integrating former military personnel into law enforcement roles focused on community engagement, and supporting non-hiring initiatives such as crime prevention training and technology development.¹

Ensuring adequate oversight and reporting within the COPS program is essential to guaranteeing the proper allocation of federal grant funds to a range of law enforcement agencies. By promoting this level of transparency, we not only ensure the responsible use of government resources but also cultivate a trusting relationship between the program, dedicated to enhancing community policing, and the constituents it serves. This

¹ Community Oriented Policing Services(COPS), U.S Department of Justice Home Page, <https://cops.usdoj.gov/aboutcops> (last visited Apr. 17, 2020).

commitment to openness fosters confidence in our law enforcement efforts and reinforces the vital connection between officers and the communities they protect.

Every grant or cooperative agreement given to an entity for these reasons must adhere to the terms set by the office, covering various compliance areas such as permissible expenses, community policing efforts, financial and program reporting, and officer retention.² Additionally, federal law mandates rigorous monitoring of law enforcement entities receiving funding from the COPS Office to uphold compliance with grant conditions and statutory regulations.³ To meet this mandate, COPS has formally instituted the Grant Monitoring Division (GMD), tasked with ensuring responsible management of the program's allocation of federal funds. The GMD fulfills this mission through a multifaceted approach, including conducting both site visits and enhanced office-based grant reviews (EOBGR), involving rigorous compliance assessments conducted at various office locations, certifying grant recipients meet all necessary standards to continue receiving funds.⁴ Apart from its regular site visits and EOBGRs, the GMD also undertakes and investigates alleged noncompliance reviews (ANCR) referred from both internal and external channels, with the primary aim being to collaborate with grantees towards reinstating compliance with grant regulations. In today's age of governance, the vital conduit between the public and law enforcement lies in the accessibility of correspondences, and compliance documentation. Granting unrestricted access to these materials, particularly those addressing the resolution of issues identified during monitoring efforts, is pivotal in advancing transparency standards throughout the program. It further serves to reinforce a more robust foundation of trust between community policing initiatives and the citizens the program is designed to benefit.

Further, the audit liaison section (ALS) within the GMD serves as a direct connection between the U.S. Department of Justice, Office of Inspector General (OIG), and grant recipients, aiding in the resolution and closure of audit recommendations stemming from OIG audits of COPS Office grants.⁵ Their duties encompass responding to OIG draft audit reports, compiling documentation for assessing grantee compliance and ensuring grantee adherence to agreements between the COPS Office and the OIG.⁶

Ensuring accessibility to the requested records is paramount for bolstering accountability and confidence in the management of federal funds designated for the COPS program but also cultivates a collaborative relationship between law enforcement programs and the communities they are designed to protect and serve. Moreover, transparent practices such as these are critical for fostering meaningful public discourse, facilitating effective oversight, and upholding accountability, especially as discussions regarding the reauthorization of funding for the COPS program gain momentum.⁷ Despite a Senate Judiciary Committee oversight hearing on April 10th, 2024, comprehensive audits and shared reports on COPS program operations have been notably absent since the last

²Grant Monitoring Standards and Guidelines for all COPS Grants and Cooperative Agreements, https://cops.usdoj.gov/pdf/e081420661_Grant%20Monitoring_Final.pdf, (last updated Sep. 2014).

³ *Id.* at 4.

⁴ *Id.*

⁵ *Id.* at 5.

⁶ *Id.*

⁷ Press Release, Cong. Nick LaLota, LaLota and Spanberger Introduce Bipartisan Bill to Reauthorize Law Enforcement Grants (Jan. 11, 2024), <https://lalota.house.gov/media/press-releases/cops>.

published report in 2013, conducted by the Government Accountability Office (GAO).⁸ This glaring gap and significant lapse in time underscore the critical necessity for public access to all pertinent information regarding grant allocation, compliance, performance assessments, and grievances within the COPS program.

The request is not in CREW's financial interest.

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.

CREW routinely and systematically disseminates information to the public in several ways. CREW's website receives tens of thousands of page views every month. The website includes investigations 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. In addition, CREW posts the documents it receives through public records requests 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 email me at dbrown@citizensforethic.org and foia@citizensforethics.org, or call me at (202) 408-5565. 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 dbrown@citizensforethics.org and foia@citizensforethics.org.

Sincerely,

Diamond J. Brown

⁸*Oversight of the Community Oriented Policing Services (COPS) Grant Program: Hearings Before the S. Comm on the Judiciary*, 118th Cong. (2024); see also U.S. Gov't Accountability Off., GAO-13-521, Community Policing Hiring Grants (2013), <https://www.gao.gov/assets/gao-13-521.pdf> (determining that the grant application and monitoring processes could be improved to further ensure grantees advance community policing).