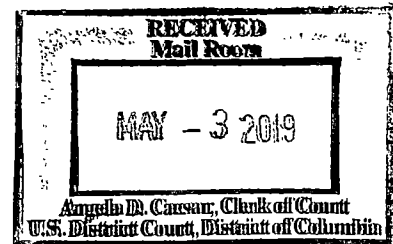


UNITED STATES DISTRICT COURT  
DISTRICT OF COLUMBIA



VERNON ROBERTS,  
Plaintiff/Petitioner.

v.

OFFICE OF JUSTICE PROGRAMS, OF  
THE UNITED STATES DEPARTMENT  
OF JUSTICE,

Defendant/Respondent.

Case: 1:19-cv-01306  
Assigned To : Unassigned  
Assign. Date : 5/3/2019  
Description: FOIA/Privacy Act (I-DECK)

Complaint Pursuant to the Freedom of Information Act.  
5 U.S.C. Section 552(a) et.seq.

1. The FOIA establishes the statutory right of any person to prompt access any federal agency records. 5 U.S.C. section 552(a)-(3).

2. The FOIA provides that an agency is required to provide its response to a FOIA request within 20 working days after receipt of the request. 5 U.S.C.(a)(6)(A)(i). However, an agency may extend the 20-day limit by notifying the requestor in writing of "unusual circumstances" necessitating an extension and the date on which a determination of the request is expected. 5 U.S.C. section 552 (a)(6)(B)(i).

3. If the agency fails to provide written notification within the time limit set forth in the Act, the requestor is deemed to have 'constructively exhausted administrative remedies' and may seek relief in the federal district court. 5.U.S.C.section 552(a)(6)(C)(i).

4. Adverse decisions on FOIA requests must notify the requestor of the right to seek an administrative appeal. 5 U.S.C.A. section 552 (a)(6)(A)(i). If such notice is not provided, the requestor is deemed to have constructively exhausted administrative remedies and may seek relief in federal district court.

FACTUAL BASIS OF THE PRESENT COMPLAINT.

5. As a result of the plaintiff/petitioner having discovered the the Rochester, New York Police department utilizes ~~body worn cameras~~ by it's law enforcement officers in the field during police-citizen encounters. Which facts were noted to within a news paper article in the Rochester, New York ~~Democrate~~ and Chronicle dated November 29, 2017. Copy of which Article is hereto attached as Exhibit-A.. Additionally, the plaintiff's further research into the area of law enforcement agencies use of body worn cameras through review of articles such as 128 Harv.L.Rev.1794. The plaintiff/petitioner discovered that the Federal government had allotted \$263 million in federal funding to provided State and local law enforcement agencies ~~with body worn cameras and training~~.

6. As a result of gaining the above knowledge. Under date of December 4, 2018, the platintiff/petitioner herein by correspondence requested from the clerk of the House of Representatives. Copy and information on federal legislation concerning body worn cameras for law enforcement agenices. And, in response the plaintiff received information on the following listed federal government legislation concerning appropriations for law enforcment agencies use of body worn camera equipment; as such:

(i)-Legislation H.R.Rep.114-065, H.R.NO.605 114 Cong. 2nd Sess. June 7,2016; 2016 WL. 3176983. Which at pages:45-54 of Tile II therein. Addressed federal appropriations made to the Office of Justice Programs of the Department of Justice. At, pages: 50-51 specifically made reference to the amount of funding to be provided to the Office of Justice Programs connected agency of the Bureau of Justice Assistancefor providing "baseline procedures for State and local law enforcement agencies use of body-worn cameas.

(ii)-A two page correspondence dated September 21,2015 from the Department of Justices Office of Public Affairs. Stating in it's caption: "JUSTICE DEPARTMENT AWARDS OVER\$23 MILLION IN FUNDING FOR BODY WORN CAMERA PILOT PROGRAM TO SUPPORT LAW ENFORCEMENT AGENICES IN32 STATES. And, further detailing how the Department of Justice's Office of Justice Programs awarded 73 local and tribal law enforcement agenices in 32 states more than 23.2 million to expand the use of body-worn cameras and explore their impact. Including 19.3 million to purchase body-worn cameras, \$ 2 million for training and technical assistance and, \$ 1.9 million to examine the impact of their use. Additionally stating, the Bureau of Justice Assistance has launched a comprehensive online toolkit that consolidates research, promising practices, model polices and other tools that address issues surronding body-worn cameas, includingimplementation requirements; image retention;.....And, that the toolkit is available at <https://www.bja.gov/bwc/>. Copy of which correspondence dated September 21,2015 is hereto attached as Exhibit-B:

(iii)-A two page letter dated November 21, 2018 ~~from the Department~~ of Justice Office of Public Affairs. Stating, the Department of Justice's Office of Justice Programs Bureau of Justice Assistance awarded over \$56 million in ~~grant~~ funding to enhance State, Local and Tribal law enforcement safety and wellness, to law enforcement departments, local jurisdictions, and training for body-worn cameras, training etc. And, that a complete list of individual grant programs, amounts awarded,, and the jurisdictions that will receive funding are available on <https://usa.gov/xPUFH>. And, additionally listing on page-2 thereof the six bureaus and offices under the jurisdiction of the Office of Justice Programs-one of them being the Bureau of Justice Assistance. Copy of which correspondence dated November 21, 2018 is hereto attached as Exhibit-C.

7. As a result of obtaining the information reference to within the ~~above paragraphs~~. The plaintiff/petitioner ~~in~~ pursuant to the congressional mandates of 5 U.S.C. section 552(a), requested from the Department of Justice's Information Officer by correspondence dated December 23, 2018 which is herein incorporated by reference and attached as Exhibit-D. Copy and the information set forth therein.

8. Subsequently. In accordance with the Department of Justice's regulations governing Freedom of Information request under 5 U.S.C. section 552(a). And, 28 C.F.R. Part 16 section 16.1-thru.-16.3(2), by correspondence dated January 7, 2019. The Department of Justice Mail referral Unit forwarded the plaintiff/petitioner's request to the Office of Justice Programs, the component of the department of justice having jurisdiction over the matters requested of the plaintiff.

Pursuant to the mandates of 34 U.S.C. Chapter 101 Subchapters I,

Sub chapter II-thru.-V. And, 28 C.F.R. Chapter I Subpart A. and

Subpart P-1 sections 0.90-thru.0.94-1-(Bureau of Justice Assistance).

Copy of which correspondence dated January 7, 2019 from the Department of justice's Mail Referral Unit is hereto attached as Exhibit-E .

9. Consequently. By correspondence dated January 8, 2019 the plaintiff, received in response to his FOIA request hereto attached as Exhibit-

D. Correspondents from Monica Potter-Johnson, Government Information Specialist. Of, the Department of Justice's Office of Justice Programs. Which response did no comply with the 'mandatory requirements for FOIA responses pursuant to 5 U.S.C. section 552(a)(6)(A)(i)(I), (II), (III), (B)(i), (C)(i). As, the response did not inform the plaintiff/petitioner of:

(i)-The right of the plaintiff, to seek an appeal to the agency head within 90 days from the adverse determination not to disclose to the plaintiff the requested documents.

(ii)-It did not setforth any 'specific'factual basis'upon which the agency was relying to determine and classify the plaintiff's FOIA request as requiring "unusual circumstances." Nor, did the response setforth a date of no more than 10y-days within which a determination would be expected by the plaintiff on his request.

Copy of which correspondence from Monica Potter-Johnson, is hereto attached as Exhibit-F.

10. The plaintiff/petitioner, hereby incorporates by reference his correspondence dated February 10, 2019 to the FOIA Public Liaison as Exhibit-G ; hereto attached. And, his correspondence dated February 12, 2019 to the Office of General Counsel, Office of Justice Programs. Hereto attached as Exhibit-H. OF Which neither receive responses too.

11. To date, the Office of Justice Programs of the United States Department of Justice has not provided a final determination regarding plaintiff/petitioner's FOIA request. And, has not provided the plaintiff with any information regarding how to appeal the denial of records pursuant to the FOIA, or how to appeal the decision, if any pursuant to the plaintiff/petitioner's FOIA request.

12. The plaintiff/petitioner, has a statutory right to the records it seeks, and there is no legal basis for the Office of Justice Programs failure to disclose them to plaintiff.

13. The Office of Justice Programs failure to timely respond to plaintiff/petitioner's request for records as set forth within the correspondence hereto attached as Exhibit-D violates the FOIA. 5 U.S.C. section 552(a)(6)(A)(i).

14. The Office of Justice Programs initial response hereto attached as Exhibit-F failed to notify the plaintiff/petitioner of the "specific unusual circumstances" necessitating an extension, and failed to provide the date on which a final determination on the plaintiff's request would be made, resulting in a violation of the FOIA. 5 U.S.C. section 552(a)(6)(B)(i).

15. The Office of Justice Programs' failure to notify plaintiff of its right to seek an administrative appeal of the decision made in the correspondence hereto attached as Exhibit-F violate the FOIA. 5.U.S.C.552(a)(6)(A)(i).

16. Wherefore. It is the belief of the plaintiff/petitioner Vernon Roberts, is therefore deemed to have constructively exhausted the applicable administrative remedies under FOIA because the Office of Justice Programs has failed to meet these statutory requirements.

17. The Office of Justice Programs has wrongfully withheld agency records. Vernon Roberts, plaintiff/petitioner is entitled to injunctive relief with respect to the release and disclosure of the requested records. Further, plaintiff is entitled to its attorney's fees and costs incurred to obtain this information pursuant to 5 U.S.C. section 552(a)(4)(E).

Dated: April 28, 2019.

RESPECTFULLY SUBMITTED,

Vernon Roberts

Vernon Roberts, #18-B-1489  
Five Points Correctional Facility.  
State Route 96.P.O.Box 119  
Romulus, New York.14541