

Exhibit A



**DEMOCRACY
FORWARD
FOUNDATION**

P.O. Box 34553
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202-448-9090
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May 19, 2017

VIA ONLINE SUBMISSION

FOIA/PA Mail Referral Unit
Justice Management Division
Department of Justice
Room 115
LOC Building
Washington, D.C. 20530-0001
202-616-3847
Mrfoia.requests@usdoj.gov

Re: Freedom of Information Act Records Request

Dear FOIA Officer:

Pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 et seq., and Department of Justice FOIA regulations at 28 C.F.R. Part 16, Democracy Forward Foundation requests that the Department of Justice produce the following within twenty (20) business days:

- (1) Any and all records that refer or relate to the termination or renewal (including changes to scope) of existing contracts related to the building, construction, operation, and/or maintenance of private prisons, detention centers, and/or facilities.¹
- (2) Any and all records that refer or relate to the consideration of new contracts related to the building, construction, operation, and/or maintenance of private prisons, detention centers, and/or facilities.²
- (3) Any and all records that refer or relate to the decision by Attorney General Jeff Sessions

¹ Laura Jarrett, [DOJ walks back guidance discouraging use of private prisons](http://www.cnn.com/2017/02/23/politics/doj-walks-back-guidance-discouraging-use-of-private-prisons/), CNN (Feb. 23, 2017), <http://www.cnn.com/2017/02/23/politics/doj-walks-back-guidance-discouraging-use-of-private-prisons/>.

² Laura Jarrett, [DOJ walks back guidance discouraging use of private prisons](http://www.cnn.com/2017/02/23/politics/doj-walks-back-guidance-discouraging-use-of-private-prisons/), CNN (Feb. 23, 2017), <http://www.cnn.com/2017/02/23/politics/doj-walks-back-guidance-discouraging-use-of-private-prisons/>.

May 19, 2017

Page 2

to rescind³ an August 18, 2016 Department of Justice Memorandum (herein "2016 Yates Memo")⁴ regarding the reduced use of private prisons in the federal prison system.

- (4) Any and all records assessing, or relating to the assessment of, the "future needs of the federal correctional system" as specified in the Attorney General's memorandum of February 21, 2017.⁵
- (5) Any and all records assessing whether the 2016 Yates Memo "impaired the Bureau's ability to meet the future needs of the federal correctional system" as specified in the Attorney General's memorandum of February 21, 2017 and any and all records relating to any such assessment.
- (6) Any and all records considered by the Attorney General, the Office of the Attorney General, or any other component of the Department of Justice, in determining that the 2016 Yates Memo "impaired the Bureau's ability to meet the future needs of the federal correctional system" as specified in the Attorney General's memorandum of February 21, 2017.⁶
- (7) Any and all records that: (i) Contain any the following words: "CoreCivic," "Core Civic," "Corrections Corporation of America," "CCA," "The Geo Group," "Geo Group," "GEO Corrections Holdings Inc.," "Natchez," "David Donahue," "George Zoley," "Pablo Paez," or "David Venturella"; and (ii) were sent or received by any of the following Department of Justice employees: Attorney General Jefferson Sessions, Deputy Attorney General Rod Rosenstein, Alan Hanson, Gary Barnett, Jonathan Berry, Noel Francisco, Curtis Gannon, Lauren Goldschmidt, John Gore, Mary Blanche Hankey, Trevor McFadden, Counsel Chad Mizelle, Michael Murray, Ryan Newman, Rachael Parker, Chad Readler, David Rybicki, Matthew Sheehan, Scott Stewart, Brett Talley, Rachael Tucker, Tom Wheeler, or Jeff Wood.
- (8) Any and all records that: (i) Refer or relate to Department of Justice use of private prisons; and (ii) were sent or received by any of the following Department of Justice employees: Attorney General Jefferson Sessions, Deputy Attorney General Rod Rosenstein, Alan Hanson, Gary Barnett, Jonathan Berry, Noel Francisco, Curtis Gannon,

³ Memorandum from Jefferson B. Sessions, Attorney General, Rescission of Memorandum on Use of Private Prisons (Feb. 21, 2017), https://www.bop.gov/resources/news/pdfs/20170224_doj_memo.pdf.

⁴ Memorandum from Sally Yates, Deputy Attorney General, Reducing our Use of Private Prison (Aug. 18, 2016), <https://www.justice.gov/archives/opa/file/886311/download>.

⁵ Supra note 3.

⁶ Id.

May 19, 2017

Page 3

Lauren Goldschmidt, John Gore, Mary Blanche Hankey, Trevor McFadden, Counsel Chad Mizelle, Michael Murray, Ryan Newman, Rachael Parker, Chad Readler, David Rybicki, Matthew Sheehan, Scott Stewart, Brett Talley, Rachael Tucker, Tom Wheeler, or Jeff Wood.

The time period for this request is January 20, 2017 to the date the search is conducted. For requests (1), (2), and (3), please search for records from the Office of the Attorney General, the Office of the Deputy Attorney General, the Office of Legal Policy, the Office of Legislative Affairs, the Office of Public Affairs, the Justice Management Division, and the Bureau of Prisons.

Please search for records regardless of format, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical materials. This request includes, without limitation, all correspondence, letters, emails, text messages, calendar entries, facsimiles, telephone messages, voice mail messages, and transcripts, notes, minutes, or audio or video recordings of any meetings, telephone conversations, or discussions.

FOIA requires agencies to disclose information, with only limited exceptions for information that would harm an interest protected by a specific exemption or where disclosure is prohibited by law. 5 U.S.C. §552(a)(8)(A). In the event that any of the requested documents cannot be disclosed in their entirety, we request that you release any material that can be reasonably segregated. *See* 5 U.S.C. § 552(b). Should any documents or portions of documents be withheld, we further request that you state with specificity the description of the document to be withheld and the legal and factual grounds for withholding any documents or portions thereof in an index, as required by *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). Should any document include both disclosable and nondisclosable material that cannot reasonably be segregated, we request that you describe what proportion of the information in a document is non-disclosable and how that information is dispersed throughout the document. *Mead Data Cent., Inc. v. U.S. Dep't of Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

If requested records are located in, or originated in, another agency, department, office, installation or bureau, please refer this request or any relevant portion of this request to the appropriate entity.

To the extent that the records are readily reproducible in an electronic format, we would prefer to receive the records in that format. However, if certain records are not available in that format, we are willing to accept the best available copy of each such record.

Please respond to this request in writing within 20 working days as required under 5 U.S.C. §

May 19, 2017
Page 4

552(a)(6)(A)(i). If all of the requested documents are not available within that time period, we request that you provide us with all requested documents or portions of documents that are available within that time period. If all relevant records are not produced within that time period, we are entitled to a waiver of fees for searching and duplicating records under 5 U.S.C. § 552(a)(4)(A)(viii)(I).

Democracy Forward Foundation is a nonprofit organization organized under Internal Revenue Code § 501(c)(3) and dedicated to educating the public about the operation of the federal government. The records we obtain from this request will be used to support those public education efforts, and we intend to disseminate publicly an analysis of those records. As a nonprofit organization, we do not have a commercial interest in the records. We therefore request a waiver of fees for searching and duplicating records in response to this request under the exception at 5 U.S.C. § 552(a)(4)(A)(iii), which requires waiver of fees if the disclosure is “in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” If our request for a waiver is denied, we are willing to pay all reasonable fees incurred for searching and duplicating records in responding to this request, up to \$250. If the costs of responding to this request should exceed that amount, please contact us before incurring costs exceeding that amount.

If you need clarification as to the scope of the request, have any questions, or foresee any obstacles to releasing fully the requested records within the 20 day period, please contact Karianne Jones as soon as possible at foia@democracyforward.org or 202-448-9090.

We appreciate your assistance and look forward to your prompt response.

Sincerely,

Anne Harkavy
Democracy Forward Foundation