

**From:** Brien, Peter (OJP) Peter.Brien@usdoj.gov  
**Subject:** RE: [External] FOIA  
**Date:** April 17, 2020 at 2:30 PM  
**To:** Said, Sammy Sammy.Said@ncdps.gov

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That all makes perfect sense. Pls let me know if you need anything further.

Peter M. Brien  
Assistant General Counsel  
Office of Justice Programs  
U.S. Department of Justice

(202) 305-0643 (office)  
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**From:** Said, Sammy <Sammy.Said@ncdps.gov>  
**Sent:** Tuesday, April 14, 2020 1:17 PM  
**To:** Brien, Peter (OJP) <Peter.Brien@ojp.usdoj.gov>  
**Subject:** RE: [External] FOIA

No worries about the delayed response. This is what I was looking for - I really appreciate it.

Since we are a “recipient of assistance under provisions of this chapter”, I believe a fair reading of the Code indicates that we may not reveal the DCA reporting form because it is research or statistical information. We cannot reveal the information “for any purpose other than the purpose for which it was obtained”. I believe the purpose it is being obtained is to provide the information to you guys in order to furnish your report to Congress.

**(a) Research or statistical information; immunity from process; prohibition against admission as evidence or use in any proceedings.**

No officer or employee of the Federal Government, and no recipient of assistance under the provisions of this chapter shall use or reveal any research or statistical information furnished under this chapter by any person and identifiable to any specific private person for any purpose other than the purpose for which it was obtained in accordance with this chapter. Such information and copies thereof shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial, legislative, or administrative proceedings.

I appreciate your help.

Sammy

**Sammy Said**

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**From:** Brien, Peter (OJP) [<mailto:Peter.Brien@usdoj.gov>]  
**Sent:** Tuesday, April 14, 2020 12:30 PM  
**To:** Said, Sammy <[Sammy.Said@ncdps.gov](mailto:Sammy.Said@ncdps.gov)>  
**Subject:** [External] FOIA

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Good afternoon, and my apologies for the delay in responding to your question.

In the event of a FOIA request for information contained in the Deaths in Custody Act reporting form, the Office of Justice Programs would not reveal any PII, as the attached confidentiality statute protects statistical information with PII from disclosure without the consent of the covered individual. Therefore, we'd likely either provide a heavily redacted version of the form, or provide nothing, to protect the confidentiality of the individual, in the event that there are so few cases that disclosure of any information might lead to identifying the individual.

I very much hope this helps. Please let me know if there are additional questions or concerns.

Pete Brien

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