



December 16, 2022

Federal Bureau of Investigation  
ATTN: Initial Processing Operations Unit  
Record/Information Dissemination Section  
200 Constitution Drive  
Winchester, VA 22602

**RE: FOIA and Privacy Act Request, Kenneth G. Copeland**

Dear FOIA/Privacy Act Officer:

I write to request, under the Freedom of Information Act, 5 U.S.C. 552, and the Privacy Act, 5 U.S.C. 552a, all records pertaining to Kenneth G. Copeland, in the custody and control of the Federal Bureau of Investigation related to the homicide of **Wayne Edelin** which took place on or around **November 28, 1992** near the Barry Farms neighborhood in Southeast DC. The FBI file number is 166E-WF-192673, the CCN number is 657-048, and the homicide file number is 92-1656.

I write on Mr. Copeland's behalf, and include with this letter a Certification of Identity signed by Mr. Copeland, which authorizes me to receive these documents on his behalf. I am seeking information for personal use and not for commercial use. Mr. Copeland's Social Security Number is [REDACTED] His date of birth is [REDACTED] He is currently incarcerated at FCI Jesup, 2600 Highway 301 South, Jesup, Georgia 31599. His BOP number is 18626-016.

If portions of the requested records are exempt from disclosure, please provide me with any severable portion of the records. If access is denied to any records or portion of records, please identify in a written statement the general content of each item being withheld and the specific grounds for withholding, citing legal authority under which access is being withheld.

I kindly request a waiver of fees associated with the search and duplication of these records. The Mid-Atlantic Innocence Project is a non-profit, 501(c)(3), charitable organization committed to correcting and preventing the convictions of innocent people in Maryland, Virginia, and the District of Columbia. We represent clients on a purely pro bono basis and are never paid for our services. As such, our work is in the interest of the public and no private or commercial interest. We have in the past obtained a waiver of fees from federal agencies. If a waiver of fees is not permitted, I request a letter detailing the cost for obtaining Mr. Copeland's file.

If you have any questions regarding this request, please contact me at 202-969-0979 ext. 701 or [mabernethy@exonerate.org](mailto:mabernethy@exonerate.org). Thank you for your assistance in this matter.

Yours very truly,



Maggie Abernethy  
Staff Attorney  
Mid-Atlantic Innocence Project  
1413 K Street, NW, Suite 1100  
Washington, D.C. 20005  
(202) 969-0979 ext. 701  
[mabernethy@exonerate.org](mailto:mabernethy@exonerate.org)

Encls.



U.S. Department of Justice

# Exhibit 2

Federal Bureau of Investigation  
Washington, D.C. 20535

December 23, 2022

MS. MAGGIE ABERNATHY  
MID-ATLANTIC INNOCENCE PROJECT  
SUITE 1100  
1413 K STREET, NW  
WASHINGTON, DC 20005

FOIPA Request No.: 1576301-000  
Subject: COPELAND, KENNETH G.  
(Homicide of Wayne Edelin)

Dear Ms. Abernathy,

This acknowledges receipt of your Freedom of Information/Privacy Acts (FOIPA) request to the FBI. Below you will find check boxes and informational paragraphs about your request, as well as specific determinations required by these statutes. Please read each one carefully.

- Your request has been received at FBI Headquarters for processing.
- You submitted your request via the FBI's eFOIPA system.
  - Future correspondence about your FOIPA request will be provided in an email link unless the record file type is not supported by the eFOIPA system.
  - Correspondence for requests regarding living individuals, or containing audio, video, and high resolution photographs cannot be sent through the eFOIPA system. Future correspondence about your FOIPA request will be delivered through standard mail.
- The subject of your request is currently being processed and documents subject to the FOIPA will be released to you upon completion.
- Release of responsive records subject to the FOIPA will be posted to the FBI's electronic FOIA Library (The Vault), <http://vault.fbi.gov>, and you will be contacted when the release is posted.
- Your request for a public interest fee waiver is under consideration and you will be advised of the decision if fees are applicable. If your fee waiver is not granted, you will be responsible for applicable fees per your designated requester fee category below.
- For the purpose of assessing any fees, we have determined:
  - As a commercial use requester, you will be charged applicable search, review, and duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(I).
  - As an educational institution, noncommercial scientific institution or representative of the news media requester, you will be charged applicable duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(II).
  - As a general (all others) requester, you will be charged applicable search and duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(III).

Please check the status of your FOIPA request at [www.fbi.gov/foia](http://www.fbi.gov/foia) by clicking on **FOIPA Status** and entering your FOIPA Request Number. Status updates are adjusted weekly. The status of newly assigned requests may not be available until the next weekly update. If the FOIPA has been closed the notice will indicate that appropriate correspondence has been mailed to the address on file.

For questions regarding our determinations, visit the [www.fbi.gov/foia](http://www.fbi.gov/foia) website under "Contact Us." The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

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: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my 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 [foipaquestions@fbi.gov](mailto:foipaquestions@fbi.gov). 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 Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,



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





## Exhibit 3

Federal Bureau of Investigation

Washington, D.C. 20535

RECEIVED

March 6, 2023

MAR 09 2023

MS. MAGGIE ABERNATHY  
 MID-ATLANTIC INNOCENCE PROJECT  
 SUITE 1100  
 1413 K STREET, NW  
 WASHINGTON, DC 20005

FOIPA Request No.: 1576301-000  
 Subject: COPELAND, KENNETH G.  
 (Homicide of Wayne Edelin)

Dear Ms. Abernathy:

This is in reference to your Freedom of Information/Privacy Acts (FOIPA) request. Please see the selected paragraphs below for relevant information specific to your request as well as the enclosed FBI FOIPA Addendum for standard responses applicable to all requests.

The Federal Bureau of Investigation (FBI) has located approximately 1,266 pages of records subject to the FOIPA that are potentially responsive to the subject of your request. By DOJ regulation, the FBI notifies requesters when anticipated fees exceed \$25.00. Please be advised that you are entitled to the first 100 pages free of charge. If the release is made on a Compact Disc (CD) or through the FBI's eFOIPA system, you will receive the cost equivalent (\$5.00) as a credit.

Based upon the FBI's standard release practices and/or release format preferences indicated within your request letter, material responsive to your request will be provided to you through:

- The eFOIPA system
- CD release(s)
- Paper release(s)

If all potentially responsive pages are released on CD or through the eFOIPA system, it is estimated that you will owe \$40.00 in duplication fees (3 releases at \$15.00 each, less \$5.00 credit for the first release). Each release contains approximately 500 reviewed pages. The 500 page estimate is based on our business practice of processing complex cases in interim monthly releases. Should you request that the release be made in paper, it is estimated that you will owe \$58.30 based on a duplication fee of five cents per page. See 28 CFR §16.10 and 16.49.

Please reference the information below that may be specific to your request. Only checked boxes contain information relevant to your request.

- The FBI's eFOIPA system cannot transmit digital media files, and they will need to be released on CD. The FBI located audio and video files that are potentially responsive to the subject of your request. If all of the potentially responsive media is released, it is estimated that you will owe \$15.00 (1 CD at \$15.00 each). The estimated number of CDs is based off of our business practice of processing media associated with complex cases in interim monthly releases, and is not synonymous with the number of potentially responsive digital media files.
- It is estimated that you will owe \$\_\_\_\_\_ in international shipping fees.

The estimated total cost for processing your request is \$55.00 for CD/eFOIPA release(s) or \$58.30 for paper release(s).

Please remember this is only an estimate, some of the information may be withheld in full pursuant to FOIA/Privacy Act exemptions. Also, some information may not be responsive to your subject. Thus, the actual charges could be less.



## Requester Response

**No payment is required at this time.** If you wish to change the requested format of your release(s), you must notify us in writing within thirty (30) days from the date of this letter. If your request is eligible and consistent with the FBI eFOIPA terms of service, it will automatically be selected as your preferred format.

I am requesting my release format be changed to the following:

- CD format
- Paper format

You must also indicate your preference regarding the estimated duplication fees from the following four (4) options:

I am willing to pay estimated duplication/ international shipping fees up to the amount specified in this letter.

I am willing to pay fees of a different amount.

Please specify amount: \_\_\_\_\_

Provide me 100 pages or the cost equivalent (\$5.00) free of charge. If applicable, I am willing to pay international shipping fees.

Cancel my request.

If we do not receive your duplication format decision and/or estimated duplication fee selection within thirty (30) days of the date of this notification, your request will be closed. Include the FOIPA Request Number listed above in any communication regarding this matter.

You have the opportunity to reduce the scope of your request; this will accelerate the process and could potentially place your request in a quicker processing queue. This may also reduce search and duplication costs and allow for a more timely receipt of your information. The FBI uses a multi-queue processing system to fairly assign and process new requests. Simple request queue cases (50 pages or less) usually require the least time to process.

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.

Please advise in writing if you would like to discuss reducing the scope of your request and your willingness to pay the estimated search and duplication costs indicated above. Provide a telephone number, if one is available, where you can be reached between 8:00 a.m. and 5:00 p.m., Eastern Standard Time. Mail your response to: **Initial Processing Operations Unit; Record/Information Dissemination Section; Information Management Division; Federal Bureau of Investigation; 200 Constitution Drive; Winchester, VA 22602.** You may also fax your response to: 540-868-4997, Attention: Initial Processing Operations Unit.

For questions regarding our determinations, visit the [www.fbi.gov/foia](http://www.fbi.gov/foia) website under "Contact Us." The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

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: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my 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 [foipaquestions@fbi.gov](mailto:foipaquestions@fbi.gov). 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 Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

A handwritten signature in black ink, appearing to read "M. G. Seidel".

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



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](http://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 [www.fbi.gov/about-us/cjis/identity-history-summary-checks](http://www.fbi.gov/about-us/cjis/identity-history-summary-checks). Additionally, requests can be submitted electronically at [www.edo.cjis.gov](http://www.edo.cjis.gov). 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.



March 10, 2023

Federal Bureau of Investigation  
ATTN: Initial Processing Operations Unit  
Record/Information Dissemination Section  
200 Constitution Drive  
Winchester, VA 22602

**RE: FOIAP Request No.: 1576301-000 (Copeland, Kenneth G.)**

On March 9, 2023, I received a cost letter associated with FOIAP Request No. 1576301-000. Enclosed please find a response to this cost letter.

Sincerely,

---

Maggie Abernethy  
Staff Attorney  
Mid-Atlantic Innocence Project  
1413 K Street, NW Suite 1100  
Washington, DC 20005  
(202) 969-0979 ext. 701  
mabernethy@exonerate.org



## Requester Response

No payment is required at this time. If you wish to change the requested format of your release(s), you must notify us in writing within thirty (30) days from the date of this letter. If your request is eligible and consistent with the FBI eFOIPA terms of service, it will automatically be selected as your preferred format.

I am requesting my release format be changed to the following:

- CD format  
 Paper format

You must also indicate your preference regarding the estimated duplication fees from the following four (4) options:

- I am willing to pay estimated duplication/ international shipping fees up to the amount specified in this letter.  
 I am willing to pay fees of a different amount.

Please specify amount: \_\_\_\_\_

- Provide me 100 pages or the cost equivalent (\$5.00) free of charge. If applicable, I am willing to pay international shipping fees.  
 Cancel my request.

If we do not receive your duplication format decision and/or estimated duplication fee selection within thirty (30) days of the date of this notification, your request will be closed. Include the FOIPA Request Number listed above in any communication regarding this matter.

You have the opportunity to reduce the scope of your request; this will accelerate the process and could potentially place your request in a quicker processing queue. This may also reduce search and duplication costs and allow for a more timely receipt of your information. The FBI uses a multi-queue processing system to fairly assign and process new requests. Simple request queue cases (50 pages or less) usually require the least time to process.

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.

Please advise in writing if you would like to discuss reducing the scope of your request and your willingness to pay the estimated search and duplication costs indicated above. Provide a telephone number, if one is available, where you can be reached between 8:00 a.m. and 5:00 p.m., Eastern Standard Time. Mail your response to: **Initial Processing Operations Unit; Record/Information Dissemination Section; Information Management Division; Federal Bureau of Investigation; 200 Constitution Drive; Winchester, VA 22602.** You may also fax your response to: 540-868-4997, Attention: Initial Processing Operations Unit.

For questions regarding our determinations, visit the [www.fbi.gov/foia](http://www.fbi.gov/foia) website under "Contact Us." The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

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: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my 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.



Maggie Abernethy <mabernethy@exonerate.org>

RE: [EXTERNAL EMAIL] - Re: FOIA# 1576301/ Kenneth Copeland

FBI.FOIPA.NEGOTIATION@FBI.GOV <FBI.FOIPA.NEGOTIATION@fbi.gov>

Fri, May 26, 2023 at 8:52 AM

To: Maggie Abernethy <mabernethy@exonerate.org>

Hello Ms. Abernethy,

Thank you for your response we will continue on with your case as-is.

Unfortunately the quickest way to receive material would be to go ahead and reduce to the small track. We understand your surprise at learning how long processing your request in full can take. Please understand that the FBI receives many thousands of requests on a daily, weekly, monthly, and yearly basis, many of which generate thousands or tens of thousands of potentially responsive pages and/or hours of potentially responsive media, both audio and video. All potentially responsive material is required to undergo line-by-line (paper), second-by-second (audio), and frame-by-frame (video) review before release to the public, thus accounting for the time required to process each request. With this in mind, please also note that we process requests in order of receipt based on the sizes described in my initial email. We appreciate your patience and understanding.

Respectfully,

Negotiation Team

Federal Bureau of Investigation

Fbi.foipa.negotiation@fbi.gov

Status Checks: <https://vault.fbi.gov/fdps-1/@@search-fdps> | [foipaquestions@fbi.gov](mailto:foipaquestions@fbi.gov)

For additional information, please visit the [www.fbi.gov/foia](http://www.fbi.gov/foia) website.



From: Maggie Abernethy <mabernethy@exonerate.org>

Sent: Friday, May 26, 2023 8:23 AM



To: FBI.FOIPA.NEGOTIATION <FBI.FOIPA.NEGOTIATION@FBI.GOV>  
Subject: Re: [EXTERNAL EMAIL] - Re: FOIA# 1576301/ Kenneth Copeland

Thank you. In that case, I would **not** like to change the scope of my request. Is there any other way to speed this process up besides reducing the request? four and a half years is a very long time to wait for my clients, who are claiming innocence.

Best,

Maggie

On Fri, May 26, 2023 at 7:13 AM FBI.FOIPA.NEGOTIATION@FBI.GOV <FBI.FOIPA.NEGOTIATION@fbi.gov> wrote:

Good morning Ms. Abernethy,

Thank you for your email response and your potential willingness to negotiate. If we just processed the 1,266 pages your case would remain in the large track and have an estimated completion time of approximately 55 months.

Please advise how you would like to move forward with this request.

Respectfully,

Negotiation Team

Federal Bureau of Investigation

[Fbi.foipa.negotiation@fbi.gov](mailto:Fbi.foipa.negotiation@fbi.gov)

Status Checks: <https://vault.fbi.gov/fdps-1/@@search-fdps> | [foipaquestions@fbi.gov](mailto:foipaquestions@fbi.gov)

For additional information, please visit the [www.fbi.gov/foia](http://www.fbi.gov/foia) website.



**From:** Maggie Abernethy <[mabernethy@exonerate.org](mailto:mabernethy@exonerate.org)>  
**Sent:** Thursday, May 25, 2023 1:59 PM

To: FBI.FOIPA.NEGOTIATION <FBI.FOIPA.NEGOTIATION@FBI.GOV>  
Subject: [EXTERNAL EMAIL] - Re: FOIA# 1576301/ Kenneth Copeland

Good afternoon,

What would be the estimated wait time to receive only the paper documentation?

On Thu, May 25, 2023 at 1:49 PM FBI.FOIPA.NEGOTIATION@FBI.GOV <FBI.FOIPA.NEGOTIATION@fbi.gov> wrote:

Good afternoon Ms. Abernethy,

We're contacting you in reference to the FOIPA request number included in the subject line of this email. The FBI located approximately 1,266 pages and 9 minutes of audio potentially responsive to your request. In your cost letter response, you agreed to pay \$55.00 for processing. For clarification audio media releases are made in 30-minute increments per CD (1 release), and video media releases are made in 15-minute increments per CD (1 release).

Requests are processed in the order in which they are received through our multi-track processing system:

Small track requests (no media releases/only 0-50 pages) current average time is approximately 4 months to complete;

Medium track requests (up to 2 releases/media) current average time is approximately 35 months to complete;

Large track requests (3-16 releases/media) current average time is approximately 55 months to complete; and

Extra-large track requests (17+ releases/media) current average time is approximately 77 months to complete.

The current average time to complete your large track request is at least 55 months. Reducing the scope of your request may accelerate the processing, allow for a timelier receipt of the information you seek, and reduce the duplication costs, if applicable. Would you be willing to consider reducing the scope of your request to place it in a smaller, potentially faster processing track?

Please let us know if this is something you would be interested in further discussing. If you chose to narrow the scope of your request, you will be able to request remaining material via a new FOIPA request submission at the completion of this request, subject to applicable fees.

Respectfully,

Negotiation Team

Federal Bureau of Investigation

[Fbi.foipa.negotiation@fbi.gov](mailto:Fbi.foipa.negotiation@fbi.gov)



Status Checks: <https://vault.fbi.gov/fdps-1/@@search-fdps> | [foipaquestions@fbi.gov](mailto:foipaquestions@fbi.gov)

For additional information, please visit the [www.fbi.gov/foia](http://www.fbi.gov/foia) website.



--

Maggie Abernethy

Staff Attorney

Mid-Atlantic Innocence Project

1413 K St. NW, Suite 1100

Washington, DC 20005

(202) 969-0979 ext. 701

[mabernethy@exonerate.org](mailto:mabernethy@exonerate.org)

--

Maggie Abernethy

Staff Attorney

Mid-Atlantic Innocence Project

1413 K St. NW, Suite 1100

Washington, DC 20005

(202) 969-0979 ext. 701

[mabernethy@exonerate.org](mailto:mabernethy@exonerate.org)