**U.S. Department of Justice** 

Federal Bureau of Investigation Washington, D.C. 20535

June 28, 2024

MR. NIKHEL S. SUS CITIZENS FOR RESPONSIBILITY AND ETHICS IN WASHINGTON SUITE 900 1331 F STREET NORTHWEST WASHINGTON, D.C. 20004

> Civil Action No.: 22-CV-149 FOIPA Request No.: 1515050-000 Subject: Body Worn Camera Policy (Implementation, Communications, Assessment)

Dear Mr. Sus:

The FBI has completed its eighteenth interim review of records subject to the Freedom of Information/Privacy Acts (FOIPA) that are responsive to your request. The enclosed documents were reviewed under the FOIPA, Title 5, United States Code, Section 552/552a. Below, you will find checked boxes next to applicable statutes for the exemptions asserted to protect information exempt from disclosure. The appropriate exemptions are noted on the processed pages next to redacted information. In addition, a deleted page information sheet was inserted to indicate where pages were withheld entirely pursuant to applicable exemptions. An Explanation of Exemptions is enclosed to further explain justification for withheld information.

	Section 552		Section 552a
(b)(1)		(b)(7)(A)	(d)(5)
(b)(2)		(b)(7)(B)	(j)(2)
(b)(3)		✓ (b)(7)(C)	(k)(1)
		(b)(7)(D)	(k)(2)
		✓ (b)(7)(E)	(k)(3)
		(b)(7)(F)	(k)(4)
(b)(4)		(b)(8)	(k)(5)
✔ (b)(5)		(b)(9)	(k)(6)
✔ (b)(6)			(k)(7)

510 pages were reviewed, and 55 pages are being released in full or in part.

Please see the paragraphs below for relevant information specific to your request, and see the enclosed FBI FOIPA Addendum for standard responses applicable to all requests.

In response to your FOIPA request and subsequent civil action case pending in the United States District Court for the District of Columbia, the enclosed documents represent the eighteenth interim release of documents consisting of Bates stamps FBI(22-cv-149)-8686 – FBI(22-cv-149)-9195.

This material is being provided to you at no charge.

Duplicate copies of the same document were not processed.



Documents were located which originated with, or contained information concerning, another Government Agency (OGA). We are consulting with the other agency and are awaiting its response. The FBI will correspond with you regarding those documents when the consultation is completed.

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. **"Part 1"** of the Addendum includes standard responses that apply to all requests. **"Part 2"** includes additional standard responses that apply to all requests for records about yourself or any third party individuals. **"Part 3"** includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

Although your request is in litigation, we are required by law to provide you the following information:

If you are not satisfied with the Federal Bureau of Investigation's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <u>https://www.justice.gov/oip/submit-and-track-request-or-appeal</u>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of this response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by emailing the FBI's FOIA Public Liaison at <u>foipaquestions@fbi.gov</u>. The subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified. You may also contact the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at <u>ogis@nara.gov</u>; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Please direct any further inquiries about this case to the attorney representing the Government in this matter. Please use the FOIPA Request Number and/or Civil Action Number in all correspondence or inquiries concerning your request.

Sincerely,

M-11.0.0

Michael G. Seidel Section Chief Record/Information Dissemination Section Information Management Division

Enclosures

### FBI FOIPA Addendum

As referenced in our letter responding to your Freedom of Information/Privacy Acts (FOIPA) request, the FBI FOIPA Addendum provides information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. Part 2 includes standard responses that apply to requests for records about individuals to the extent your request seeks the listed information. Part 3 includes general information about FBI records, searches, and programs.

### Part 1: The standard responses below apply to all requests:

- (i) 5 U.S.C. § 552(c). Congress excluded three categories of law enforcement and national security records from the requirements of the FOIPA [5 U.S.C. § 552(c)]. FBI responses are limited to those records subject to the requirements of the FOIPA. Additional information about the FBI and the FOIPA can be found on the www.fbi.gov/foia website.
- (ii) Intelligence Records. To the extent your request seeks records of intelligence sources, methods, or activities, the FBI can neither confirm nor deny the existence of records pursuant to FOIA exemptions (b)(1), (b)(3), and as applicable to requests for records about individuals, PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3) [50 USC § 3024(i)(1)]. This is a standard response and should not be read to indicate that any such records do or do not exist.

## Part 2: The standard responses below apply to all requests for records on individuals:

- (i) Requests for Records about any Individual—Watch Lists. The FBI can neither confirm nor deny the existence of any individual's name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.
- (ii) Requests for Records about any Individual—Witness Security Program Records. The FBI can neither confirm nor deny the existence of records which could identify any participant in the Witness Security Program pursuant to FOIA exemption (b)(3) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(3), 18 U.S.C. 3521, and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.
- (iii) Requests for Confidential Informant Records. The FBI can neither confirm nor deny the existence of confidential informant records pursuant to FOIA exemptions (b)(7)(D), (b)(7)(E), and (b)(7)(F) [5 U.S.C.§ § 552 (b)(7)(D), (b)(7)(E), and (b)(7)(F)] and Privacy Act exemption (j)(2) [5 U.S.C.§ 552a (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records would reveal confidential informant identities and information, expose law enforcement techniques, and endanger the life or physical safety of individuals. This is a standard response and should not be read to indicate that such records do or do not exist.

## Part 3: General Information:

- (i) Record Searches and Standard Search Policy. The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching systems, such as the Central Records System (CRS), or locations where responsive records would reasonably be found. The CRS is an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled by the FBI per its law enforcement, intelligence, and administrative functions. The CRS spans the entire FBI organization, comprising records of FBI Headquarters, FBI Field Offices, and FBI Legal Attaché Offices (Legats) worldwide; Electronic Surveillance (ELSUR) records are included in the CRS. The standard search policy is a search for main entity records in the CRS. Unless specifically requested, a standard search does not include a search for reference entity records, administrative records of previous FOIPA requests, or civil litigation files.
  - a. Main Entity Records created for individuals or non-individuals who are the subjects or the focus of an investigation
  - b. *Reference Entity Records-* created for individuals or non-individuals who are associated with a case but are not known subjects or the focus of an investigation
- (ii) FBI Records. Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.
- (iii) Foreseeable Harm Standard. As amended in 2016, the Freedom of Information Act provides that a federal agency may withhold responsive records only if: (1) the agency reasonably foresees that disclosure would harm an interest protected by one of the nine exemptions that FOIA enumerates, or (2) disclosure is prohibited by law (5 United States Code, Section 552(a)(8)(A)(i)). The FBI considers this foreseeable harm standard in the processing of its requests.
- (iv) Requests for Criminal History Records or Rap Sheets. The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks often referred to as a criminal history record or rap sheet. These criminal history records are not the same as material in an investigative "FBI file." An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at <a href="https://www.fbi.gov/about-us/cjis/identity-history-summary-checks">www.fbi.gov/about-us/cjis/identity-history-summary-checks</a>. Additionally, requests can be submitted electronically at <a href="https://www.edo.cjis.gov">www.edo.cjis.gov</a>. For additional information, please contact CJIS directly at (304) 625-5590.

#### **EXPLANATION OF EXEMPTIONS**

#### SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

#### SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

FBI/DOJ

FEDERAL BUREAU OF INVESTIGATION FOI/PA DELETED PAGE INFORMATION SHEET FOI/PA# 22-cv-149

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Page Page Page Page Page Page Page Page		36 37 88 39 11 42 13 14 15 16 17 18 19 50 11 52 53 54 55 56 57 88 59 50 11 52 53 54 55 56 57 88 59 50 11 52 53 54 55 56 57 88 59 50 11 52 53 54 55 56 57 88 59 70 11	2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	D D D D D D D D D D D D D D D D D D D	pip       pip         pip       pip         pip       pip         -       -    -       -	ica	te;;;;;;;;;;;;;;;;;;;;;;;;;;;;;;;;;;;;

Page 473 ~ b5 - 1,2;
Page 474 ~ b5 - 1,2;
Page 475 ~ b5 - 1,2;
Page 476 ~ b5 - 1,2;
Page 477 ~ b5 - 1,2;
Page 478 ~ b5 - 1,2;
Page 479 ~ b5 - 1,2;
Page 480 ~ b5 - 1,2;
Page 481 ~ b5 - 1,2;
Page 482 ~ b5 - 1,2;
Page 483 ~ b5 - 1,2;
Page 484 ~ b5 - 1,2;
Page 485 ~ b5 - 1,2;
Page 486 ~ b5 - 1,2;
Page 487 ~ b5 - 1,2;
Page 488 ~ b5 - 1,2;
Page 489 ~ b5 - 1,2;
Page 490 ~ b5 - 1,2;
Page 491 ~ b5 - 1,2;
Page 492 ~ b5 - 1,2;
Page 493 ~ b5 - 1,2;
Page 494 ~ b5 - 1,2;
Page 495 ~ Duplicate;
Page 496 ~ Duplicate;
Page 497 ~ Duplicate;
Page 498 ~ Duplicate;
Page 499 ~ Referral/Consult;
Page 500 ~ Referral/Consult;
Page 501 ~ Referral/Consult;

From:     Jones, Jason Allen (OGC) (FBI)       Subject:	b5 -2 b6 -1 b7C -1
Jason	
From: Kelly, Stephen D. (OGC) (FBI Sent: Tuesday, August 31, 2021 3:01 PM To: Jones, Jason Allen (OGC) (FBI) Cc: Browning, Dawn Marie (OGC) (FBI) Prest, Erin M. (OGC) (FBI) Subject:	b5 -2 b6 -1 b7C -1 b7E -3
	b5 -1,2 b7E -4

Let me know if you have questions.

Stephen

Stephen D. Kelly

Chief, Operational Law Section Office of the General Counsel <u>Federal Bureau of Inves</u>tigation

		b5 -2 b6 -1
Subject:		b7C -1
Start: End:	Thursday, September 9, 2021 2:00 PM Thursday, September 9, 2021 3:00 PM	
Recurrence:	(none)	
Meeting Status:	Accepted	
Organizer: Required Attendees:	Kelly, Stephen D. (OGC) (FBI); HQ-DIV09-CDC; FBI-CDC-PLS; Feinberg, Matthew A. (CD) (FBI)	b6 -1 b7C -1
Optional Attendees:		

	b6 -1 b7C -1

From Sent: Friday, September 3, 2021 10:41:31 AM (UTC-05:00) Eastern Time (US & Canada)		b6 -1 b7C -:
To: HO-DIV09-CDC: FBI-CDC-PLS: Kelly. Stephen D. (OGC) (FBI): Feinberg, Matthew A. (CE	) (FBI)	b7E -:

When: Thursday, September 9, 2021 2:00 PM-3:00 PM. Where:

All,

Please join us during this time when Stephen Kelly and Matt Feinberg will address your questions regarding the latest on BWC.

From: Subject:	Kelly, Stephen D. (OGC) (FBI)
To: Sent:	September 3, 2021 1:45 PM (UTC-04:00)

b5 -2 b6 -1 b7C -1

From: Subject:	[EXTERNAL EMAIL] - Automatic reply:	b5 -2 b6 -5
To: Sent:	Kelly, Stephen D. (OGC) (FBI) September 3, 2021 4:39 PM (UTC-04:00)	ъ7с-5

Hello,

I am out of the office on leave through 09/07/2021. I will respond to emails as available. I will return any messages as soon as I return to the office.

Thank you,

Thank you,

b6 -5 b7C -5

From: Subject: To:	Kelly, Stephen D. (OGC) (FBI); McNally, Richard (OGC) (FBI); McCarthy, Dawn L. (OGC) (FBI)	b5 -2 b6 -1 b7C -1
Cc: Sent: Attached:	Prest, Erin M. (OGC) (FBI); Browning, Dawn Marie (OGC) (FBI); September 7, 2021 11:14 AM (UTC-04:00)	]

Hi Stephen.

\*If you need to reach me, either email me or call me on my office or mobile phone. Please do not call or IM on Teams; I do not check them.

Federal Bureau of Investigation | Office of the General Counsel JEH Suite 10140, Room UC3

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From: Kelly, Stephen D. (OGC) (FB Sent: Thursday, September 2, 2 <u>021 10:25</u>		b5 -2 b6 -1
To: McNally, Richard (OGC) (FBI	McCarthy, Dawn L. (OGC) (FBI	b7C -1 b7E -3
<b>Cc:</b> Prest, Erin M. (OGC) (FBI	Browning, Dawn Marie (OGC) (FBI)	J
Subject		
Subject		
All —		
		b5 -1,2
		b7E -4 I

b5 -1,2 b6 -1 b7C -1 b7E -3

b5 -1,2 b6 -1 b7C -1 b7E -4

• Stephen

Stephen D. Kelly Chief, Operational Law Section Office of the General Counsel Federal Bureau of Investigation

From:       Subject:         To:       Kelly, Stephen D. (OGC) (FBI)         Sent:       September 7, 2021 11:50 AM (UTC-04:00)	b5 -2 b6 -1 b7C -1
Steve,	b5 -2 b6 -1 b7С -1
From: Sent: Friday, September 3, 2021 5:34 PM To Subject: Hey	b5 -1,2 b6 -1 b7C -1 b7E -3
Many thanks	
From: Kelly, Stephen D. (OGC) (FBI) Sent: Thursday, September 2, 2021 10:24 AM To: McNally, Richard (OGC) (FBI); McCarthy, Dawn L. (OGC) (FBI)	b5 -2 b6 -1 b7C -1 b7E -3
Cc: Prest, Erin M. (OGC) (FBI Browning, Dawn Marie (OGC) (FBI Subject:	

b5 -1,2

b5 -1,2 b6 -1 b7C -1 b7E -4

• Stephen

Stephen D. Kelly Chief, Operational Law Section Office of the General Counsel <u>Federal Bureau of Inve</u>stigation

This document FBI\_0010808 has been produced natively

From:       Subject:       To:       Kelly, Stephen D. (OGC) (FBI)       Sent:       September 7, 2021 12:54 PM (UTC-04:00)	b6 -1 b7C -1 b5 -2
Excellent!	
From Sent: Tuesday, September 7, 2021 12:53 PM To	b5 -2 b6 -1 b7C -1 b7E -3
Stephen, It opened up just fine! Thanks to both of you!	
From: Sent: Tuesday, September 7, 2021 12:47 PM To: Kelly, Stephen D. (OGC) (FBI) Subject:	b5 -2 b6 -1 b7C -1 b7E -3
tephen, Try this version (attached) and let me know if It opens.	
From: Kelly, Stephen D. (OGC) (FBI Sent: Tuesday, September 7, 2021 12:26 PM To Cc: Subject:	b5 -2 b6 -1 b7C -1 b7E -3
Thanks in advance for your help.	l
Stephen	
From Sent: Tuesday, September 7, 2021 11:50 AM To: Kelly, <u>Stephen D. (OGC) (FB</u> Subject	b5 -2 b6 -1 b7C -1 b7E -3

Steve.

Thanks,	b5 -1,2 b6 -1
From: Sent: Friday, September 3, 2021 5:34 PM To Subject:	b7C -1 b7E -3
Hey	
Many thanks,,	
From: Kelly, Stephen D. (OGC) (FBI Sent: Thursday, September 2, 2021 10:24 AM To: McNally, Richard (OGC) (FBI McCarthy, Dawn L. (OGC) (FBI	b5 -2 b6 -1 b7C -1 b7C -3
Cc: Prest. Erin M. (OGC) (FB Browning, Dawn Marie (OGC) (FBI	
Subject	b5 -1,2
	b7E 4,

## • Stephen

Stephen D. Kelly Chief, Operational Law Section Office of the General Counsel <u>Federal Bureau of Inve</u>stigation

From: Subject:	McCarthy, Dawn L. (OGC) (FBI)	b5 -2
To: Cc:	Kelly, Stephen D. (OGC) (FBI) McNally, Richard (OGC) (FBI); McCarthy, Dawn L. (OGC) (FBI	b6 -1 b7C -1
00.		
	Prest, E M. (OGC) (FBI); Browning, Dawn Marie (OGC) (FBI); (FBI); McCarthy, Dawn	
	(OGC) (FBI)	
Sent:	September 7, 2021 4:24 PM (UTC-04:00)	
Stephen		
	DLM	
		<u> </u>
		b5 -1,2 b7E -27
		b6 -1
		b7С -1

DLM

From: Kelly, Stephen D. (OGC) (FBI) Sent: Thursday, September 2, 2021 10:25 AM	<u></u>	b5 -2 b6 -1
To: McNally, Richard (OGC) (FBI	McCarthy, Dawn L. (OGC) (FBI)	b7C -1 b7E -3
Cc: Prest, Erin M. (OGC) (FB	Browning, Dawn Marie (OGC) (FBI)	
	L	
Subjec		
All –		
		b5 -1,2

FBI (22-cv-00149)-8903

b5 -1,2 b6 -1 b7C -1 b7E -4

• Stephen

Stephen D. Kelly Chief, Operational Law Section Office of the General Counsel Federal Bureau of Investigation



From: Subject:	Kelly, Stephen D. (OGC) (FBI)	b5 -2
To: Sent:	September 8, 2021 7:59 AM (UTC-04:00)	b6 -1 b7C -1
Thanks,	Appreciate the assist.	
From: Sent: Tuesd To:	ay, September 7, 2021 12:53 PM Kelly, Stephen D. (OGC) (FBI)	b5 -2 b6 -1 b7C -1
Subject		Ъ7Е −3
lt	Stephen, opened up just fine! Thanks to both of you!	
	ay, September 7, 20 <u>21 12:47 PM</u> ephen D. (OGC) (FBI)	b5 -2 b6 -1 b7C -1
Stephe	en,	
Try this vers	sion (attached) and let me know if It opens.	
	]	
	Stephen D. (OGC) (FBI)	b5 -2 b6 -1 b7C -1
L Thanks in ac	dvance for your help.	
Stephen		
	ay, September 7, 20 <u>21 11:50 AM</u> ephen D. (OGC) (FBI)	b5 -2 b6 -1 b7C -1 b7E -3

Thanks,	b5 -1,2 b6 -1
From: Sent: Friday, September 3, 2021 5:34 PM To	b7C -1 b7E -3
Subject:	
	]
Many thanks,,	]
From: Kelly, Stephen D. (OGC) (FBI) Sent: Thursday, September 2, 2021 10:24 AM To: McNally, Richard (OGC) (FBI) McCarthy, Dawn L. (OGC) (FBI	b5 -2 b6 -1 b7C -1 b7C -3
Cc: Prest, Erin M. (OGC) (FBI) Browning, Dawn Marie (OGC) (FBI)	
Subject	
	b5 -1,2

## • Stephen

Stephen D. Kelly Chief, Operational Law Section Office of the General Counsel <u>Federal Bureau of Investi</u>gation

From:	b5 -2 b6 -1 b7C -1 b7E -3
That would be great if you could visit. I will be in the office all day.	
Confidentiality Statement: This message is transmitted to you by the Office of the General Counsel of the Federal Bureau of Investigation. The mess with any attachments, may be confidential and legally privileged. If you are not the intended recipient of this message, ple it promptly without further retention or dissemination (unless otherwise required by law). Please notify the sender of the separate e-mail or by calling	ease destroy
From: Kelly, Stephen D. (OGC) (FBI) Sent: Wednesday, September 8, 2021 7:58 AM To Subject:	b6 -1 b7C -1 b7E -3 b5 -2
there's a chance I will need to be at Quantico next Wed. for some BWC activity.	
Are you in the office that day? Maybe we could meet in person and catch up a bit? My meeting looks to be a decide to go.	ət 1, if I
lust let me know.	

Stephen

Stephen D. Kelly Chief, Operational Law Section Office of the General Counsel Federal Bureau of Investigation

From: Subject: To: <u>Sent:</u>	Kelly, Stephen D. (OGC) (FBI) September 8, 2021 9:49 AM (UTC-04:00)	b5 -2 b6 -1 b7C -:
Thanks,	]	b6 -1 b7C -: b7E -:
Office of Ge	eneral Counsel eau of Investigation	
	/, Stephen D. (OGC) (FBI nesday, September 8, 2021 9:39 AM	b5 -2 b6 -1 b7C - b7E -
Stephen		
From Sent: Tuesc To: Kelly, St	day, September 7, 202 <u>1 10:19 AM</u> tephen D. (OGC) (FBI)	b5 -2 b6 -1 b7C -: b7E -:

Subject

# Yes, it looks like it so far. Ok, thanks - I won't send out a nasty gram, then!

Counsel, Field Legal Program Office of General Counsel Federal Bureau of Investigation	b6 -1 b7C -1 b7E -3
From: Kelly, Stephen D. (OGC) (FBI) Sent: Tuesday. September 7. 2021 9:47 AM To: Subject:	b5 -2 b6 -1 b7C -1
Stephn	
From: Sent: Tuesday, September 7, 2021 9:25 AM To: Kelly, Stephen D. (OGC) (FBI) Subject Hey Stephen,	b5 -2 b6 -1 b7C -1 b7E -3
Thanks.	
Counsel, Field Legal Program Office of General Counsel Federal Bureau of Investigation	

From:	Prest, Erin M. (OGC) (FBI)	_
Subject:		b5 -2
To:	Kelly, Stephen D. (OGC) (FBI)	-
Sent:	September 8, 2021 10:26 AM (UTC-04:00)	
No problem.	I was just about to cancel our call.	

Erin M. Prest Deputy General Counsel Investigative and Administrative Law Branch Privacy and Civil Liberties Officer Office of the General Counsel Federal Bureau of Investigation JEH, Rm 7350

b7E -3

b5 -2 b7E -3

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rom: Kelly, Stephen D. (OGC) (FBl	
Sent: Wednesday, Septembe <u>r 8, 2021 10:21 AM</u>	
<b>Fo:</b> Pres <u>t, Erin M. (OGC) (FBI</u>	L
Subject:	

... can I catch up with you later today. Sorry for any inconvenience.

Stephen

Stephen D. Kelly Chief, Operational Law Section Office of the General Counsel Federal Bureau of Investigation

From:		b5 - b6 -
Subject:	BWC SharePoint	
To:	Kelly, Stephen D. (OGC) (FBI)	b7C
Sent:	September 8, 2021 12:17 PM (UTC-04:00)	b7E

ASC			
Violent Crime Section/VC			
Criminal Investigative Division			

From:	SharePoint Online	
Subject:	[EXTERNAL EMAIL]	b5 -2
То:	Kelly, Stephen D. (OGC) (FBI)	

Sent: September 8, 2021 12:21 PM (UTC-04:00)

Good news. You now have access to 'Body Worn Camera Working Group'.

Go to the site

From:       Subject:       To:       Cc:     Kelly, Stephen D. (OGC) (FBI)       Sent:     September 8, 2021 5:24 PM (UTC-04:00)       H     thank you, I've added it to the list!	b5 -2 b6 -1 b7C -1 b7E -3
Counsel, Field Legal Program Office of General Counsel Federal Bureau of Investigation	
From: Sent: Wednesday. September 8. 2021 1:57 PM To: Cc: Kelly, Stephen D. (OGC) (FBI) Subject:	b5 -2 b6 -1 b7C -1 b7E -3
	b5 -1,2 b6 -1 b7C -1 b7E -4,27
SSA Chief Division Counsel FBI Norfolk Division This communication may contain privileged and sensitive attorney-client and attorney work product material.	b6 -1 b7C -1 b7E -3

From	b5 -2
Sent: Wednesday, September 8, 2021 9:59 AM	b6 -1
To: HQ-DIV09-CDQ	b7C -1
Cc: Kelly, Stephen D. (OGC) (FBI)	b7E -3
Subject	

All,

b5 -1,2

Thanks and talk with you on Thursday.

Counsel, Field Legal Program Office of General Counsel Federal Bureau of Investigation b6 -1 b7C -1 b7E -3

From: Subject:	
To: Sent:	Kelly, Stephen D. (OGC) (FBI) September 9, 2021 9:20 AM (UTC-04:00)
Attached:	

b5 -2 b6 -1 b7C -1 b7E -3

From: Subject: To: Sent: Attached:	Kelly, Stephen D. (OGC) (FBI) September 9, 2021 9:45 AM (UTC-04:00)	b5 -2 b6 -1 b7C - b7E -
Sent: Attached:	<u>September 9_2021 9:45 AM (UTC-04:00)</u>	

From: Subject: To: Sent: Attached:	Kelly, Stephen D. (OGC) (FBI) September 9, 2021 10:37 AM (UTC-04:00)	b5 -2 b6 -1 b7C -1 b7E -3
--	---	------------------------------------

From: Subject: To: Sent: About the best	Feinberg Matthew A. (CD) (FBI)       Kelly, Stephen D. (OGC) (FBI);       September 9, 2021 12:43 PM (OTC-04:00)       t guidence we can give right now. Things will probably evolve.	b5 -2 b6 -1 b7C -1 b7E -2,3
Matthew A. Fo	einberg, Chief u of Investigation	
Sent: Thursday To Subject	ephen D. (OGC) (FBI) y, September 9, 2021 12:16:20 PM Feinberg, Matthew A. (CD) (FBI) proposed answers to these questions. I will try to cover them at the end of my comments.	b5 -2 b6 -1 b7C -1 b7E -3
Thanks. Stephen	soposed answers to these questions. I will try to cover them at the end of my comments.	
Stephen D. Ke Chief, Operat Office of the G	elly ional Law Section General Counsel au of Investigation	b7E -3
To: Kelly, Stepł Subject:	day, September 8, 2021 5:44 PM hen D. (OGC) (FBI) Feinberg, Matthew A. (CD) (FBI	b5 -1,2 b6 -1 b7C -1 b7E -3
Gentlemen,		
Counsel, Field L Office of Genera Federal Bureau o	al Counsel	

From: Subject:	
To:	Kelly, Stephen D. (OGC) (FBI)
Sent:	September 9, 2021 1:00 PM (UTC-04:00)

Sent: Friday, September 3, 2021 10:41:31 AM (UTC-05:00) Eastern Time (US & Canada)

To: HQ-DIV09-CDC: FBI-CDC-PLS: Kelly. Stephen D. (OGC) (FBI): Feinberg. Matthew A. (CD) (FBI):

b5 -2 b6 -1 b7C -1

b5 -2 b6 -1 b7C -1 b7E -3

When: Thursday, September 9, 2021 2:00 PM-3:00 PM. Where:

All,

From

Please join us during this time when Stephen Kelly and Matt Feinberg will address your questions regarding the latest on BWC.

From: Subject: To: Cc: Sent: Attached:	Kelly, Stephen D. (OGC) (FBI) Feinberg, Matthew A. (CD) (FBI) September 9. 2021 3:16 PM (UTC-04:00)	b5 -2 b6 -1 b7C -1
		b5 -1,2 b6 -1 b7C -1 b7E -3
Stephen Stephen D. Chief, Opera	Kelly ational Law Section	
	e General Counsel reau of Investigation	b7E -3
Sent: Thursd To: Kelly, Ste Subject	erg, Matthew A. (CD) (FBI day, September 9, 2021 3:10 PM ephen D. (OGC) (FBI	b5 -2 b6 -1 b7C -1 b7E -3
	s the latest Feinberg, Section Chief <u>Technology Branch, Federal Bureau of Investigation</u>	
Sent: Tuesda	rman, Adam L. (ODAG) ay, August 31, 2021 1:50 PM , Matthew A. (CD) (FE	b5 -2 b6 -1,5 b7C -1,5 b7C -1,5 b7E -3

	b5 -1,2 b6 -5
Subject: [EXTERNAL EMAIL]	b7C -5
Adam	

From:       Kelly, Stephen D. (OGC) (FBI)         Subject:	b5 -2 b6 -1 b7C -1
Sure.	
From Sent: Friday, September 10, 2021 10:29:01 AM To: Kelly, Stephen D. (OGC) (FB Subject: Would 12:30pm work?	b5 -2 b6 -1 b7C -1 b7E -3
From: Kelly, Stephen D. (OGC) (FBI Sent: Fridav. September 10. 2021 8:26:56 AM To Subject	b5 -2 b6 -1 b7C -1 b7E -3
I have a 2:00 already. I could do earlier or later.	
Might need to be a regular call as my Teams is acting up and I'm at home today.	
Just let me know.	
Stephen	

From	b5 -1,2
Sent: Thursday, September 9, 2021 6:54:53 PM	b6 -1
To: Kelly, Stephen D. (OGC) (FBI)	b7C -1
Subject	b7E -3

Good evening Stephen,

I hope all is well with you. I wanted to see if you would be available for a 2:30pm Teams meeting tomorrow f not, would you have time early next week.

Thank you,

From:     Kelly, Stephen D. (OGC) (FBI)       Subject:	b5 -2 b6 -1 b7с -1
From Sent: Friday, September 10, 2021 12:04:58 PM To: Kelly, Stephen D. (OGC) (FBI) Cc: Subject:	b5 -2 b6 -1 b7C -1 b7E -3
Hi Stephen	
	b5 -1,2
Assistant General Counsel Office of the General Counsel Investigative Law Unit Room 7919 JEH	b6 -1 b7C -1 b7E -3
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From: Kelly, Stephen D. (OGC) (FBI       Sent: Wednesday, September 8, 2021 14:43       To       Cc: Feinberg, Matthew A. (CD) (FBI       Greenberg, Jay (CID) (FBI       Subject	b5 -1,2 b6 -1 b7C -1 b7E -3,27

Stephen D. Kelly Chief, Operational Law Section Office of the General Counsel Federal Bureau of Investigation

From:	Kelly, Stephen D. (OGC) (FBI)
Subject:	
То:	Prest, Erin M. (OGC) (FBI)
Sent:	September 10, 2021 3:16 PM (UTC-04:00)
Attached:	
Erin -	

Here you go. Did my best to structure these accomplishments to our plans. Let me know if you have questions.

Have a great weekend.

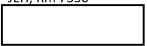
Stephen

Stephen D. Kelly Chief, Operational Law Section Office of the General Counsel Federal Bureau of Investigation

From:	Prest Frin M (OGC) (FRI)	b5 -2
Subject:		
То:	Kelly, Stephen D. (OGC) (FBI)	b6 -1 b7C -1
Sent:	September 13, 2021 10:29 AM (UTC-04:00)	b7C -1 b7E -3
		D/E - 3

Erin

Erin M. Prest Deputy General Counsel Investigative and Administrative Law Branch Privacy and Civil Liberties Officer Office of the General Counsel Federal Bureau of Investigation JEH, Rm 7350



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		b5 -2 ∎ b6 -1
Subject:		b7С -1
Location:	10304 STB Conference Room	
Start:	Thursday, September 16, 2021 10:45 AM	
End:	Thursday, September 16, 2021 11:45 AM	
Recurrence:	(none)	
Meeting Status:	Accepted	
Organizer:		b6 -1
<b>Required Attendees:</b>	Feinberg, Matthew A. (CD) (FBI); Kelly, Stephen D. (OGC) (FBI); Greenberg, Jay (CID) (FBI);	b7C -1
Optional Attendees:		
Hello,		
Setting aside time to discus	s and work Thanks!	b5 -2
Join Microsoft Teams	Meeting	
United Sta	tes, Clarksburg (Toll)	b7E -3
Local numbers   Reset PIN   Learr	i more about Teams	

From:	Prest, Erin M. (OGC) (FBI)
Subject:	Re: Home today
To:	Kelly, Stephen D. (OGC) (FBI)
Sent:	September 14, 2021 8:24 AM (UTC-04:00)

Thanks. Sorry to hear about the BWC meeting.

From: Kelly, Stephen D. (OGC) (FBI
Sent: Tuesday, September 14, 2021 8:07:26 AM
To: Prest, Erin M. (OGC) (FBI
Subject: RE: Home today

Let me know if you need anything here. I'm in the office today.

The BWC meeting yesterday was cancelled and pushed to October, unfortunately.

	b5 b6 b7	5 -1
• Stephen		
From: Prest, Erin M. (OGC) (FBI Sent: Tuesday, September 14, 2021 6:26 AM To: HQ-DIV09-IALB-FRONT-OFFICE Cc: Subject: Home today	b6 b7 	
All,		
	I will be working from here	5 -1

as much as possible so feel free to reach out. If we have a meeting today, Evan will reach out to let you know if it is still on or if we need to reschedule.

Thanks for understanding Erin

From:     Greenberg, Jay (CID) (FBI)       Subject:	b5 -2 b6 -1 b7C -1 b5 -1,2
Thanks. Jay From: Kelly, Stephen D. (OGC) (FBI Sent: Tuesday, September 14, 2021 12:51:38 PM To: Greenberg. Jav (CID) (FBI Cc Subject:	b5 -2 b6 -1 b7C -1 b7E -3
	b5 -1,2

Thanks.

• Stephen

FEDERAL BUREAU OF INVESTIGATION FOI/PA DELETED PAGE INFORMATION SHEET FOI/PA# 22-cv-149

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From: Subject: To: Sent:	Kelly, Stephen D. (OGC) (FBI) September 16, 2021 10:43 AM (UI	C-04:00)	_	b5 -2 b6 -1 b7C -1
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Thanks Stephen. Feel free to add me.

From: Kelly, Stephen D. (OGC) (FBI	b5 -2
Sent: Thursday, September 16, 2021 10:32:03 AM	b6 -1
	b7С -:
To	b7E -3
Subject	

Just a heads up. I'm adding you to the weekly BWC Teams calls led by Matt Feinberg; they should show up on your calendar shortly. They are generally at 10 or 10:30 every Thursday. I generally join, but it's a great way for you get up to date on the latest. \_\_\_\_\_\_ but it's great way to be up to date. b5 -2 b6 -1 b7C -1

Thanks.

Stephen

From:Prest, Erin M. (OGC) (FBI)Subject:	b5 -2
Erin M. Prest Deputy General Counsel Investigative and Administrative Law Branch Privacy and Civil Liberties Officer Office of the General Counsel Federal Bureau of Investigation JEH, Rm 7350	b7E -3
Confidentiality Statement: This message is transmitted to you by the Office of the General Counsel of the Federal Bureau of Investigation. The message, along with any attachments, may be confidential and legally privileged. If you are not the intended recipient of this message, please destroy it promptly without further retention or dissemination (unless otherwise required by law). Please notify the sender of the error by a separate e-mail or by calling	

From: Kelly, Stephen D. (OGC) (FBI)	
Sent: Thursday, September 16, 2021 10:48 Al	<u>v</u>
To: Prest, Erin M. (OGC) (FB	
Subject:	

b5 -2 b7E -3

... at 10:45.

Stephen

		b6 -1 b7C -1
Subject: Location:	Microsoft Teams Meeting	b7E -4
Start: End:	Wednesday, September 22, 2021 12:00 PM Wednesday, September 22, 2021 1:00 PM	
Recurrence:	(none)	
Meeting Status:	Accepted	
Organizer: Required Attendees:		b6 -1 b7C -1 b7E -3
Optional Attendees:		
		FBI (22-cv-00149)-9145

b5 -1 b7E -4

Please forward to your teams as appropriate.

## Join Microsoft Teams Meeting

Learn more about Teams

From:	Kelly, Stephen D. (OGC) (FBI)	
Subject:		b5 -2 b6 -1
То:		b7C -1
Sent:	September 17, 2021 4:38 PM (UTC-04:00)	

From: Subject: To: Cc: Sent: Stephen, Tim,	Feinberg, Matthew A. (CD) (FBI) RE: Free for a call? Kelly, Stephen D. (OGC) (FBI); Dunham, Timothy M. (CID) (FBI) June 23, 2021 10:47 AM (UTC-04:00)	b6 -1 b7С -1
		b5 -1,2
Matthew A. Fei Section Chief, Federal Bureau	nberg of Investigation	b7E -2,3
Sent: Tuesday,	phen D. (OGC) (FBI) June 22, 2021 4:22 PM Jatthew A. (CD) (FBI) ee for a call?	b6 -1 b7С -1 b7E -3
	ro versions that I got from IPO. their revised version is not a redline, so it's very hard to track	b5 -1,2 b7E -27
I would note th		
Please let me ki Thanks.	now tomorrow which direction you think we should go.	

Stephen

From: Sent: Tuesday, June 22, 2021 11:25 AM

b6 -1 b7C -1 b7E -3

To: Kelly, Stephen D. (OGC) (FBI)	
Subject: RE: Free for a call?	

Good morning Stephen,

Are you available at 1:30pm?

I've had a chance to review and reorganize the PG to make it more consistent with our policies. Lalso	
added a basic roles and responsibilities section to complete the policy guide format.	b5 -1

I offer two versions – the first version is a clean, reorganized version; the second version is the version sent last week with my comments/recommendations throughout.

Thank you,

b6 -1
b7C -1 b5 -1,2
b5 -1,2

<b></b>	
From: Kelly, Stephen D. (OGC) (FBI)	b6 -1
	b7C -1
Sent: Tuesday, June 22, 2021 10:07 AM	b7E -3
Td	

Subject: Free for a call?

I wanted to check in on the BWC draft, as I have a few questions for you.

I'm free after 10:45.

Just let me know what works for you.

Stephen

Stephen D. Kelly Chief, Operational Law Section Office of the General Counsel Federal Bureau of Investigation

b7E -3

1
-1

## Join Microsoft Teams Meeting

Learn more about Teams

From:	Perese, Dogan A. (ITADD) (FBI)	
Subject: To:	Feinberg, Matthew A. (CD) (FBI); Robert P. Jr. (TD) (FBI) Kelly, Stephen D. (OGC) (FBI); Cohen, Jodi (NSB) (FBI); Delbagno, William J. (CIRG) (FBI); Barnes, Steven B. ( <u>STB) (FBI)</u> ;	b7C -
Sent:	Ferguson, Timothy A. (OTD) (FBI); Coburn, Jeffrey L. (OTD) (FBI July 28, 2021 3:07 PM (UTC-04:00)	
Matt,		
		b5 -
Best wishes	,	
	erg, Matthew A. (CD) (FBI	b5 -2 b6 -1
To: Guyton, Robe	Dunham, Timothy M. (TD) (FBI) Perese, Dogan A.	b7С - b7Е -
(FBI)	Kelly, Stephen D. (OGC) Cohen, Jodi (NSB) (FBI) Delbagno, William J. (CIRG) (FBI)	
	Barnes, Steven B. (STB) (FBI Ferguson, Timothy A. (OTD) (FBI)	
Subject:		
ALCON,		
		b5 -1, b7E -2
Matt		

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