IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

ROBERT & ETHEL KENNEDY HUMAN RIGHTS CENTER; NATIONAL POLICE ACCOUNTABILITY PROJECT; BLACK LIVES MATTER, D.C.; and NATIONAL IMMIGRATION PROJECT; *Plaintiffs*, v. UNITED STATES DEPARTMENT OF JUSTICE; *Defendant.*	Case No. **COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

COMPLAINT

1. Plaintiffs Robert & Ethel Kennedy Human Rights Center,[1] National Police Accountability Project, Black Lives Matter, D.C., and National Immigration Project bring this action under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, for declaratory, injunctive, and other appropriate relief.

2. Rising violence by federal law enforcement officers has been the subject of intense public concern for the past 18 months, elevating calls for transparency and accountability for law enforcement misconduct to a matter of great urgency. At least 11 people, including 4 U.S. citizens have died at the hands Department of Homeland Security ("DHS") officers since January of 2025.[2] In July 2026 alone, United States Immigration and Customs Enforcement ("ICE") agents killed two individuals in their vehicles – Lorenzo Salgado Araujo on July 7,

[1] Formerly known as Robert F. Kennedy Human Rights.

[2] José Olivares, *'New Terrifying Levels': 10 People Fatally Shot by Immigration Officials in Trump's Second Term*, The Guardian (July 9, 2026), https://www.theguardian.com/us-news/2026/jul/09/ice-immigration-shooting-deaths-trump.

2026, and 25-year-old Johan Sebastián Durán Guerrero on July 13, 2026.[3] The public outcry following these most recent shootings led DHS to pause, temporarily, most vehicle stops, and expand its use of body cameras.[4] Press coverage of these recent shootings has deepened already serious and sustained public concern about the standards and screening measures used in hiring DHS law enforcement officers, as reports emerged that the agent who shot Mr. Guerrero had a documented history of domestic violence.[5]

3. The lack of basic background checks and rigorous hiring protocols for new ICE recruits during a time of substantially increased ICE hiring has put the public at great risk. According to a recent memo by a career ICE official exposing "unprecedented lowering of standards" in the hasty hiring of ICE recruits, the Trump Administration is "cutting corners, violating the law and fast-tracking unqualified, 'improperly vetted' candidates into ICE's ranks."[6] This hasty hiring process means that "vetters were told to make determinations on recruits without having the full security form, fingerprints or any polygraph testing" resulting in the practice of having new recruits "heading to training without having their identities, criminal histories and other basic information checked and verified" ultimately putting the public at great risk.[7]

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[3] Lekan Oyekanmi et al., *What to Know About the Fatal Shooting of a Houston Man by an ICE Officer*, Associated Press (July 9, 2026), https://apnews.com/article/ice-shooting-salgado-araujo-houston-7f8b3218b97c63388fc016b3da9718ee; Maria Santana et al., *What We Know About the 25-Year-Old Father from Colombia Who Was Fatally Shot by an ICE Officer in Maine*, CNN (July 15, 2026), https://www.cnn.com/2026/07/15/us/joan-sebastian-guerrero-ice-shooting-maine.

[4] Nicole Sganga et al., *Trump Overturns Pause of ICE Vehicle Stops Implemented After Maine, Texas Shootings*, CBS News (updated July 15, 2026, 9:21 PM EDT), https://www.cbsnews.com/news/ice-agents-halt-vehicle-stops-after-shootings-maine-texas/; Nicole Sganga & Joe Walsh, *Every ICE Arrest Team Will Now Have an Agent with a Body Camera, DHS Says, After 2 Fatal Shootings Draw Scrutiny*, CBS News (July 15, 2026, 12:13 AM EDT), https://www.cbsnews.com/news/ice-arrest-team-body-camera-dhs-says/.

[5] Jack Brook et al., *AP Exclusive: ICE Officer in Maine Shooting Has History of Violent Behavior, Family and Records Say*, Associated Press (July 16, 2026), https://apnews.com/article/ice-david-brouillette-johan-guerrero-maine-shooting-dbc30d6d59e2a95fb470afc188e125c6.

[6] Alexandra Berzon, Katie Benner & Hamad Aleaziz, *ICE Skipped Basic Checks in Rush for Recruits, Whistle-Blower Says,* N.Y. Times, Sept. 3, 2026.

[7] *Id.*

4. This case concerns Plaintiffs' Request for expedited processing of a FOIA Request (the "Request") seeking records about the National Law Enforcement Accountability Database ("NLEAD") and the United States Department of Justice's ("DOJ") decommissioning of NLEAD in early 2025 – matters directly related to the intense public focus on federal law enforcement accountability.
5. NLEAD was a centralized repository of official records documenting instances of federal law enforcement officer misconduct, commendations and awards. It was accessible to federal law enforcement agencies and was designed to advance law enforcement recruitment, hiring, promotion, retention, training, oversight, and accountability practices.
6. On October 3, 2025, Plaintiffs submitted a FOIA Request pursuant to 5 U.S.C. § 552(a)(3)(A) to the DOJ's Office of Justice Programs ("OJP") seeking public records related to the development, operation, and decommissioning of NLEAD, including related federal policies, directives, expenditures, and actions.
7. Plaintiffs requested expedited processing of that Request because Plaintiffs include organizations primarily engaged in disseminating information and the records are urgently needed to inform the public about the elimination of NLEAD during a period of heightened concern regarding federal law enforcement misconduct, oversight, and accountability.
8. OJP granted expedited processing on November 17, 2025.
9. By letter dated January 21, 2026, OJP informed Plaintiffs that it had referred the Request to the DOJ's Justice Management Division ("JMD"), which denied expedited processing on February 3, 2026, and again on March 31, 2026, after Plaintiffs sought reconsideration and provided additional information.
10. The Office of Information Policy ("OIP") also denied expedited processing on April 1, 2026, after JMD forwarded the Request to OIP.

11. On May 1, 2026, Plaintiffs administratively appealed the JMD and OIP expedited processing denials. On May 7, 2026, OIP issued two final appeal decisions affirming the denials.

12. More than ten months after receiving Plaintiffs' FOIA Request, Defendant has not made a determination on the Request, has not processed the Request, and has not produced records responsive to the Request. Although JMD provided Plaintiffs with a spreadsheet containing data stored in NLEAD, Plaintiffs had not requested that data, and Defendant has not produced any records responsive to the Request. Plaintiffs therefore seek an order requiring Defendant to comply with FOIA by processing the Request on an expedited basis and as soon as practicable and otherwise complying with its obligations under the statute.

JURISDICTION AND VENUE

13. This Court has subject-matter jurisdiction under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.

14. This Court has authority to grant declaratory relief under 28 U.S.C. §§ 2201 and 2202 and injunctive relief under 5 U.S.C. § 552(a)(4)(B).

15. Venue is proper in this District under 5 U.S.C. § 552(a)(4)(B) because Plaintiff Robert & Ethel Kennedy Human Rights Center maintains a principal place of business in this District.

PARTIES

16. Plaintiff Robert & Ethel Kennedy Human Rights Center is a non-partisan, not-for-profit organization that promotes human rights through information campaigns, advocacy, transparency work, and litigation where necessary. As an organization primarily engaged in the dissemination of information, obtaining, analyzing, publishing, and disseminating information about government law enforcement activity are critical components of its work.

17. Plaintiff National Police Accountability Project is an organization dedicated to addressing misconduct by law enforcement officers and their employers. It supports attorneys and advocates, educates the public about police misconduct and accountability, and supports accountability reforms.

18. Plaintiff Black Lives Matter, D.C. is a grassroots, not-for-profit organization working to end state violence and systemic racism in Washington, D.C. and beyond. It disseminates information through community education, events, toolkits, reports, statements, press engagement, coalition work, and digital platforms.

19. Plaintiff National Immigration Project is a national nonprofit organization dedicated to providing legal assistance and support to immigrant communities and advocating on behalf of noncitizens. It disseminates information through treatises, practice advisories, community resources, training, litigation support, and public advocacy.

20. Defendant United States Department of Justice ("DOJ") is a department of the Executive Branch of the United States and an agency within the meaning of FOIA, 5 U.S.C. § 552(f)(1). DOJ has possession, custody, and control of records responsive to Plaintiffs' FOIA request. Through its components, including OJP, JMD, OIP, and potentially others, DOJ has possession, custody, or control of responsive records and has denied multiple requests for expedited processing.

FOIA STATUTORY FRAMEWORK

21. FOIA requires federal agencies, upon request by a member of the public, to promptly release records within the possession of the agency, unless a statutory exemption applies. 5 U.S.C. § 552(a)(3)(A), (b).

22. An agency must determine within 20 working days after receipt of a FOIA request whether to comply with the request and must immediately notify the requester, at a minimum, of the records it will release, which records it will withhold, and why, and the right to appeal any adverse determination. 5 U.S.C. § 552(a)(6)(A)(i).

23. In unusual circumstances, FOIA allows the above time limit to be extended by ten working days through notice to the person making such request setting forth the circumstances justifying the extension and the date on which a determination is expected to be dispatched. 5 U.S.C. § 552(a)(6)(B)(i)-(iii).

24. An agency's failure to make a timely determination within these statutory deadlines is subject to judicial review without exhausting administrative remedies. 5 U.S.C. § 552(a)(6)(C)(i).

25. FOIA requires that "each agency, upon any request for records which (i) reasonably describes such records and (ii) is made in accordance with published rules . . . shall make the records promptly available" to the requestor. 5 U.S.C. § 552(a)(3)(A).

26. FOIA requires expedited processing when a requester demonstrates a compelling need. 5 U.S.C. § 552(a)(6)(E)(i). A compelling need exists when a request is made by a person primarily engaged in disseminating information and there is urgency to inform the public concerning actual or alleged federal government activity. 5 U.S.C. § 552(a)(6)(E)(v)(II).

27. Courts in this District and elsewhere evaluate urgency to inform by considering whether the request concerns a matter of current exigency to the American public, whether delay would compromise a significant recognized interest, and whether the request concerns federal government activity. *Brennan Ctr. for Just. at N.Y.U. Sch. of L. v. U.S. Dep't of State*, 300 F. Supp. 3d 540, 547–49 (S.D.N.Y. 2018) (applying this standard and ordering expedited processing where delay would undermine FOIA's purpose of timely informing the public

concerning government activity). *See also Al-Fayed v. CIA,* 254 F.3d 300, 310 (D.C. Cir. 2001).

28. DOJ regulations also require expedited processing where there is an urgency to inform the public about an actual or alleged federal government activity, and the request is made by a person primarily engaged in disseminating information. 28 C.F.R. § 16.5(e)(1)(ii).

29. An agency must determine whether to grant expedited processing and notify the requester of that determination within 10 calendar days after receipt of the request for expedited processing. 5 U.S.C. § 552(a)(6)(E)(ii)(I); 28 C.F.R. § 16.5(e)(4).

30. A request granted expedited processing must be given priority, placed in the expedited processing track, and processed as soon as practicable. 5 U.S.C. § 552(a)(6)(E)(iii); 28 C.F.R. § 16.5(e)(4).

31. Agency action denying or affirming the denial of expedited processing, and an agency's failure to timely respond to a request for expedited processing, are subject to judicial review under 5 U.S.C. § 552(a)(4). 5 U.S.C. § 552(a)(6)(E)(iii).

32. FOIA authorizes this Court to enjoin an agency from withholding agency records and to order the production of agency records improperly withheld. 5 U.S.C. § 552(a)(4)(B). FOIA also authorizes an award of reasonable attorneys' fees and litigation costs to a substantially prevailing complainant. 5 U.S.C. § 552(a)(4)(E).

RELEVANT FACTS

DOJ Decommissions NLEAD

33. The NLEAD was established in 2023 to advance law enforcement recruitment, hiring, promotion, retention, training, oversight, and accountability practices.

34. The NLEAD was a centralized repository of official records documenting instances of federal law enforcement officer misconduct, commendations, and awards. It was accessible to federal law enforcement agencies.

35. In December 2024, Defendant released a report through the Bureau of Justice Statistics (the "Report"), confirming that NLEAD was working as intended.[8] According to the Report, as of September 20, 2024, NLEAD contained 4,790 records of federal officer misconduct involving 4,011 federal law enforcement officers for the 2018–2023 period. Sixty-three percent of the incidents reflected sustained complaints or disciplinary actions based on findings of serious misconduct. DOJ and DHS accounted for 88 percent of the incidents reflected in the NLEAD, with 2,727 incidents from DOJ officers and 1,479 incidents from DHS officers. Some officers from DOJ and DHS had multiple records of disciplinary action or serious misconduct.

36. The Report stated that between January 1, 2024, and August 31, 2024, 9,985 searches were conducted of NLEAD records, including 3,005 searches in August 2024 alone, indicating rapidly increasing usage of the database during its first year of operation.

37. NLEAD was ultimately intended to support state, local, tribal, and territorial law enforcement hiring, but DOJ decommissioned the database before those agencies gained access.

[8] Shelley S. Hyland, *National Law Enforcement Accountability Database, 2018–2023*, Bureau of Justice Statistics 1, 6-7, 14 (Dec. 2024), https://perma.cc/36MW-J5NM (https://bjs.ojp.gov/document/nlead1823.pdf).

38. Specifically, on or about January 24, 2025, DOJ decommissioned NLEAD, reportedly in response to Executive Order 14148, which revoked Executive Order 14074, the Executive Order under which NLEAD had been established.

39. The decommissioning of NLEAD removed a critical tool for identifying federal law enforcement officers with serious misconduct or disciplinary records at the very time that public attention to federal law enforcement misconduct, oversight, and accountability was intensifying.

Plaintiffs Submit the FOIA Request

40. On October 3, 2025, Plaintiffs submitted their FOIA Request to OJP, under which the Bureau of Justice Assistance ("BJA") is housed, concerning NLEAD and its decommissioning. (Ex. A).

41. The Request sought records beginning January 1, 2018, through the date of the agency's search, covering records and communications concerning the establishment, development, construction, operation, costs, and use of NLEAD. (Ex. A).

42. The Request also sought records and communications concerning DOJ's decommissioning of NLEAD, including related analyses, factors considered, conclusions reached, alternatives considered, the status and preservation of NLEAD data, attempts to contribute or access NLEAD records after decommissioning, and efforts to integrate SLTT records into NLEAD or provide SLTT law enforcement agencies the ability to conduct NLEAD searches. (Ex. A).

43. Plaintiffs requested expedited processing under 5 U.S.C. § 552(a)(6)(E) and 28 C.F.R. § 16.5(e)(1)(ii). (Ex. A).

44. In support of their request for expedited processing, Plaintiffs explained that they include organizations primarily engaged in disseminating information and that there was an urgent need to inform the public about DOJ's decommissioning of a federal law enforcement

accountability tool during a period of widespread public concern about federal law enforcement misconduct and accountability. (Ex. A).

45. Plaintiffs asserted that the public has a substantial and sustained interest in law enforcement misconduct involving violations of human and civil rights, as well as in government efforts to hold law enforcement officers accountable and protect the public from law enforcement misconduct and lack of accountability. (Ex. A).

46. Plaintiffs noted that DOJ's dismantling of NLEAD had been covered by at least two dozen media outlets and organizations before the recent surge in federal immigration enforcement activity and related protest activity.[9] Plaintiffs cited widespread coverage of federal agents, often wearing masks, engaging in excessive force and mass detentions without due process.[10] (Ex. A).

47. Plaintiffs further explained that the public urgently needed information about the establishment, development, use, and decommissioning of NLEAD because, while the federal government was conducting more immigration raids, more aggressively, and with more personnel with less training and oversight, DOJ had eliminated one of the few guardrails

[9] Plaintiffs cited as examples of this press coverage: Martin Kaste, *Trump Took Down Police Misconduct Database, but States Can Still Share Background Check Info*, NPR (Feb. 28, 2025), https://perma.cc/9JEB-BUEN; Gloria Oladipo, *Trump Administration Shuts Down National Database Documenting Police Misconduct*, The Guardian (Feb. 22, 2025), https://perma.cc/W6ES-3GCJ; E.D. Cauchi, *Justice Department Shuts Down Federal Law Enforcement Misconduct Tracker*, CBS News (Feb. 21, 2025), https://perma.cc/5AKN-8R6A; Bekim Bruka, *U.S. Justice Department Eliminates Federal Law Enforcement Accountability Database*, JURIST (Feb. 24, 2025), https://perma.cc/36FE-VQVF; *Shutting Down the National Law Enforcement Accountability Database Appears to Violate Records Law*, Citizens for Responsibility and Ethics in Washington (Feb. 28, 2025), https://perma.cc/L3AJ-X476; Kanishka Singh, *U.S. Justice Department Cuts Database Tracking Federal Police Misconduct*, Reuters (Feb. 20, 2025), https://perma.cc/2RMS-YUD6; Russell Contreras, *Trump Orders Database on Federal Police Misconduct to Close*, Axios (Feb. 20, 2025), https://perma.cc/4Q3Q-C7UB; C.J. Ciaramella, *Trump Deletes Database Containing Over 5,000 Police Misconduct Incidents*, Reason (June 2025), https://perma.cc/2LM6-G839.

[10] See, e.g., Fadel et al., *Masked Immigration Agents Are Spurring Fear and Confusion Across the U.S.*, NPR (July 10, 2025), https://perma.cc/FT4A-XUPF; Fallon Fischer, *Watch: ICE Agents Tase Man at Albuquerque Walmart*, The Hill (July 11, 2025), https://perma.cc/8FLF-WHKY; Lily Dallow, *U.S. Citizen Released, No Assault Charges After Violent ICE Arrest in L.A. County*, KTLA (June 20, 2025), https://perma.cc/B6DV-CNR3; Jack Belcher, *ICE Agents Reportedly Extract Man from His Vehicle During Bellingham Detention*, The Bellingham Herald (June 20, 2025), https://perma.cc/4CGN-9AAQ; Kaitlyn Huamani, *Immigrant Father of Three Marines Is Violently Detained, Injured by Federal Agents, Son Says*, Los Angeles Times (June 22, 2025), https://perma.cc/JR44-9SR6.

designed to keep officers with misconduct histories out of the federal law enforcement network. Plaintiffs explained that the requested records were therefore important and timely to the active public discourse on federal law enforcement misconduct, transparency, and accountability. (Ex. A).

48. Plaintiffs also requested a fee waiver because disclosure would contribute significantly to public understanding of government operations and activities and was not primarily in Plaintiffs' commercial interest. (Ex. A).

Defendant Improperly Denies Expedited Processing, Fails to Make a Timely Determination, and Fails to Provide Responsive Documents

49. On November 17, 2025, OJP acknowledged Plaintiffs' FOIA request, granted expedited processing, and stated that records searches had been initiated. (Ex. B).

50. Two months later, on January 21, 2026, OJP informed Plaintiffs that another DOJ component might be responsible for the Request and that OJP had forwarded the Request to JMD. OJP stated that this completed OJP's processing of the request. (Ex. C).

51. On February 3, 2026, JMD acknowledged receipt of the Request, but denied expedited processing, stating that it could not "identify a particular urgency to inform the public about an actual or alleged federal government activity beyond the public's right to know about government activities generally." (Ex. D).

52. In the same February 3, 2026, communication, JMD asked Plaintiffs to clarify the scope of the request, including the identities of JMD personnel whose records were being sought and to provide search terms for the agency to use in its records searches. (Ex. D).

53. JMD also provided links to publicly available information, as well as a spreadsheet containing data stored in NLEAD, invoking FOIA Exemptions 6 and 7(C) for information whose disclosure would constitute an unwarranted invasion of personal privacy. Notably, Plaintiffs' Request had not sought the data stored in NLEAD, in part because of those exemptions and in

part because the Request focused on NLEAD's purposes and use, the decision to decommission it, and the resulting impact on law enforcement accountability and transparency, not the records contained in the database. (Ex. D).

54. Plaintiffs then engaged in good-faith efforts to facilitate JMD's timely processing of the Request. Plaintiffs conferred with JMD by phone and email, provided reference documents, clarified and substantially narrowed portions of the Request to focus on the most urgent records sought, proposed custodians for initial searches, and supplied preliminary search terms, while reserving the right to propose additional custodians and search terms after reviewing the results of JMD's initial searches. (Exs. E–H).

55. On March 20, 2026, following a series of violent confrontations between DHS law enforcement agents and members of the public, in which DHS immigration enforcement officers reportedly shot 14 people, including U.S. citizens, and which generated a storm of media coverage and public interest,[11] Plaintiffs asked JMD to reconsider its denial of expedited processing. In support of that request, Plaintiffs provided additional information concerning the urgent public interest in NLEAD and its decommissioning, in the context of intense media focus and public outcry over federal law enforcement misconduct and the lack of oversight and accountability for DHS agents. (Ex. H).

56. Plaintiffs explained that public concern had only increased since the Request was submitted, going so far as to result in the shutdown of DHS because of extreme public concern over excessive force and the need for additional oversight of and accountability for immigration enforcement officers. Plaintiffs cited recent press coverage concerning DHS and ICE

[11] Jon Schuppe & Erik Ortiz, *Trump's DHS Immigration Enforcement Officers Have Shot 14 People Since September. Here's What to Know*, NBC News (Jan. 16, 2026), https://perma.cc/7MD7-SEUH; see also Susie Webb, *Data: Federal Immigration Officers Involved in 19 Shootings*, WBAL-TV (updated Jan. 24, 2026, 3:15 PM EST), https://perma.cc/N8DJ-WP9M.

oversight, the DHS funding dispute, a fatal CBP shooting, and the risk of a government shutdown.[12] Plaintiffs further explained that the urgency to inform the public had become more acute because immigration enforcement officers had reportedly been involved in numerous shootings, including shootings involving U.S. citizens. Plaintiffs noted that DHS accounts for approximately half of the federal law enforcement workforce, making accountability measures like NLEAD especially significant in the current enforcement environment. (Ex. H).

57. On March 31, 2026, JMD again denied expedited processing and notified Plaintiffs of their appeal rights concerning that determination. (Ex. I).

58. In that same communication, JMD noted that Plaintiffs' agreement to narrow the Request and their designation of preliminary custodians and search terms "should be helpful for us to start conducting searches." JMD also noted that it had identified two additional custodians and was sending the Request, as refined, to OIP and back to OJP—the DOJ component that originally received the FOIA Request and forwarded it to JMD without producing any records. (Ex. I).

59. Although JMD stated that it would conduct searches based on the refined Request, JMD did not make a determination regarding that Request as required by 5 U.S.C. § 552(a)(6). It has not informed Plaintiffs of the scope of records it intends to produce or withhold, the reasons for any withholding, or Plaintiffs' right to appeal any adverse determination concerning those records. (Exs. I, N).

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[12] See, e.g., Ximena Bustillo & Sam Gringlas, *Top Immigration Officials Are Questioned About Enforcement as a Shutdown at DHS Looms*, NPR (Feb. 12, 2026), https://perma.cc/YX8R-FETW; Editorial Board, *Who's Watching DHS and ICE?*, Wash. Post (Jan. 19, 2026), https://perma.cc/99TM-SGWR (https://www.washingtonpost.com/opinions/2026/01/19/ice-immigration-enforcement-oversight-dhs/); *Gun Rights Groups Clash After Man DHS Says Was Armed Fatally Shot by CBP in Minneapolis*, Fox News (Jan. 24, 2026), https://perma.cc/Y64P-KNGJ; Alex Miller & Elizabeth Elkind, *Senate Dems Revolt Against DHS Funding Bill Amid Minneapolis Chaos, Hiking Government Shutdown Risk*, Fox News (Jan. 24, 2026), https://perma.cc/RH3L-E5CQ; Jon Schuppe & Erik Ortiz, *Trump's DHS Immigration Enforcement Officers Have Shot 14 People Since September. Here's What to Know*, NBC News (Jan. 16, 2026),https://perma.cc/7MD7-SEUH; Susie Webb, *Data: Federal Immigration Officers Involved in 19 Shootings*, WBAL-TV (updated Jan. 24, 2026, 3:15 PM EST), https://perma.cc/N8DJ-WP9M; Shelley S. Hyland, *National Law Enforcement Accountability Database, 2018–2023*, Bureau of Justice Statistics 1, 6–7, 14 (Dec. 2024), https://perma.cc/36MW-J5NM (https://bjs.ojp.gov/document/nlead1823.pdf).

60. As of May 22, 2026, JMD had not provided any substantive update on its searches, identified any responsive records located, or provided an estimate for when production would begin, reporting only that 88 requests were in the queue ahead of Plaintiffs' Request. (Ex. N).

61. As of the filing of this complaint JMD has provided no further information or updates to Plaintiffs.

62. As of the filing of this Complaint, OJP has not acknowledged the March 31, 2026, referral, made a determination concerning those records, or produced any responsive records. (Ex. I).

63. On April 1, 2026, OIP acknowledged receipt of the Request, as refined and forwarded by JMD, assigned Request No. FOIA-2026-02515, and denied expedited processing. OIP stated that it "cannot identify a particular urgency to inform the public about an actual or alleged federal government activity beyond the public's right to know about government activities generally." (Ex. J).

64. In the same acknowledgment, OIP stated that the Request fell within "unusual circumstances" and that it would need to extend its response time "beyond the ten additional days provided by the statute." OIP assigned the Request to the complex track and offered Plaintiffs the opportunity to narrow the Request or agree to an alternative processing timeframe but did not provide a date by which it expected to make a determination. (Ex. J).

65. As of the filing of this Complaint, OIP has not informed Plaintiffs of the scope of records it intends to produce or withhold in response to the portions of the Request forwarded to it, the reasons for any withholding, or Plaintiffs' right to appeal any adverse determination concerning those records. (Ex. J).

Plaintiffs Appeal the Denial of Expedited Processing

66. On May 1, 2026, Plaintiffs administratively appealed JMD's and OIP's denials of expedited processing. (Ex. K).

67. Plaintiffs explained that the Request concerned current federal government activity and an active public debate over federal law enforcement accountability, including DOJ's dismantling of NLEAD during a surge in immigration enforcement activity and sustained public concern about federal law enforcement misconduct. Plaintiffs noted that, at the time of the Request, they had demonstrated a substantial and focused public interest in federal law enforcement misconduct involving violations of human and civil rights, government efforts to hold wrongdoing law enforcement officers accountable, and the protection of the public from law enforcement overreach and that this interest had only grown in the more than six months since the Request was submitted and since OJP initially granted expedited processing. (Ex. K).
68. Plaintiffs supported that showing with citations to contemporaneous press coverage and government materials documenting NLEAD's decommissioning, public concern over federal law enforcement misconduct and use of force, and subsequent coverage of DHS and immigration enforcement oversight, the DHS funding dispute, a fatal CBP shooting, and the risk of a government shutdown. (Ex. K).
69. Plaintiffs also explained that delay would compromise a significant recognized interest by preventing timely public understanding of why DOJ dismantled a federal law enforcement accountability mechanism while federal law enforcement activity and public concern about misconduct were intensifying. Plaintiffs emphasized that the Request concerned the dismantling of a federal accountability tool while immigration enforcement activity was increasing, use-of-force incidents involving federal agents were receiving sustained media attention, and Congress and the public were scrutinizing DHS and immigration enforcement oversight. (Ex. K).
70. On May 7, 2026, OIP issued a final decision in Appeal No. A-2026-01361 affirming JMD's denial of expedited processing for JMD Request No. 138669. (Ex. L).

71. OIP stated that, although the Request concerned federal government activity, Requesters had "not established that there exists a current exigency to the American public regarding the requested records" or that "the consequences of delaying a response would compromise a significant recognized interest." OIP further stated that, although Plaintiffs "may engage in information dissemination activities," OIP further stated that, although Plaintiffs "may well engage in the dissemination of information," they had not demonstrated that they were "primarily engaged" in disseminating information. (Ex. L).
72. On May 7, 2026, OIP issued a second final decision in Appeal No. A-2026-01321 affirming the Initial Request Staff's denial of expedited processing for OIP Request No. FOIA-2026-02515. (Ex. M).
73. In both May 7, 2026, decisions, OIP advised Plaintiffs that FOIA permits them to file suit in federal district court under 5 U.S.C. § 552(a)(4)(B). (Ex. L-M).

Defendant's Denial Deprives the Public of Timely Information

74. Defendant's refusal to process the Request on an expedited basis and continued withholding of responsive records prevent Plaintiffs and the public from obtaining timely information about DOJ's decommissioning of NLEAD during a period of intense public interest in federal law enforcement misconduct and the need for greater federal law enforcement accountability.
75. Plaintiffs have a statutory right to the requested records and to expedited processing of their Request under FOIA.

CAUSES OF ACTION

Count I

Violation of FOIA, 5 U.S.C. § 552(a)(6)(E),

for Wrongful Denial of Expedited Processing

76. Plaintiffs incorporate by reference all preceding paragraphs as if fully set forth herein.

77. Plaintiffs demonstrated a compelling need for expedited processing because the Request was made by organizations primarily engaged in disseminating information and because there is urgency to inform the public concerning actual federal government activity. This includes DOJ's decommissioning of NLEAD during a period of heightened concern regarding federal law enforcement misconduct, oversight, and accountability.

78. OJP granted expedited processing and stated that records searches had been initiated.

79. JMD and OIP later denied expedited processing despite Plaintiffs' showing of even greater urgency, and despite OJP's prior grant of expedited processing and Plaintiffs' provision of additional information supporting expedited processing.

80. Defendant's denial of expedited processing and failure to process the Request as soon as practicable violate FOIA, 5 U.S.C. § 552(a)(6)(E), and DOJ's implementing regulation, 28 C.F.R. § 16.5(e).

Count II

Violation of FOIA, 5 U.S.C. § 552(a)(3)(A),

for Improper Withholding of Agency Records

81. Plaintiffs incorporate by reference all preceding paragraphs as if fully set forth herein.

82. Plaintiffs properly requested records within the possession, custody, and control of Defendant.

83. Plaintiffs clarified and narrowed portions of the Request and provided preliminary custodians and search terms to facilitate DOJ's searches.

84. JMD has not completed its searches for the remaining records sought by the Request, notified Plaintiffs of what records it will produce or withhold, identified any FOIA exemption justifying their continued withholding, or produced records responsive to the Request.

85. OIP and OJP likewise have not produced any records responsive to the portions of the Request referred to them, identified any records they intend to produce or withhold, or invoked any FOIA exemption justifying the continued withholding.

86. Plaintiffs are deemed to have exhausted their administrative remedies because DOJ did not make a timely determination concerning the outstanding portions of the Request. 5 U.S.C. § 552(a)(6)(C)(i).

87. Defendant's continued withholding of non-exempt records responsive to Plaintiffs' Request constitutes an improper withholding of agency records in violation of FOIA, 5 U.S.C. §§ 552(a)(3)(A) and 552(a)(4)(B).

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court:

a) Declare that Defendant violated FOIA by wrongfully denying expedited processing of Plaintiffs' Request;

b) Declare that Defendant has improperly withheld non-exempt records responsive to Plaintiffs' Request;

c) Order Defendant to process Plaintiffs' Request on an expedited basis and as soon as practicable;

d) Order Defendant to produce all non-exempt records responsive to Plaintiffs' Request on an expedited schedule and by a date certain;

e) Retain jurisdiction over this action until Defendant has fully complied with FOIA and this Court's orders;

f) Award Plaintiffs reasonable attorneys' fees and litigation costs under 5 U.S.C. § 552(a)(4)(E) and any other applicable law; and

g) Grant such other relief as the Court deems just and proper.

Dated: September 4, 2026
New York, NY

Respectfully submitted,

/s/ Sarah T. Gillman
Sarah T. Gillman (Bar Number SG 9273)
ROBERT & ETHEL KENNEDY HUMAN RIGHTS CENTER
88 Pine St., 8th Fl., Ste. 801
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T: 929-656-1871
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/s/ Anthony Enriquez
Anthony Enriquez (Bar No 5211404)
ROBERT & ETHEL KENNEDY HUMAN RIGHTS CENTER

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/s/ Khaled Alrabe*
Khaled Alrabe (pro hac vice pending)
CA SBN #349899, NY Reg. No. 5542311
Email: khaled@nipnlg.org
National Immigration Project
1763 Columbia Road NW,
Suite 175 #896645,
Washington, DC 20009
Telephone: (617) 227-9727

/s/ Keisha James
Keisha James
Lauren Bonds (pro hac vice pending)
1403 Southwest Boulevard
Kansas City, Kansas 66103
(504) 220-0401
keisha.npap@nlg.org
legal.npap@nlg.org

Attorneys for Plaintiffs

EXHIBIT LIST

Exhibit A - October 3, 2025, FOIA Request

Exhibit B - November 17, 2025, OJP Acknowledgment Letter Granting Expedited Processing

Exhibit C - January 21, 2026, OJP Referral to JMD

Exhibit D - February 3, 2026, JMD Email Denying Expedited Processing and Requesting Clarification

Exhibit E - March 4, 2026, Email Correspondence Following Call with JMD

Exhibit F - March 4, 2026, Email Transmitting BJS Statistical Brief and Clarifying Request 3(f)

Exhibit G - March 6, 2026, Email from JMD Regarding Refined Request and Clarification

Exhibit H - March 20, 2026, Email Refining/Narrowing the Request and Seeking Reconsideration

Exhibit I - March 31, 2026, Email from JMD Again Denying Expedited Processing and Forwarding the Refined Request

Exhibit J - April 1, 2026, OIP Acknowledgment and Denial of Expedited Processing, Request No. FOIA-2026-02515

Exhibit K - May 1, 2026, Administrative Appeal (attachments reproduced as Exhibits A–J)

Exhibit L - May 7, 2026, OIP Decision, Appeal No. A-2026-01361 / JMD Request No. 138669

Exhibit M - May 7, 2026, OIP Decision, Appeal No. A-2026-01321 / OIP Request No. FOIA-2026-02515

Exhibit N - April 6–May 22, 2026, Email Correspondence Regarding JMD Processing Status and Queue Position

EXHIBIT A

October 3, 2025

Sent via Email and U.S. Certified Mail

U.S. Department of Justice
Office of Justice Programs
FOIA Office
999 North Capitol Street, NE
Washington, DC 20531
FOIAOJP@usdoj.gov

RE: FREEDOM OF INFORMATION ACT REQUEST

To Whom it May Concern:

Robert F. Kennedy Human Rights ("RFK Human Rights" or "RFKHR"), National Police Accountability Project ("NPAP"), Black Lives Matter, D.C., National Immigration Project ("NIPNLG"), Lawyers' Committee for Civil Rights Under Law, and Human Rights Data Analysis Group ("HRDAG") (collectively, "Requesters" or "we") submit this request pursuant to the Freedom for Information Act ("FOIA"), 5 U.S.C. § 552 *et seq.*, as amended, for public records in the custody of the United States Department of Justice ("DOJ") and its component agencies, Office of Justice Programs ("OJP"). We request copies of the records identified in the numbered paragraphs below, pertaining to the National Law Enforcement Accountability Database ("NLEAD") and its decommission and removal from the DOJ website.

We ask that you please direct this request to all appropriate offices and departments within each agency or component, including but not limited to the Bureau of Justice Statistics ("BJS") and the Justice Management Division ("JMD").

We also request expedited processing for this request, pursuant to 5 U.S.C. § 552(a)(6)(E) and agency regulations, and a fee waiver, pursuant to 5 U.S.C. § 552(a)(4)(A)(iii).

Purpose of the Request

This request concerns the development, construction, operation, and decommissioning of the NLEAD, established in 2023 to advance "new practices in law enforcement recruitment, hiring, promotion, and retention, as well as training, oversight, and accountability."[1] The NLEAD consisted of a centralized repository of official records documenting instances of law enforcement officer misconduct as well as commendations and awards, and was accessible to all federal law enforcement agencies.[2] In December 2024, the DOJ reported that the NLEAD "appear[ed] to be working as intended."[3] But on or about January 24, 2025, DOJ "decommissioned" the NLEAD, reportedly in response to Executive Order 14148, which revoked a series of prior Executive Orders, including Executive Order 14074 pursuant to which the NLEAD was established. EO 14148 directs that in implementing that Executive Order, "the heads of each agency shall take immediate steps to end Federal implementation of unlawful and radical DEI ideology."

In December of 2024, prior to the NLEAD being decommissioned, the Bureau of Justice Statistics ("BJS") published a report covering the first 9 months of NLEAD's operation. The report highlighted, among other facts, that, as of September 20, 2024:

- All 90 federal law enforcement agencies required to report to the NLEAD plus four additional agencies submitted records or submitted documentation that they had zero qualifying incidents for all their officers for the period 2018–2023.
- There were 4,790 records of federal officer misconduct for 4,011 federal law enforcement officers in the NLEAD for the period 2018–2023.
- 63% (3,031) of the incidents in the NLEAD were for sustained complaints or records of disciplinary action based on findings of serious misconduct.
- More than 84% of federal law enforcement officers whose agencies reported to the NLEAD were from either DOJ (59,570) or the Department of Homeland Security ("DHS") (65,150).
- DOJ and DHS accounted for 88% of the incidents reflected in NLEAD, with 2727 incidents from DOJ officers and 1479 incidents from DHS officers. Some officers from both DOJ and DHS had multiple records of disciplinary action or serious misconduct.

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[1] See Bureau of Justice Statistics, *National Law Enforcement Accountability Database*, (quoting Exec. Order No. 14074) (May 25, 2022), https://perma.cc/5LSX-JXCQ; See also Exec. Order No. 14074, 87 F.R. 32945.

[2] Shelley S. Hyland, *National Law Enforcement Accountability Database, 2018-2023*, Bureau of Justice Statistics (Dec. 2024), https://perma.cc/YG2K-388X.

[3] U.S. Dep't of Just., Office of Pub. Affs., *FACT SHEET: National Law Enforcement Accountability Database*, (Dec., 19, 2024), https://perma.cc/CU8D-TL98.

- Between January 1, 2024 to August 31, 2024, 9,985 searches were conducted on records in the NLEAD. In August 2024 alone, 3,000 searches were conducted.[4]

NLEAD was intended to assist State, Local, Tribal and Territorial ("SLTT") law enforcement as well as federal law enforcement agencies in strengthening their hiring practices.[5] To that end, as of December 2024, DOJ was partnering with two nongovernmental entities, the International Association of Directors of Law Enforcement Standards and Training ("IADLEST") and the International Justice and Public Safety Network ("Nlets"), to develop a process to allow SLTT law enforcement agencies to query the NLEAD to improve accountability in their hiring of current or former federal law enforcement officers. That process had not been completed by January 2025 when the NLEAD was decommissioned. Consequently, SLTT law enforcement agencies never gained access to the database. At present, neither Federal nor SLTT law enforcement agencies seeking to hire an individual who has worked in federal law enforcement at any time since 2018 has any streamlined mechanism to determine if the applicant under consideration has a history of serious misconduct or a disciplinary record during their time as a federal law enforcement officer.

Requesters are organizations that work to advance human and civil rights, and to bring to light and combat law enforcement overreach and abuse. They publicize instances of law enforcement misconduct; publish reports and alerts; maintain databases; engage in scholarship and advocacy; amplify the voices of grassroots organizations and individuals and communities most affected by law enforcement abuse and overreach; support legal advocates; provide legal advice and pursue litigation related to excessive force, conditions of detention and other forms of law enforcement overreach and misconduct. Requesters are concerned with immigrants, communities of color, and others disproportionately affected by law enforcement misconduct. Advancing law enforcement accountability and oversight is a key component of Requesters' missions.

Requesters have a vested interest in mechanisms that hold law enforcement officers to account when they engage in misconduct, and in preventing law enforcement officers whose own agencies and departments have disciplined them for serious misconduct from moving to new jobs in law enforcement despite records of misconduct. They also have a strong interest in understanding where and how often federal law enforcement officers engage in misconduct. The now defunct NLEAD was an important tool for advancing law enforcement accountability and identifying patterns of federal law enforcement conduct. Requesters urgently seek information on the development and operation of the NLEAD and on the federal government's policies, directives, expenditures and actions relating to the NLEAD and its decommissioning.

The disclosure of the information sought below will contribute to "public understanding of the operations or activities of the government," 5 U.S.C. § 552(a)(4)(A)(iii), and will provide the public with information necessary to engage in the democratic process and public debate regarding accountability for federal law enforcement officers, the integrity of federal law enforcement operations, and expenditures (and waste) of government resources. This FOIA request furthers the efforts of Requesters to investigate, educate the public about, and advocate for accountability and

[4] Hyland, at 4, 6-8 (Dec. 2024), https://perma.cc/YG2K-388X.
[5] *Id.* at 8.

against federal law enforcement abuses and misconduct, to challenge the improper treatment of immigrants and those who support them, and to expose inhumane conditions within immigration detention and the federal prison system. We seek this information in order to better publicize issues concerning law enforcement abuse generally and the elimination of the NLEAD in particular, to advocate for our clients and to advance the civil rights and safety of individuals involved with the immigration and criminal justice systems, and for all those who interact with law enforcement officers. Disclosure would thus be "in the public interest." 28 C.F.R. § 16.10(k)(1).

Definitions

The Records request below incorporates the following definitions:

"Communications" refers to the transmittal of information in any format, including, but not limited to, the communication formats listed under "Record."

Requesters use the terms "federal law enforcement agency," "federal law enforcement officer" and "officer misconduct record" as those terms are used in the Statistical Brief: National Law Enforcement Accountability Database, 2018-2023.[6]

"Personnel" refers to an individual employed by an organization or authorized to act on behalf of an organization, including employees, contractors, contractors' employees, agents, or representatives.

"Records" refers to all information in electronic, written, and/or printed form that is in DOJ's constructive possession, directly or indirectly, regardless of where or how the information originated or where or how DOJ received it, encompassing but not limited to any information in the Custody of any contractors for purposes of information management for DOJ, and including but not limited to: messaging communications between phones or other electronic devices, including but not limited to communications sent via short message service ("SMS"), multimedia message service ("MMS"), or any other messaging service, via Blackberry Messenger, iMessage, WhatsApp, Facebook, Signal, G-Chat, Instagram direct message, Twitter direct message, Slack, and/or any other messaging and communications platform; emails, letters, faxes, and/or any other form of correspondence; minutes and/or notes of meetings and/or phone calls; voicemail messages; images, video, and/or audio data; social media posts; calendar entries; files and their contents, including any notes; logs, spreadsheets, worksheets, and/or coversheets; database entries, analyses of data; metadata; investigations, reports, studies, and/or reviews; internal memoranda; contract, agreements, and/or memoranda of understanding, including but not limited to Intergovernmental Services Agreements; presentations, formal or informal; training criteria, standards, evaluations, and/or materials; orders, directives, and/or instructions; legal opinions and/or memoranda; Policies, procedures, protocols, and/or manuals; guidance and/or guidelines; bulletins, advisories, and/or alerts; as well as any reproductions thereof that differ in any way from any other reproduction, such as copies containing notations, drafts, and revisions.

[6] *Id.* https://perma.cc/YG2K-388X.

In requesting "Communications," the Requesters seek any record of written correspondence or verbal correspondence, whether formal or informal, in any format, including intra-agency, interagency correspondence, and agency correspondence with third parties.

The date range for all searches should be understood to commence with each provided start date and to end on the date the search for documents responsive to that request is commenced by the agency. *See Ferguson v. U.S. Dep't of Educ*., 2011 WL 4089880, at *11 (S.D.N.Y. Sept. 13, 2011) (commencement date of agency's search was reasonable cut-off date).

Request for Information

Requesters seek the following Records, beginning January 1, 2018, through the time the search responsive to this FOIA request is completed, unless otherwise specified:

1. Any and all Records and Communications that were prepared, received, transmitted, collected, and/or maintained by DOJ in connection with the establishment of the NLEAD. This includes:
    a. All Records and Communications between DOJ and any other Federal agency including the White House concerning the establishment of the NLEAD
    b. All Records and Communications within DOJ (including, but not limited to the OJP, BJS and JMD) concerning the establishment of the NLEAD
    c. All Records and Communications between DOJ and any SLTT law enforcement agency concerning the establishment of the NLEAD
    d. All Records and Communications between DOJ and any non-governmental individual or entity the establishment of the NLEAD
2. Any and all Records and Communications that were prepared, received, transmitted, collected, and/or maintained by DOJ in connection with the development or construction of the NLEAD. This includes:
    a. All Records and Communications between DOJ and any other Federal agency including the White House concerning the development or construction of the NLEAD
    b. All Records and Communications within DOJ (including, but not limited to the OJP, BJS and JMD) concerning the development or construction of the NLEAD
    c. All Records and Communications between DOJ and any SLTT law enforcement agency concerning the development or construction of the NLEAD
    d. All Records and Communications between DOJ and any non-governmental individual or entity concerning the development or construction of the NLEAD
    e. All studies that were performed related to development or construction of the NLEAD
3. Any and all Records and Communications that were prepared, received, transmitted, collected, and/or maintained by DOJ in connection with the operation of the NLEAD. This includes:
    a. All Records and Communications between DOJ and any other Federal agency including the White House concerning the operation of the NLEAD
    b. All Records and Communications within DOJ (including, but not limited to the OJP, BJS and JMD) concerning the operation of the NLEAD

c. All Records and Communications between DOJ and any SLTT law enforcement agency concerning the operation of the NLEAD
d. All Records and Communications between DOJ and any non-government individual or entity concerning the operation of the NLEAD
e. All complaints that were received or expressions of appreciation related to the operation of the NLEAD
f. All Record reflecting input of data or usage of the NLEAD not reflected in the December 2024 Statistical Brief, including but not limited to:
    i. The number of officers for federal law enforcement agencies reporting to the NLEAD between September 21, 2024 and the decommissioning of the NLEAD
    ii. The number of officer misconduct records entered into the NLEAD for 2024 or 2025 (broken down by agency and component, and by type of incident, if available)
    iii. The number of law enforcement officers whose records were entered into the NLEAD for 2024 or 2025 (broken down by agency and component, and by type of incident, if available)
    iv. The number of NLEAD searches (broken down by month) between September 21, 2024 and the decommissioning of the NLEAD

4. Any and all Records and Communications that were prepared, received, transmitted, collected, and/or maintained by DOJ in connection with decommissioning the NLEAD. This includes:
    a. All Records and Communications between DOJ and any other Federal agency including the White House concerning decommissioning the NLEAD
    b. All Records and Communications within DOJ (including, but not limited to the OJP, BJS and JMD) concerning decommissioning the NLEAD
    c. All Records and Communications between DOJ and any SLTT law enforcement agency concerning decommissioning the NLEAD
    d. All Records and Communications between DOJ and any non-governmental individual or entity concerning decommissioning the NLEAD
    e. All Records or Communications constituting or reflecting analyses undertaken by DOJ before decommissioning the NLEAD, including but not limited to:
        i. The factors and evidence DOJ considered in deciding to decommission the NLEAD
        ii. The conclusions DOJ reached in evaluating those factors
        iii. The definition of "unlawful and radical DEI ideology" in the context of the NLEAD
        iv. Any alternatives to decommissioning the NLEAD considered by DOJ
    f. All Records and Communications reflecting the current status of the NLEAD data, including but not limited to its preservation
    g. All Records and Communications reflecting attempts to contribute new data to the NLEAD after it was decommissioned
    h. All Records and Communications concerning efforts to access the NLEAD after it was decommissioned
5. Any and all Records and Communications that reflect the cost of development and construction of the NLEAD

6. Any and all Records and Communications that reflect the cost of decommissioning the NLEAD
7. Any and all Records and Communications concerning integrating SLTT records into the NLEAD, or providing NLEAD users with access to SLTT records.
8. Any and all Records and Communications concerning providing SLTT law enforcement agencies the ability to conduct searches in the NLEAD

Format of Request

The Requesters request that responsive documents and materials be produced in their entirety, including all attachments, enclosures, hyperlinks and internal links, and exhibits. If it is determined that a document contains material or information that falls within a statutory exemption to mandatory disclosure under FOIA, the Requesters ask that such material or information be reviewed for possible discretionary disclosure, consistent with the presumption of openness codified in the Freedom of Information Act Improvement Act of 2016, Pub. L. 114185, 130 Stat. 538. If terms or codes are not in the form template and/or publicly defined, please provide a glossary or other descriptive records containing definitions of acronyms, numerical codes, or terms contained in data responsive to this request. Please search for responsive records regardless of format, medium, or physical characteristics, and including electronic records.

Please provide the requested documents in the following format:

- Data Records in native format when possible (e.g., Excel spreadsheets in Excel);
- Other Records in PDF format when possible;
- Electronically searchable when possible;
- Email attachments provided in sequential order following the email, to preserve the "parent-child" relationship, such that Requesters are able to identify which documents were the attachments to which emails;
- Email parents include BCC and any other hidden fields; and
- Other metadata preserved for all Records.

Please furnish all applicable Records in electronic format as specified above to via email: Delia Addo-Yobo at addo-yobo@rfkhumanrights.org and Anthony Enriquez at enriquez@rfkhumanrights.org.

Requesters

Robert F. Kennedy Human Rights

Robert F. Kennedy Human Rights ("RFKHR") is a non-partisan, not-for-profit organization that promotes human rights through information campaigns and advocacy. As an organization primarily engaged in the dissemination of information, RFKHR engages in strategic story telling by building narratives to bring about reform through public education, transparency, and litigation where necessary. A substantial focus of its public education work is devoted to promoting immigrants' rights and publicizing and fighting against the harms of immigration detention. RFKHR also works to expose inhumane and illegal conditions of confinement and law

enforcement conduct outside the immigration system. Obtaining information about government law enforcement activity, analyzing that information, and widely publishing and disseminating it to the public through information campaigns, its website and social media channels (with more than 375,000 followers) and conventional media outlets, are critical and substantial components of RFKHR's work. RFKHR regularly publishes in-depth analyses of current events affecting human rights and broadly disseminates information to expose and rectify injustice. RFKHR disseminates content through its website, https://rfkhumanrights.org/, other websites like https://endthepainongain.org that host its human rights reports. It also issues press releases and public statements that reach thousands. For the past 4 years, RFKHR has also engaged in litigation on behalf of immigrants and individuals involved in the criminal justice system.

National Immigration Project

The National Immigration Project ("NIPNLG") is a national, nonprofit organization dedicated to providing legal assistance and support to immigrant communities and advocating on behalf of noncitizens. Members and supporters of NIPNLG include attorneys, legal workers, law students, judges, jailhouse lawyers, grassroots advocates, community organizations, and others seeking to defend and expand the rights of immigrants in the United States. NIPNLG litigates, advocates, educates, and builds bridges across movements to ensure that those who are impacted by the U.S. immigration and criminal legal systems are uplifted and supported.

NIPNLG is primarily engaged in disseminating information to the public. It is the author of four treatises on immigration law published by Thomson Reuters. NIPNLG provides technical and litigation assistance, participates in impact litigation, advocates for fair and just policies and legislation, provides legal training to the bar and the bench, and regularly publishes practice advisories and community resources on immigration law topics that are disseminated to its members and a large public audience through its website, www.nipnlg.org.

The National Police Accountability Project

The National Police Accountability Project ("NPAP") was founded in 1999 by members of the National Lawyers Guild to address misconduct by police officers and their employers. NPAP has more than 550 attorney members throughout the United States. These attorneys represent plaintiffs in civil actions alleging misconduct by law enforcement officers, including federal law enforcement officers. NPAP represents victims of police abuse, offers training and support to its attorney and legal worker members, and educates the public about police misconduct and accountability. NPAP also supports legislative efforts aimed at increasing accountability. Transparency is an essential prerequisite to accountability and reform.

The Human Rights Data Analysis Group

The Human Rights Data Analysis Group ("HRDAG") is a nonprofit, nonpartisan organization working at the intersection of technology, data, and human rights for nearly 35 years. We are scientists supporting the advocacy community: a team of experts in applied and mathematical statistics, machine learning, computer science, demography, and social science. Our assistance in the collection, processing, organization, review, and dissemination of quantitative evidence has

supported civil society organizations throughout the US as well as truth commissions, UN missions, human rights NGOs, and war crimes prosecutors around the world.

Black Lives Matter D.C.

Black Lives Matter DC ("BLM DC") is a grassroots, not-for-profit organization working to end state violence and systemic racism in Washington, D.C. and beyond. BLM DC is primarily engaged in the dissemination of information to the public in a multitude of ways. The organization conducts political education workshops (Street Law 101, Know Your Rights), hosts large-scale community events, and develops toolkits, reports, and statements that analyze local legislation, policing practices, and community safety strategies.

BLM DC also uses social media and digital platforms, reaching tens of thousands of people, to broadly share information, context, and analysis. It works in coalition with other grassroots organizations to amplify information campaigns and make critical knowledge accessible to those most affected by policing, state violence, criminalization, displacement, and systemic inequities. Through community education, press engagement, collaborative toolkits, and consistent online dissemination, BLM DC ensures that information is obtained, analyzed, and widely distributed to the public in order to promote transparency, accountability, and community-led solutions.

Lawyers' Committee for Civil Rights Under Law

The Lawyers' Committee for Civil Rights Under Law is a nonpartisan, nonprofit organization, formed in 1963 at the request of President John F. Kennedy to mobilize the nation's leading lawyers as agents for change in the Civil Rights Movement. The Lawyers' Committee established the Criminal Justice Project (CJP) to challenge the racial disparities that persist across the American criminal legal system—disparities that erode due process, entrench systemic inequality, and fuel mass incarceration. CJP aims to enhance transparency and accountability within law enforcement, especially for Black and Brown communities that are disproportionately affected by misconduct.We challenge unconstitutional practices like excessive force, unlawful arrests, and racial profiling, while also addressing structural issues such as abusive warrant systems and the misuse of surveillance technologies. By holding police departments accountable in court and in the public square, CJP helps communities demand the safe, fair, and constitutional policing they deserve.

Expedited Processing

We request expedited treatment for this FOIA request. This request qualifies for expedited treatment pursuant to 5 U.S.C. § 552(a)(6)(E) and applicable regulations. As demonstrated above, Requesters include organizations that are primarily engaged in disseminating information, and there is a "compelling need" for expedited processing sought by the Requesters. 5 U.S.C. § 552(a)(6)(E)(i)(I). Moreover, there exists a clear "urgency to inform the public concerning actual or alleged Federal Government activity." 5 U.S.C. § 552(a)(6)(E)(v)(II); see also 28 C.F.R. § 16.5(e)(1)(ii) (expedited processing is warranted where there is "[a]n urgency to inform the public about an actual or alleged federal government activity"). Specifically, the public has a substantial and sustained interest in law enforcement misconduct involving violations of human and civil

rights, as well as in government efforts to hold wrong-doing law enforcement officers to account and to protect the public from known bad actors.

The dismantling of the NLEAD was covered by at least two dozen media outlets and other organizations,[7] which occurred prior to the recent surge of law enforcement activity directed at immigration enforcement and those protesting those recent efforts. Coverage of federal agents, often wearing masks, engaging in excessive force and mass detentions without due process has been widespread and extensive,[8] and will only increase as those detention and policing efforts escalate even further fueled by the massive budget increases for immigration enforcement. The public has an urgent need to know that while the federal government is conducting more immigration raids, more aggressively, with more and more personnel with questionable training and oversight, it has simultaneously removed one of the few guardrails in place to keep bad actors out of the federal law enforcement network and eliminated an important measure of transparency and accountability. Information about the establishment, development, use and decommissioning of the NLEAD is an important and timely aspect of the public discourse on federal law enforcement overreach and accountability. The Requesters are therefore entitled to expedited processing of this request.

Fee Waiver Request

Pursuant to 5 U.S.C. § 552(a)(4)(A)(iii), the Requesters apply for a fee waiver. FOIA and applicable agency regulations require fees to be waived when it is determined, based upon the submission of the requester, that the information 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." 5 U.S.C. § 552(a)(4)(A)(iii); *see also* _ C.F.R. § 16.10(k)(1)(permitting fee waiver when "disclosure of the requested information is in the public interest" and "is not primarily in the commercial interest of the requester").

Requesters are non-profit organizations that disseminate information, advocate for reforms concerning law enforcement abuses and for greater accountability, and work with affected individuals and communities. Some Requesters also litigate on behalf of individuals who have

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[7] See, e.g., Martin Kaste, *Trump took down police misconduct database, but states can still share background check info*, National Public Radio (Feb. 28, 2025), https://perma.cc/9JEB-BUEN; Gloria Oladipo, *Trump administration shuts down national database documenting police misconduct*, The Guardian (Feb. 22, 2025), https://perma.cc/W6ES-3GCJ; E.D. Cauchi, *Justice Department shuts down federal law enforcement misconduct tracker*, CBS News (Feb. 21, 2025), https://perma.cc/5AKN-8R6A; Bekim Bruka, *US Justice Department eliminates federal law enforcement accountability database*, JuristNews (Feb. 24, 2025), https://perma.cc/36FE-VQVF; *Shutting down the National Law Enforcement Accountability Database appears to violate records law*, Citizens for Ethics, (Feb. 28, 2025), https://perma.cc/L3AJ-X476; Kanishka Singh, *US Justice Department cuts database tracking federal police misconduct*, Reuters (Feb. 20, 2025), https://perma.cc/2RMS-YUD6; Russell Contreras, *Trump orders database on federal police misconduct to close*, Axios (Feb. 20, 2025), https://tinyurl.com/ew55hd5x; C.J. Ciaramela, *Trump Deletes Database Containing Over 5,000 Police Misconduct Incidents*, Reason (June 2025), https://perma.cc/2LM6-G839.

[8] See, e.g., Fadel et al., *Masked immigration agents are spurring fear and confusion across the U.S.,* National Public Radio (July 10, 2025), https://perma.cc/FT4A-XUPF; Fallon Fischer, *WATCH: ICE agents tase man at Albuquerque Walmart*, The Hill (July 11, 2025), https://perma.cc/L73X-B59Y; Lily Dallow, *U.S. citizen released, no assault charges after violent ICE arrest in L.A. County*, KTLA (June 20, 2025), https://perma.cc/B6DV-CNR3; Jack Belcher, *ICE agents reportedly extract man from his vehicle during Bellingham detention*, The Bellingham Herald (June 20, 2025), https://perma.cc/4CGN-9AAQ; Kaitlyn Huamani, *Immigrant father of three Marines is violently detained, injured by federal agents, son says*, Los Angeles Times (June 22, 2025), https://perma.cc/JR44-9SR6.

been subjected to excessive force. Access to the information sought is crucial for the Requesters and the communities they serve to publicize the impact of the NLEAD and its decommissioning, to advance their advocacy efforts against law enforcement overreach and for greater transparency and accountability with respect to law enforcement misconduct.

Conclusion

Thank you for your consideration of this request. There is an urgent need to inform the public about the NLEAD and its dismantling. If this request is denied in whole or part, the Requesters ask that the DOJ and its component agencies justify all deletions or redactions by reference to specific exemptions of FOIA. The Requesters expect the DOJ and its component agencies to release all segregable portions of otherwise exempt material, and reserve the right to appeal a decision to withhold any records or to deny Requesters' application for waiver of fees.

We look forward to your reply to the request for expedited processing within 10 business days, as required under 5 U.S.C. § 552(a)(6)(E)(ii)(I). Notwithstanding your decision on the matter of expedited processing, we look forward to your reply to the records request within 20 business days, as required under 5 U.S.C. § 552(a)(6)(A)(I). In the event the government is unable to meet that deadline, the Requesters are willing to discuss an appropriate schedule for rolling productions.

If you have any questions regarding the processing of this request, please contact Delia Addo-Yobo at addo-yobo@rfkhumanrights.org or Anthony Enriquez at enriquez@rfkhumanrights.org

Certification

The Requesters certify that the above information is true and correct to the best of the Requesters' knowledge. *See* 28 C.F.R. § 16.5(e)(3).

Sincerely,

/s/ Delia Addo-Yobo
Delia Addo-Yobo
Anthony Enriquez
Robert F. Kennedy Human Rights

/s/ Bridget Pranzatelli
Bridget Pranzatelli
The National Immigration Project

/s/ Lauren Bonds
Lauren Bonds
Eliana Machefsky
The National Police Accountability Project

/s/ Tarak Shah
Tarak Shah
The Human Rights Data Analysis Group

/s/ April Goggans
April Goggans
Black Lives Matter DC

/s/ Freya Jamison
Freya Jamison
Lawyers' Committee for Civil Rights Under Law

EXHIBIT B

U.S. Department of Justice

Office of Justice Programs

Office of the General Counsel

Washington, D.C. 20531

November 17, 2025

VIA Electronic Mail
addo-yobo@rfkhumanrights.org

Delia Addo-Yobo
Staff Attorney
U.S. Advocacy & Litigation
Robert F. Kennedy Human Rights

Re: OJP FOIA No. 26-FOIA-00019

Dear Requester:

This letter acknowledges your October 3, 2025, Freedom of Information Act/Privacy Act (FOIA/PA) request, which was received in the Office of Justice Programs (OJP), Office of the General Counsel, on November 13, 2025. A copy of your request is attached for your convenience.

You have requested expedited processing of your request pursuant to the Department's standard involving [a]n urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information." 28 C.F.R. § 16.5(e)(1)(ii) (2019). Based on the information you have provided; we have determined that your request for expedited processing should be granted. Accordingly, your request will be assigned to a Government Information Specialist in this Office and records searches have been initiated. We will respond to your request as soon as practicable.

You will be notified if we determine the processing of your requests will result in any assessable fees.

Your requests are assigned to a member of our FOIA staff for processing. If you have any questions or wish to discuss reformulation of your requests, you may contact the Office of the General Counsel at 202-307-6235, via e-mail at FOIAOJP@usdoj.gov, or you may write to this office at:

US DOJ, Office of Justice Programs
Office of the General Counsel
999 North Capitol Street, NE
Washington, D.C. 20531
Attn: FOIA

You may reach out to our FOIA Requester Service Center and FOIA Public Liaison at the telephone number above to discuss any aspect of your request. Please include the above-referenced OJP FOIA number.

Thank you,

FOIAOJP

EXHIBIT C

U.S. Department of Justice

Office of Justice Programs

Office of the General Counsel

Washington, D.C. 20531

January 21, 2026

Via Electronic Mail
addo-yobo@rfkhumanrights.org

Delia Addo-Yobo
Robert F. Kennedy Human Rights

Re: OJP FOIA No. 26-FOIA-00019

Dear Requester:

This letter responds to your October 3, 2025, Freedom of Information Act/Privacy Act (FOIA/PA) request, which received in the Office of Justice Programs (OJP), Office of the General Counsel, on October 3, 2025. A copy of your request is attached for your convenience.

Please be advised that we have determined that another component within the Department of Justice may be the responsible component. Your letter has been forwarded to the Justice Management Division (JMD) at the following address.

Justice Management Division
US Department of Justice
Room 111 RFK, 950 Pennsylvania, Avenue, N.W.
Washington, DC 20530-0001
jmdfoia@usdoj.ov

You may contact the JMD for any inquiries regarding your concern. This completes the processing of your request by OJP.

Sincerely,

Chaun Eason

Chaun Eason
Government Information Specialist

Enclosure

EXHIBIT D

ROBERT F. KENNEDY HUMAN RIGHTS

Delia Addo-Yobo <addo-yobo@rfkhumanrights.org>

JMD FOIA 138669

1 message

JMDFoia (JMD) <JMDFoia@usdoj.gov> Tue, Feb 3, 2026 at 9:18 AM
To: "addo-yobo@rfkhumanrights.org" <addo-yobo@rfkhumanrights.org>

February 3, 2026

Delia Addo-Yobo

addo-yobo@rfkhumanrights.org

Re: FOIA request pertaining to the National Law Enforcement Accountability Database ("NLEAD") and its decommission and removal from the DOJ website.

Assigned JMD FOIA TRACKING NUMBER: 138669

Dear Ms. Addo-Yobo:

You have requested expedited processing of your request pursuant to the Department's standard permitting expedition for requests involving "[a]n urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information." 28 C.F.R. § 16.5(e)(1)(ii). Based on the information you have provided, we have determined that your request for expedited processing under this standard should be denied. This Office cannot identify a particular urgency to inform the public about an actual or alleged federal government activity beyond the public's right to know about government activities generally.

Please be advised that the FOIA provides a right of access to non-exempt, federal agency records that can be located in the applicable federal agency's files. The FOIA does not require federal agencies to conduct research in response to a FOIA request. Thus, FOIA requests must describe the requested records in sufficient detail to enable federal agency personnel to search for and locate responsive records with a reasonable amount of effort. See 5 U.S.C. § 552(a)(3)(A); 28 C.F.R. § 16.3(b). Without specific information, such as search terms, custodians or recipients, we cannot readily search for and locate records responsive to your requests. Information regarding JMD staffs is available at https://www.justice.gov/jmd/about-division/map. Please identify JMD staffs and/or specific personnel whose records you are seeking.

In addition to identifying custodians, as currently drafted, your FOIA request is not sufficiently specific to permit federal agency personnel to identify the records you seek. You can revise your request by providing more details or reframing your request to seek a specific topic related to the NLEAD, tailor the timeframe, or otherwise reformulate your request to describe the specific records you are interested in. We can help you craft a more targeted search. If you need assistance with this, please contact me, JMD's FOIA Public Liaison by e-mail at JMDFOIA@usdoj.gov or by phone at 202-616-0253.

Please be aware that there are records and information online pertaining to the National Law Enforcement Accountability Database ("NLEAD") and its decommission. Below are links to publicly available websites that might be of interest to you:

National Law Enforcement Accountability Database

National Law Enforcement Accountability Database, 2018–2023

FACT SHEET: National Law Enforcement Accountability Database

In addition, we are attaching a copy of the data stored in NLEAD. Information is being withheld under FOIA Exemptions 6 and 7(C) (5 U.S.C. §§ 552(b)(6) and 552(b)(7)(C)), the disclosure of which would constitute an unwarranted invasion of personal privacy. The following information that could identify an individual directly or indirectly has been withheld: name, date of birth, last four digits of social security number, hash of social security number and date of birth, day and month of incident, job series, subdivision, employee unique identification number, identification of user that updated the record, flag type detail, and employing agency or subagency when the individual's agency or subagency has fewer than 50 records in NLEAD. We determined that the privacy interests outweigh the public interest in disclosure of such information. Please be advised that we considered the foreseeable harm standard when reviewing records and applying FOIA exemptions.

Please contact us to clarify the records you seek. If we do not hear from you by March 3, 2026, we will assume you are no longer interested and will close your request. If you would like to discuss your FOIA request with us please contact us by emailing JMDFOIA@usdoj.gov or by calling 202-616-0253 during regular business hours (Monday through Friday, 9 a.m. to 5 p.m., Eastern Time, excluding federal holidays).

If you are not satisfied with JMD's determination in response to your FOIA requests, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), U.S. 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 90 days of the date of this email. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

Daniel Wagner

FOIA Service Center

Justice Management Division

U.S. Department of Justice

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nlead_foia.xlsx
99K

EXHIBIT E

From: **Wagner, Daniel D. (JMD)** Daniel.D.Wagner@usdoj.gov
Subject: RE: [EXTERNAL] Re: Reschedule 11:30 Meeting
Date: March 4, 2026 at 10:45 AM
To: Delia Addo-Yobo addo-yobo@kennedyhumanrights.org
Cc: Anthony Enriquez enriquez@kennedyhumanrights.org, Judith Mogul judith.mogul@kennedyhumanrights.org, Danielle McClain dmcclain@kennedyhumanrights.org

DW

Hi folks,

Thanks for coming together to discuss your FOIA request. Can you please send me a copy of the report that was mentioned during our call? Please confirm you are looking for JMD records concerning that report?

In the meantime, as discussed, I'm going to look into possible custodians for records related to the construction and deconstruction of the NLEAD.

In addition, I will look further into records about the maintenance of NLEAD, i.e. records related to the parameters used for records that were included or not included in the NELAD. We talked about who was doing queries to the report. Are you looking for records or data related to who was querying NLEAD?

Finally, I will look into how complaints about NLEAD data were handled.

Please clarify the above if I've misstated anything.

Thanks,
Dan

From: Delia Addo-Yobo <addo-yobo@kennedyhumanrights.org>
Sent: Monday, March 2, 2026 11:45 AM
To: Wagner, Daniel D. (JMD) <Daniel.D.Wagner@usdoj.gov>
Cc: Anthony Enriquez <enriquez@kennedyhumanrights.org>; Judith Mogul <judith.mogul@kennedyhumanrights.org>; Danielle McClain <dmcclain@kennedyhumanrights.org>
Subject: [EXTERNAL] Re: Reschedule 11:30 Meeting

Good morning Daniel,

I hope all is well. I'm emailing to touch base about rescheduling our call. I look forward to hearing from you.

All the best,

Delia

EXHIBIT F

ROBERT & ETHEL KENNEDY HUMAN RIGHTS CENTER

Danielle McClain <dmcclain@kennedyhumanrights.org>

Re: Reschedule 11:30 Meeting

Judith Mogul <judith.mogul@kennedyhumanrights.org> Wed, Mar 4, 2026 at 3:19 PM
To: "Wagner, Daniel D. (JMD)" <Daniel.D.Wagner@usdoj.gov>
Cc: Delia Addo-Yobo <addo-yobo@kennedyhumanrights.org>, Anthony Enriquez <enriquez@kennedyhumanrights.org>, Danielle McClain <dmcclain@kennedyhumanrights.org>

Thanks Dan. And thank you for the call this morning.

Here is a link to the report I referred to:
https://bjs.ojp.gov/document/nlead1823.pdf
we are looking to update the information contained in the report - per request 3 (f)

f. All Records reflecting input of data or usage of the NLEAD not reflected in the December 2024 Statistical Brief, including but not limited to:
i. The number of officers for federal law enforcement agencies reporting to the NLEAD between September 21, 2024 and the decommissioning of the NLEAD
ii. The number of officer misconduct records entered into the NLEAD for 2024 or 2025 (broken down by agency and component, and by type of incident, if available)
iii. The number of law enforcement officers whose records were entered into the NLEAD for 2024 or 2025 (broken down by agency and component, and by type of incident, if available)
iv. The number of NLEAD searches (broken down by month) between September 21, 2024 and the decommissioning of the NLEAD

We are looking for both data and identities of individuals. As part of our effort to identify custodiams, we would like to know which DOJ employees worked on updating and maintaining the database while it was running, and which employees worked on extracting the data from the database to prepare the report. This would include individuals from JMD, OJP or any DOJ employee. Additionally, we are interested in updating the actual data from September 21 (the end point for the data reported in the December 2024 Statistical Brief) and the date the database was taken down.

In terms of. what we referred to as "maintenance" - we are looking for records and communications within DOJ (including, but not limited to OJP, BJS and JMD, between DOJ and any other federal agency (including the White House), and between DOJ and any non-governmental individual or entity concerning)1) the operation and maintenance of the NLEAD and (2) any satisfaction, dissatisfaction or other feedback related to the NLEAD. As you note, "operation and maintenance" would include perameters for data inclusion.

Please let me know if this answers your questions. In the meanting we plan to reach our to OJP to determine the status of their work on this FOIA, and will consult with our partners on how we might refine our requests to facilitate searches on your end.

Best,

Judy

[Quoted text hidden]

EXHIBIT G

ROBERT & ETHEL KENNEDY HUMAN RIGHTS CENTER

Danielle McClain <dmcclain@kennedyhumanrights.org>

Re: Reschedule 11:30 Meeting

Wagner, Daniel D. (JMD) <Daniel.D.Wagner@usdoj.gov> Fri, Mar 6, 2026 at 10:59 AM
To: Judith Mogul <judith.mogul@kennedyhumanrights.org>
Cc: Delia Addo-Yobo <addo-yobo@kennedyhumanrights.org>, Anthony Enriquez <enriquez@kennedyhumanrights.org>, Danielle McClain <dmcclain@kennedyhumanrights.org>

Judy,

Thank you for your email and providing a link to the Office of Justice Programs, Bureau of Justice Statistics, NLEAD Statistical Brief. I've looked into the various items discussed and drafted the below refined FOIA request to help assist you obtain the records you seek.

Beginning January 1, 2018, through the time the search responsive to this FOIA request is completed –

1. Records and communications related to the construction and deconstruction of the NLEAD to/from the agency officials listed below:

   i. JMD Leadership: Assistant Attorney General for Administration, Jolene Lauria, Chief Information Officer
   ii. DOJ Leadership: Attorney General; Deputy Attorney General
   iii. OJP/BJS Leadership: OJP Deputy Assistant Attorney General; BJS Director and Acting Director; BJS Deputy Director, Planning and Operations; BJS Deputy Director, Statistical Collections; BJS Deputy Director, Statistical Operations.

2. Records reflecting updated statistical brief information from BJS brief (https://bjs.ojp.gov/document/nlead1823.pdf):

   i. The number of officers for federal law enforcement agencies reporting to the NLEAD between September 21, 2024, and the decommissioning of the NLEAD.

   ii. The number of officer misconduct records entered into the NLEAD for 2024 or 2025 (broken down by agency and component, and by type of incident, if available.)

   iii. The number of law enforcement officers whose records were entered into the NLEAD for 2024 or 2025 (broken down by agency and component, and by type of incident, if available).

   iv. The number of NLEAD searches (broken down by month) between September 21, 2024 and the decommissioning of the NLEAD.

3. Records reflecting which DOJ employees worked on updating and maintaining the database while it was running, and which employees worked on extracting the data from the database to prepare the report. This would include individuals from JMD, OJP or any DOJ employee. Additionally, we are interested in updating the actual data from September 21 (the end point for the data reported in the December 2024 Statistical Brief) and the date the database was taken down.

4. Records and communications to/from the agency officials listed in part 1 of the request, concerning:

i. the operation and maintenance (parameters for data inclusion) of the NLEAD and;
ii. any satisfaction, dissatisfaction or other feedback related to the NLEAD.

5. Records related to complaints about how NLEAD data were handled.

Before moving forward, we need clarification on a couple of items. As previously mentioned, the FOIA provides a right of access to non-exempt, federal agency records that can be located in the applicable federal agency's files. The FOIA does not require federal agencies to conduct research in response to a FOIA request. FOIA requests must describe the requested records in sufficient detail to enable federal agency personnel to search for and locate responsive records with a reasonable amount of effort. *See* 5 U.S.C. § 552(a)(3)(A); 28 C.F.R. § 16.3(b). With respect to parts 1 and 4 of your request, we've listed the above custodians, however, without specific information, such as search terms, we cannot readily search for and locate records responsive to your requests. Please provide search terms that we can use in our searches to locate the records you seek.

In addition, we need clarification with regards to item 4.ii., and 5. Are these items asking for the same thing? Are you looking for complaints from other agencies inputting/using the database or individuals who made complaints or provided feedback who's information is contained within NLEAD? If the latter, procedures exist to allow individuals to gain access to information in the system pertaining to them, request amendment or correction of said information, and receive notification of these procedures. A request for access to information in the NLEAD can be made under FOIA and/or the Privacy Act procedures outlined in Subpart D, Part 16, Title 28, Code of Federal Regulations. Notice of these procedures are specified in the Record Access Procedures section of the SORN, JUSTICE/DOJ-022, National Law Enforcement Accountability Database, 88 Fed. Reg. 83966 (12-1-2023), available at https://www.govinfo.gov/content/pkg/FR-2023-12-01/pdf/2023-26073.pdf.

As a suggestion, if you wanted to omit item 4 of the refined request for the time being, we'll process the remaining items, and after you review the responsive record you could use those records to craft a new FOIA request that targets the exact records you seek?

I would be remiss if I didn't acknowledge that this refined request, as written, still covers a broad scope of records, including information that may be of less interest and information that would be exempt from disclosure under applicable FOIA exemptions. Processing such a broad request requires searching for any potentially responsive record and reviewing all such records to segregate exempt information. This includes line-by-line review and redaction of privacy and law enforcement sensitive information. Any records responsive to your request could also need to be sent for consultation to the other DOJ agencies before being provided to you. Consultation with these agencies could prolong the delay in responding to your request. We cannot address whether the request is overbroad until we receive the final revised request and search terms. Finally, please note that a high volume of FOIA requests received, and staff shortages have contributed to FOIA backlogs and delays in responding to FOIA requests within JMD. If you are able to narrow and refine your request, that would be helpful.

Please provide clarification and answers to our questions above. After we hear back from you, we will confirm your refined FOIA request, and forward any parts of your request to DOJ Leadership Offices and the Office of Justice Programs for appropriate handling.

Thank you,

Daniel Wagner

FOIA Service Center

Justice Management Division

U.S. Department of Justice

EXHIBIT H

ROBERT F. KENNEDY HUMAN RIGHTS

Danielle McClain <dmcclain@kennedyhumanrights.org>

Re: Reschedule 11:30 Meeting

Delia Addo-Yobo <addo-yobo@kennedyhumanrights.org> Fri, Mar 20, 2026 at 10:14 AM
To: "Wagner, Daniel D. (JMD)" <Daniel.D.Wagner@usdoj.gov>
Cc: Judith Mogul <judith.mogul@kennedyhumanrights.org>, Anthony Enriquez <enriquez@kennedyhumanrights.org>, Danielle McClain <dmcclain@kennedyhumanrights.org>

Hi Dan,

Thank you for your email and for working constructively with us on refining our FOIA request. We appreciate your willingness to work with us to facilitate its processing and in that spirit have significantly narrowed our request for the purposes of resolving it cooperatively at this stage. We respond below to the proposals and questions in your email.

Custodians

Starting with custodians, we appreciate that you have identified a group of senior officials who may have responsive documents. We trust your judgment that this is a good starting place, but we believe many responsive records will likely be held by other custodians, particularly individuals who were directly involved with the NLEAD initiative. At a minimum, it seems reasonable for the Department of Justice to identify and search the records of the personnel who had supervisory and day-to-day responsibility for the NLEAD, including those responsible for developing and maintaining the database while it was running and extracting the data used for the statistical brief. While we are happy to collaborate with you on developing custodian lists, FOIA does not require requesters to identify individual custodians where the agency is better positioned to determine which personnel are likely to maintain responsive records. *See NAACP Legal Defense & Educational Fund, Inc. v. U.S. Dep't of Justice*, 463 F. Supp. 3d 474, 490 (S.D.N.Y. 2020) (agency must "search all locations likely to contain responsive records"). Rather, the agency must make a reasonable effort to identify the custodians likely to have responsive documents through inquiry to the DOJ components responsible for the NLEAD. This follows from the agency's obligation to search all locations likely to contain responsive records, which necessarily requires determining where such records are maintained and which personnel are likely to possess them. See *Grand Cent. P'ship, Inc. v. Cuomo*, 166 F.3d 473, 489 (2d Cir. 1999) (agency must conduct a search "reasonably calculated to discover the requested documents").

Additional Custodians, Consultants, and Contractors

Relatedly, we want to clarify that the request in Judy Mogul's email to you of March 4, 2026 for the identity of individuals who worked on extracting data to prepare the statistical brief was not a request for records, as you suggest in your email response of the same date, but rather an effort to identify relevant custodians. To that end, the statistical brief itself identifies several individuals who worked on the report, including Shelley S. Hyland, PhD; Charlotte Lopez-Jauffret, PhD; Kathryn A. Sweeney, PhD; Maureen Stuart; and Jeffrey Link. If these individuals are DOJ employees, they should be included as custodians, and to the extent they are contractors or consultants, their names should be included in search terms.

Additionally, inasmuch as additional custodians may become apparent as the initial set of documents is reviewed, any list of custodians we agree to at this point would need to be subject to expansion after initial searches are conducted and documents shared.

Search Terms

Turning to search terms, FOIA requires a request to "reasonably describe" the records sought so that agency personnel can determine the specific records being requested, See **5 U.S.C. § 552(a)(3)(A); 28 C.F.R. § 16.3(b).** This standard is satisfied where a professional employee familiar with the subject area could locate the requested records with a reasonable amount of effort. Our request meets this standard. Because the agency is responsible for conducting a reasonable search, it must determine how to identify responsive records in practice. See *Grand Cent. P'ship, Inc. v. Cuomo*, 166 F.3d 473, 489 (2d Cir. 1999). FOIA further requires agencies to make reasonable efforts to search electronic records, including through the use of queries or programming to retrieve responsive data. See *American Civil Liberties Union Immigrants' Rights Project v. U.S. Immigration & Customs Enforcement*, 58 F.4th 643, 652–53 (2d Cir. 2023).

Nevertheless, in the interest of expediting the search process, we are happy to work with you in developing search terms:

Basic NLEAD searches:

The following four root terms in Group A should be used as the base for searches with the additional terms in Group B

Group A

- "National Law Enforcement Accountability Database"
- "NLEAD"
- "Accountability Database"
- "law enforcement" w/4 database

Group B (to be combined with the root search terms in Group A above):

- (misconduct OR complaint! OR feedback OR report OR decommission! OR deconstruct! OR shutdown OR "take down" OR takedown OR terminate OR "NDI" OR decertification OR "national decertification index" OR IADLEST OR "national archives" OR "records administration" OR "JUSTICE/DOJ–022" OR SLTT OR EO OR "Executive Order" OR DOGE OR protocol!

Executive Order related search terms:

- 14074
- 14148
- recis! w/s ("Executive Order" OR EO)

For the avoidance of doubt, these suggested search terms and their combinations are not intended as an exhaustive list and we do not believe that the agency's obligations under FOIA are met through the above searches alone. Rather, the agency must conduct a search reasonably calculated to return responsive documents. The above suggestions are one possible starting point for that search.

Instructions to Agencies Submitted Data to NLEAD

As discussed on our March 4 call, one area of particular interest for us is the criteria for inclusion of information in the NLEAD. In the interest of minimizing email searches, we would accept any instructions given to law enforcement agencies regarding contribution of data to the NLEAD. Accordingly, we request that you make appropriate inquiry of OJP or any other DOJ component that would have communicated instructions to federal law enforcement agencies, in order to identify and produce to us any instructions that were provided regarding contribution of data to the NLEAD.

Cost of NLEAD

We are also seeking records reflecting the cost of constructing, operating and decommissioning the NLEAD. The DOJ is better positioned than we are to know where and how those records would be stored, and should provide records reflecting all expenditures associated with the NLEAD. We are narrowing our request to records from which we can determine those costs, rather than all records relating to the cost of the NLEAD.

Data Extraction

The only data from the NLEAD we are requesting is an update to the data reflected in the statistical brief. Specifically:

1. The number of officer misconduct records entered into the NLEAD for 2024 or 2025 not included in the statistical brief (broken down by agency and component, and by type of incident)
2. The number of law enforcement officers whose records were entered into the NLEAD for 2024 or 2025 that were not included in the statistical brief (broken down by agency and component, and by type of incident)
3. The number of NLEAD searches (broken down by month) conducted between September 21, 2024 and the decommissioning of the NLEAD

Administrative Record

Finally, we believe many of the records we are requesting related to the decommissioning of the NLEAD should be be contained in the Administrative Record for the decision to take down that database, and will narrow our request (beyond

the specific search terms set forth above) to the Administrative Record, and request that it be produced to us.

Search Timeframe

With respect to the end date of the searches, your email references a search period covering January 1, 2018 through the time of the searches for responsive records, but for purposes of narrowing our request, we would agree that your searches could begin with May 31, 2022 (the date of EO 14074) and end with April 1, 2025 (shortly after the database was taken down).

Expedited Processing

Finally, we need assurances that once we settle on custodians, search terms and the limited additional search requests outlined above, our request will be processed expeditiously. As you may not know, when OJP acknowledged our FOIA on November 17, 2025, it granted our request for expedited processing and informed us that it had already initiated searches. Once the FOIA was transferred to JMD, your initial email of February 3, 2026 stated that JMD was denying expedited processing, without referencing the earlier grant by OJP. FOIA requires that once expedited processing is granted, the request be processed "as soon as practicable," 5 U.S.C. § 552(a)(6)(E)(iii), and DOJ regulations likewise require that such requests receive priority processing, 28 C.F.R. § 16.5(a)(4). Nothing in FOIA or DOJ's regulations provides a basis for reversing that determination upon transfer between components.

As we explained in our October 3, 2025 FOIA request, there is a substantial and sustained public interest in law enforcement misconduct and accountability, and, as we predicated in our FOIA request, that interest has only increased in recent months. Indeed, the current shutdown affecting DHS is a direct result of extreme public concern over excessive force and need for additional oversight of immigration enforcement officers. This is reflected in widespread recent media coverage of the ICE and CBP enforcement practices, and related accountability concerns. (*See, e.g.*, Ximena Bustillo & Sam Gringlas, *Top Immigration Officials Are Questioned About Enforcement as a Shutdown at DHS Looms*, NPR (Feb. 12, 2026), https://www.npr.org/2026/02/12/nx-s1-5707281/senate-dhs-oversight-hearing; Editorial Board, *Who's Watching DHS and ICE?*, Wash. Post (Jan. 19, 2026), https://www.washingtonpost.com/opinions/2026/01/19/ice-immigration-enforcement-oversight-dhs/; *Gun Rights Groups Clash After Man DHS Says Was Armed Fatally Shot by CBP in Minneapolis*, Fox News (Jan. 24, 2026), https://www.foxnews.com/politics/gun-rights-groups-clash-after-man-dhs-says-armed-fatally-shot-cbp-minneapolis; Alex Miller & Elizabeth Elkind, *Senate Dems revolt against DHS funding bill amid Minneapolis chaos, hiking government shutdown risk*, Fox News (Jan. 24, 2026), https://www.foxnews.com/politics/senate-dems-revolt-against-dhs-funding-bill-amid-minneapolis-chaos-dramatically-hiking-government-shutdown-ri.)

The urgency to inform the public is even more acute than when we submitted our FOIA, following numerous shootings by immigration enforcement officers, including incidents involving U.S. citizens. *See* Jon Schuppe & Erik Ortiz, *Trump's DHS immigration enforcement officers have shot 14 people since September. Here's what to know,* NBC News (Jan. 16, 2026), *https://www.nbcnews.com/news/us-news/ice-shootings-list-border-patrol-trump-immigration-operations-rcna254202*; *see also* Susie Webb, *Data: Federal Immigration Officers Involved in 19 Shootings*, WBAL-TV (Jan. 24, 2026), https://www.wbaltv.com/article/immigration-officer-shooting-brandishing-timeline/70121247; Ted Hesson, *Deaths Mount as Trump Immigration Push Intensifies*, Reuters (Jan. 25, 2026), https://www.reuters.com/world/us/deaths-mount-trump-immigration-push-intensifies-2026-01-25/. DHS accounts for a substantial share of federal law enforcement personnel, approximately half of the federal law enforcement workforce, making accountability measures like the NLEAD particularly significant in the current enforcement environment. *See* U.S. Dep't of Justice, Bureau of Justice Statistics, *National Law Enforcement Accountability Database, 2018–2023,* 6 (Dec. 2024), https://bjs.ojp.gov/document/nlead1823.pdf. Information regarding the reasons why NLEAD was dismantled in the midst of a national debate on police accountability is critical to the ongoing public discussion about federal law enforcement accountability and oversight.

In light of the urgency of our request, we appreciate your efforts to work with us in developing a mutually acceptable approach to records searches, but will have no choice but to appeal the denial of expedited processing unless you are able to provide assurances that the records will be processed on an expedited basis.

Again, thank you for your willingness to work with us on this request. Please let us know when you are available for a follow-up call.

[Quoted text hidden]

EXHIBIT I

ROBERT & ETHEL KENNEDY HUMAN RIGHTS CENTER

Danielle McClain <dmcclain@kennedyhumanrights.org>

Re: Reschedule 11:30 Meeting

Wagner, Daniel D. (JMD) <Daniel.D.Wagner@usdoj.gov> Tue, Mar 31, 2026 at 10:50 AM
To: Delia Addo-Yobo <addo-yobo@kennedyhumanrights.org>
Cc: Judith Mogul <judith.mogul@kennedyhumanrights.org>, Anthony Enriquez <enriquez@kennedyhumanrights.org>, Danielle McClain <dmcclain@kennedyhumanrights.org>

Delia, et al.

Thank you for your email and for refining/narrowing the request (highlighted below), it should be helpful for us to start conducting searches.

We've identified additional JMD custodians as follows:

i. JMD Leadership: Assistant Attorney General for Administration, Jolene Lauria; Chief of Staff Nikki Collier

ii. JMD OCIO: Chief Information Officer, Melinda Rogers; Assistant Director Michael W. Haas, Law Enforcement Services and Information Sharing; Deputy Director Brian Merrick Service Delivery Staff

In addition to JMD custodians, your refined request asks for records from DOJ, OJP, and BJS leadership. Therefore, we are sending your refined request to DOJ's Office of Information Policy (OIP) which handles FOIAs directed to DOJ leadership)) as well as to OJP (which includes BJS). As you are aware, the Department has a decentralized system for processing FOIA requests and each component maintains and handles FOIA requests for its own records. We will advise them of our discussions with you, they may reach out to you for additional information concerning their processing of the request.

With regard to your request for expedited processing, Upon receiving your request from OJP, per DOJ FOIA regulations (28 C.F.R. 16.5(e)(2)), requests must be submitted to the component that maintains the records requested (or, in certain cases, to the Office of Public Affairs). Accordingly, OJP's determination that your request should receive expedited processing does not apply with respect to records maintained by JMD. In OJP's initial handling of the request, they determined they did not maintain the requested records, closed the request, and forwarded your initial request to JMD for review and processing. Once we received this new request from OJP, we reviewed your request for expediated processing and your additional justification provided in your March 20, 2026, email and we determined that your request for expedited processing should be denied. Although your request for expedited processing has been denied, we will start conducting eDiscovery searches within JMD and JMD custodians. As soon as we have any additional updates concerning the processing of your request, we will be sure to contact you.

If you are not satisfied with JMD's determination in response to your request, you may administratively appeal by writing to: Director, Office of Information Policy (OIP), U.S. 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 90 days of the date of this letter. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

Dan

Daniel Wagner

FOIA Service Center

Justice Management Division

U.S. Department of Justice

[Quoted text hidden]

EXHIBIT J

U.S. Department of Justice
Office of Information Policy
Sixth Floor
441 G Street, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

April 1, 2026

Delia Addo-Yobo
Robert F. Kennedy Human Rights
addo-yobo@rfkhumanrights.org

Re: FOIA-2026-02515
ADF:AKT

Dear Delia Addo-Yobo:

This is to acknowledge receipt of your Freedom of Information Act (FOIA) request dated October 3, 2025 and received in this Office on March 31, 2026, in which you requested various records related to the decommissioning of the National Law Enforcement Accountability Database (NLEAD). **Please note that this Office was closed due to a lapse in funding appropriations from October 1, 2025 through November 12, 2025, which will result in a delay in responding to your request.**

You have requested expedited processing of your request pursuant to the Department's standard permitting expedition for requests involving "[a]n urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information." See 28 C.F.R. § 16.5(e)(1)(ii) (2018). Based on the information you have provided, I have determined that your request for expedited processing under this standard should be denied. This Office cannot identify a particular urgency to inform the public about an actual or alleged federal government activity beyond the public's right to know about government activities generally. Specifically, this Office considered: (1) whether the request concerns a matter of current exigency to the American public; (2) whether the consequences of delaying a response would compromise a significant recognized interest; and (3) whether the request concerns federal government activity. See Al-Fayed v. CIA, 254 F.3d 300, 310 (D.C. Cir. 2001). This determination should not be taken as an indication as to the importance of the requested records. See Energy Pol'y Advocs. v. U.S. Dep't of the Interior, No. 21-1247, 2021 WL 4306079, at *3 (D.D.C. Sept. 22, 2021) ("While the request may suggest that the requested information is important in some sense, it fails to identify any specific reason to conclude that obtaining the requested documents is time sensitive."). Please be advised that, although your request for expedited processing has been denied, it has been assigned to an analyst in this Office and our processing of it has been initiated.

To the extent that your request requires a search in another Office, consultations with other Department components or another agency, and/or involves a voluminous amount of material, your request falls within "unusual circumstances." See 5 U.S.C. § 552 (a)(6)(B)(i)-(iii) (2018). Accordingly, we will need to extend the time limit to respond to your request

beyond the ten additional days provided by the statute. For your information, we use multiple tracks to process requests, but within those tracks we work in an agile manner, and the time needed to complete our work on your request will necessarily depend on a variety of factors, including the complexity of our records search, the volume and complexity of any material located, and the order of receipt of your request. At this time we have assigned your request to the complex track. In an effort to speed up our process, you may wish to narrow the scope of your request to limit the number of potentially responsive records so that it can be placed in a different processing track. You can also agree to an alternative time frame for processing, should records be located, or you may wish to await the completion of our records search to discuss either of these options. Any decision with regard to the application of fees will be made only after we determine whether fees will be implicated for this request.

Please be advised that the records search options available are dynamic and can be adjusted according to the types of records you are seeking. In general, there are five categories of records search options available to you:

1	Official Correspondence	This category includes final, signed communications, memoranda, policies, and guidelines.
2	Emails and Attachments	This category includes emails sent or received by Department officials and records attached thereto.
3	Calendars	This category includes the electronic calendar of Department officials.
4	Standalone Documents	This category includes both electronic computer records and non-electronic (i.e. paper) records of Department officials to the extent that such records were not attached to an email[1].
5	Classified Records	This category includes both electronic and non-electronic (i.e. paper) classified records maintained by Department officials.

The time required to complete our records search will vary significantly depending on the types of records that need to be searched in order to fulfill your request. Furthermore, there are distinct and significant differences between the search time required to complete certain categories of records searches. For example, a records search focused on category 1 records (Official Correspondence) requires the least amount of time to complete. A records search seeking records from categories 2 and/or 3 requires significantly more time than that of category 1. Whereas a search seeking records from categories 4 and/or 5 is the most time-consuming search option and requires substantially more time to complete than a search focused on records of categories 2 and/or 3.

Additional factors, including the timeframe of your request and the number of Department officials who need to be searched in order to fulfill your request, can make a substantial difference in the time it takes to complete our records search. Generally speaking, requests seeking records prior to January 20, 2017, will require additional search time, and the

[1] This category does not include Official Correspondence (i.e. category 1 records).

more Department officials that are subject to the records search, the longer it will take to complete.

At this time and in an effort to facilitate our response to your request, we are focusing our records search on official correspondence (i.e. category 1) and emails and attachments (category 2) that may be responsive to your request. Based on our experience, the vast majority of records responsive to FOIA requests consist of category 2 records, and it is not common for there to be standalone documents (category 4) that are not also located as attachments to emails. If you are interested in either adding additional categories of records to your search or focusing your search on records other than categories 1 and 2, please notify this Office as soon as possible. You may also agree to an alternative formulation of your request, including a different scope or date range. Please include the administrative tracking number associated with this request in all your correspondence.

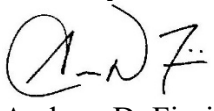
Any decision with regard to the application of fees or any request for a fee waiver will be made only after we determine whether fees will be implicated for this request.

If you have any questions, wish to discuss reformulation or an alternative time frame for the processing of your request, or if you require further assistance regarding any aspect of your request, you may contact our Acting FOIA Public Liaison, Eric Hotchkiss, at: Office of Information Policy, United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530-0001; telephone at 202-514-3642.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, MD 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; or toll free at 1-877-684-6448.

If you are not satisfied with this Office's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530-0001, 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 submitted within ninety 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." If possible, please provide a copy of your original request and this response letter with your appeal.

Sincerely,



Andrew D. Fiorillo
Chief, Initial Request Staff

EXHIBIT K

May 1, 2026

Director
Office of Information Policy
U.S. Department of Justice
Sixth Floor
441 G Street, N.W.
Washington, D.C. 20530-0001

Re: FOIA Request No. OJP FOIA No. 26-FOIA-00019 - Freedom of Information Act Appeal

Dear Appeals Officer:

The Robert & Ethel Kennedy Human Rights Center ("Kennedy Human Rights" or "KHRC")[1], National Police Accountability Project ("NPAP"), Black Lives Matter, D.C., National Immigration Project ("NIPNLG"), Lawyers' Committee for Civil Rights Under Law, and Human Rights Data Analysis Group ("HRDAG") (collectively, "Requesters" or "we") write with reference to FOIA Request **No. OJP FOIA No. 26-FOIA-00019** submitted to the U.S. Department of Justice ("DOJ") Office of Justice Programs ("OJP") on October 3, 2025 **(Exhibit A) ("**FOIA Request")**.** That Request sought records concerning the operation and decommissioning of the National Law Enforcement Accountability Database ("NLEAD").

Requesters hereby appeal (1) the decision by the Justice Management Division ("JMD") to deny expedited processing for the FOIA Request; and (2) the decision by the Office of Information Policy ("OIP") to deny expedited processing for the FOIA Request.

Procedural History

Requesters submitted the FOIA Request to the Office of Justice Programs ("OJP") on October 3, 2025. On November 17, 2025, OJP acknowledged receipt of the FOIA Request and granted expedited processing for that Request **(Exhibit B).** Then, by email dated January 21, 2026, OJP informed Requesters that it had determined that "another component within the Department of Justice may be the responsible component," and that it had forwarded the FOIA Request to JMD **(Exhibit C)**. Thereafter, on February 3, 2026, JMD denied expedited processing on the basis that it "[could not] identify a particular urgency to inform the public about an actual or alleged federal government activity beyond the public's right to know about government activities generally." **(Exhibit D)**. In the same communication, JMD asked Requesters to provide clarification concerning the scope of the Request, including search terms, as well as the identities of JMD personnel whose records were being sought **(Exhibit D).**

[1] Robert & Ethel Kennedy Human Rights Center made the FOIA Request under its former name - Robert F. Kennedy Human Rights.

Since receiving the February 3, 2026 communication from JMD, Requesters have been engaged in good faith efforts to facilitate JMD's response to the FOIA Request, including by conferring by phone and email with Daniel Wagner of JMD, refining and narrowing the scope of the FOIA Request, and providing reference documents, suggested custodians, and proposed preliminary search terms to assist JMD in its task of identifying documents responsive to the FOIA Request. **(Exhibits E-H).** Requesters have done so, notwithstanding the fact that DOJ is required to conduct a reasonable search for responsive documents and is far better positioned than Requesters to identify the DOJ custodians likely to have responsive records. By email of March 20, 2026, Requesters also sought reconsideration of JMD's denial of expedited processing, submitted additional information concerning the urgent public interest in information concerning the NLEAD and its decommissioning in the current environment of intense concern and media attention relating to federal law enforcement misconduct and accountability **(Exhibit H).**

On March 31, 2026, JMD acknowledged that request, and again denied expedited processing, this time without any explanation **(Exhibit I).** JMD also informed Requesters that it would process the request with respect to JMD custodians, and was sending the refined FOIA Request to OIP (which handles FOIAs directed to DOJ leadership) and back to OJP.

The next day, on April 1, 2026, OIP acknowledged receipt of the FOIA Request, denied expedited processing on the ground that it could not identify a particular urgency to inform the public about an actual or alleged federal government activity beyond the public's right to know about government activities generally. OIP also stated that it had considered whether the request concerned a matter of current exigency to the American public, whether delay would compromise a significant recognized interest, and whether the request concerned federal government activity (**Exhibit J).** Requesters therefore submit this appeal of (1) the JMD decision to deny expedited processing of the FOIA Request; and (2) OIP's denial of expedited processing.

Requesters Demonstrated an Urgency to Inform the Public About the NLEAD, which Constitutes Compelling Need for Expedited Processing

Requesters sought expedited processing on the grounds that they include organizations primarily engaged in disseminating information and that there is a "compelling need" for expedited processing. 5 U.S.C. § 552(a)(6)(E)(i)(I). To support the compelling need for expedited processing, Requesters showed a clear "urgency to inform the public concerning actual or alleged Federal Government activity." 5 U.S.C. § 552(a)(6)(E)(v)(II); see also 28 C.F.R. § 16.5(e)(1)(ii) (expedited processing is warranted where there is "[a]n urgency to inform the public about an actual or alleged federal government activity"). Specifically, at the time the FOIA Request was made, Requesters demonstrated that the public had a substantial, focused interest in federal law enforcement misconduct involving violations of human and civil rights, as well as in government efforts to hold wrong-doing law enforcement officers to account and protect the public from law enforcement overreach—precisely the purpose of the NLEAD. That

interest has only grown in the more than 6 months since the FOIA Request was submitted, and since OJP initially determined that Requesters were entitled to expedited processing.

In support of expedition, Requesters submitted documentation of the substantial and growing public interest in federal law enforcement misconduct and accountability. Requesters explained that this included the dismantling of the NLEAD, the surge in immigration enforcement activity by U.S. Immigration and Customs Enforcement ("ICE") and U.S. Customs and Border Protection ("CBP"), and the recent increase in incidents involving use of excessive force by federal agents. Requesters included in their Request more than 12 citations to press stories as a small sample of media coverage illustrating public interest and concern regarding federal law enforcement use of force and extreme tactics, and of the NLEAD shutdown. (**Exhibit A, notes 7 & 8).**

JMD denied expedited processing on the ground that it "[could not] identify a particular urgency to inform the public about an actual or alleged federal government activity beyond the public's right to know about government activities generally" **(Exhibit D)**. In their March 20, 2026 request to JMD for reconsideration, Requesters noted that public concern had only increased since October 2025, to the point of resulting in the shutdown of DHS, and cited 7 additional articles as examples of the sustained, acute focus on the issue of accountability for federal law enforcement officers **(Exhibit H).** JMD again denied expedited processing on reconsideration, but did not explain why Requesters' factual showing failed to satisfy the governing standard **(Exhibit I)**.

Under *Al-Fayed*, "in determining whether requesters have demonstrated 'urgency to inform,' and hence 'compelling need,' courts must consider at least three factors: (1) whether the request concerns a matter of current exigency to the American public; (2) whether the consequences of delaying a response would compromise a significant recognized interest; and (3) whether the request concerns federal government activity." *Al-Fayed v. CIA*, 254 F.3d 300, 310 (D.C. Cir. 2001). OIP also denied expedited processing **(Exhibit J)**, but did not explain why Requesters' showing failed to satisfy that same standard, particularly the second factor. As set out in Requesters' FOIA Request and March 20, 2026 reconsideration request, delay in disclosure here would compromise a significant recognized interest by preventing timely public understanding of why DOJ dismantled a federal law enforcement accountability mechanism during a period of increased and more aggressive federal law enforcement activity and sharply intensifying public concern regarding federal law enforcement misconduct and oversight. **(Exhibit A; Exhibit H).** As the court explained in *Citizens for Responsibility and Ethics in Washington v. U.S. DOGE Service,* delay compromises a significant recognized interest where the public and Congress would be "precluded . . . from obtaining in a timely fashion information vital to the current and ongoing debate" surrounding contested federal government action. *Citizens for Responsibility and Ethics in Wash. v. U.S. DOGE Serv.*, 769 F. Supp. 3d 8, 26-27 (D.D.C. 2025) (quoting *Protect Democracy Proj. v. U.S. Dep't of Def.*, 263 F. Supp. 3d 293, 299 (D.D.C. 2017)).

JMD and OIP are also incorrect that the FOIA Request does not concern an issue on which there is urgency to inform the public. The request concerns federal government activity that undermines and impairs accountability for federal law enforcement officers—a subject of active and ongoing public outcry, press interest, and congressional scrutiny. The dismantlement of the NLEAD immediately preceded the surge in immigration enforcement activity by U.S. Immigration and Customs Enforcement ("ICE") and U.S. Customs and Border Protection ("CBP") over the past year that has resulted in multiple use-of-force incidents involving immigration enforcement officers, and a heated public debate concerning federal law enforcement accountability. As Requesters demonstrated in their Request and subsequent request for reconsideration, issues concerning federal law enforcement accountability, or the lack thereof, have been the topic of unabated reporting leading up to and following the FOIA Request and have resulted in the shutdown of the Department of Homeland Security.

The federal government's refusal to hold its law enforcement officers to account—including the dismantling of the NLEAD, which was designed precisely to increase federal law enforcement accountability—is not an issue of generalized interest in government activity, but a time-sensitive, targeted need for information concerning specific, current federal conduct and activity. *See Al-Fayed v. CIA*, 254 F.3d 300, 310 (holding that urgency to inform turns on, among other things, whether delay would compromise a significant recognized interest, rather than on a generalized interest in government activity).

Here, the requested records bear directly on an ongoing public debate concerning accountability for federal law enforcement officers and DOJ's dismantling of one of the mechanisms designed to advance that accountability. The request is tied to a "currently unfolding story" and an active public debate concerning federal government activity. *Brennan Ctr. for Just. at N.Y.U. Sch. of L. v. Dep't of Com.*, 498 F. Supp. 3d 87, 98-99 (D.D.C. 2020) (finding urgency to inform where the requested records concerned an unfolding federal process that was the subject of active public debate). Similarly, courts find expedited processing warranted where delay would reduce the information available for an ongoing public debate over the government's use of contested surveillance powers. *See, e.g.*, *Am. Civil Liberties Union v. U.S. Dep't of Just.*, 321 F. Supp. 2d 24, 29-31 (D.D.C. 2004) (granting expedited processing where widespread public concern and an ongoing debate over renewal of the Patriot Act made delay harmful to timely public understanding).

The consequences of delay are concrete. As Requesters explained in their October 3, 2025 FOIA Request and subsequent correspondence with Daniel Wagner of the Justice Management Division of DOJ, the public debate over immigration enforcement practices and accountability mechanisms has been unfolding over the past year and is only intensifying. **(Exhibit A; Exhibit H).** The requested records bear directly on that debate by informing the public how the federal government dismantled one of its principal law enforcement accountability tools at the same time that it was ramping up immigration enforcement activity. Further delay in disclosure will therefore compromise a significant recognized interest by preventing timely public

understanding of conduct that is presently the subject of significant national attention and policy consequences.

Requesters therefore respectfully ask OIP to reverse the JMD and OIP denials of expedited processing.

Thank you for your consideration of this appeal. Please direct correspondence regarding this appeal via e-mail to Delia Addo-Yobo at addo-yobo@kennedyhumanrights.org and Anthony Enriquez at enriquez@kennedyhumanrights.org.

Sincerely,

Danielle McClain

Danielle McClain
Dale and James J. Pinto Fellow, U.S. Advocacy and Litigation
Robert & Ethel Kennedy Human Rights Center

EXHIBIT L

U.S. Department of Justice
Office of Information Policy
Sixth Floor
441 G Street, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

Danielle McClain

Re: Appeal No. A-2026-01361
Request No. 138669

dmcclain@kennedyhumanrights.org

VIA: Online Portal - 05/07/2026

Dear Danielle McClain:

You appealed from the Justice Management Division's (JMD) denial of your request for expedited treatment of your Freedom of Information Act (FOIA) request for access to certain records concerning the National Law Enforcement Accountability Database (NLEAD).

In your appeal letter, you assert that your request is entitled to expedited treatment pursuant to the second standard enumerated in the Department of Justice's regulations. Under the second standard, you must show that there is "[a]n urgency to inform the public about an actual or alleged Federal Government activity, if made by a person primarily engaged in disseminating information." 5 U.S.C. § 552(a)(6)(E)(v)(II). See also 28 C.F.R. § 16.5(e)(1)(ii) (2024).

After carefully considering your appeal, I am affirming JMD's action in denying your request for expedited treatment. In deciding whether you have demonstrated that there is an "urgency to inform the public" under 28 C.F.R. § 16.5(e)(1)(ii) (2024), I considered three factors: "(1) whether the request concerns a matter of current exigency to the American public; (2) whether the consequences of delaying a response would compromise a significant recognized interest; and (3) whether the request concerns federal government activity." Al-Fayed v. CIA, 254 F.3d 300, 310 (D.C. Cir. 2001). Although your request concerns a federal government activity, you have not established that the requested records are a matter of current exigency to the American public, nor that delaying a response would compromise a significant recognized interest. Furthermore, although you may well engage in the dissemination of information, you have not demonstrated that you are "primarily engaged" in disseminating information. See Landmark Legal Found. v. EPA, 910 F. Supp. 2d 270, 276 (D.D.C. 2012) (noting that plaintiff must be "primarily, and not just incidentally, engaged in information dissemination"); ACLU of N. Cal. v. DOJ, No. 04-4447, 2005 WL 588354, at *14 (N.D. Cal. Mar. 11, 2005) (holding that information dissemination must be "*the* main activity" rather than

merely "*a* main activity" of plaintiff to satisfy expedition standard). Without such a showing, expedited processing pursuant to the second standard is not warranted.

Finally, I note that you requested expedited treatment of your appeal. Because I am closing your underlying appeal within ten calendar days, your request for expedited treatment of this appeal is moot.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the IR Staff in response to your request for expedited processing.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at ogis@nara.gov; telephone at 202-741-5770; or toll-free at 1-877-684-6448. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office and speak with the undersigned agency official by calling 202-514-3642.

Sincerely,

X_____

Christina Troiani

Chief, Administrative Appeals Staff

EXHIBIT M

U.S. Department of Justice
Office of Information Policy
Sixth Floor
441 G Street, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

Danielle McClain

Re: Appeal No. A-2026-01321

Request No. FOIA-2026-02515

dmcclain@kennedyhumanrights.org

VIA: Online Portal - 05/07/2026

Dear Danielle McClain:

You appealed from the Initial Request Staff (IR Staff) of the Office of Information Policy's denial of your request for expedited treatment of your Freedom of Information Act (FOIA) request for access to certain records concerning the National Law Enforcement Accountability Database (NLEAD).

In your appeal letter, you assert that your request is entitled to expedited treatment pursuant to the second standard enumerated in the Department of Justice's regulations. Under the second standard, you must show that there is "[a]n urgency to inform the public about an actual or alleged Federal Government activity, if made by a person primarily engaged in disseminating information." 5 U.S.C. § 552(a)(6)(E)(v)(II). See also 28 C.F.R. § 16.5(e)(1)(ii) (2024).

After carefully considering your appeal, I am affirming the IR Staff's action in denying your request for expedited treatment. In deciding whether you have demonstrated that there is an "urgency to inform the public" under 28 C.F.R. § 16.5(e)(1)(ii) (2024), I considered three factors: "(1) whether the request concerns a matter of current exigency to the American public; (2) whether the consequences of delaying a response would compromise a significant recognized interest; and (3) whether the request concerns federal government activity." Al-Fayed v. CIA, 254 F.3d 300, 310 (D.C. Cir. 2001). Although your request concerns a federal government activity, you have not established that the requested records are a matter of current exigency to the American public, nor that delaying a response would compromise a significant recognized interest. Furthermore, although you may well engage in the dissemination of information, you have not demonstrated that you are "primarily engaged" in disseminating information. See Landmark Legal Found. v. EPA, 910 F. Supp. 2d 270, 276 (D.D.C. 2012) (noting that plaintiff must be "primarily, and not just incidentally, engaged in information

dissemination"); ACLU of N. Cal. v. DOJ, No. 04-4447, 2005 WL 588354, at *14 (N.D. Cal. Mar. 11, 2005) (holding that information dissemination must be "*the* main activity" rather than merely "*a* main activity" of plaintiff to satisfy expedition standard). Without such a showing, expedited processing pursuant to the second standard is not warranted.

Finally, I note that you requested expedited treatment of your appeal. Because I am closing your underlying appeal within ten calendar days, your request for expedited treatment of this appeal is moot.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the IR Staff in response to your request for expedited processing.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at ogis@nara.gov; telephone at 202-741-5770; or toll-free at 1-877-684-6448. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office and speak with the undersigned agency official by calling 202-514-3642.

Sincerely,

X_____

Christina Troiani

Chief, Administrative Appeals Staff

EXHIBIT N

ROBERT & ETHEL KENNEDY HUMAN RIGHTS CENTER

Danielle McClain <dmcclain@kennedyhumanrights.org>

Re: Reschedule 11:30 Meeting

Wagner, Daniel D. (JMD) <Daniel.D.Wagner@usdoj.gov> Fri, May 22, 2026 at 1:02 PM
To: Danielle McClain <dmcclain@kennedyhumanrights.org>
Cc: Delia Addo-Yobo <addo-yobo@kennedyhumanrights.org>, Judith Mogul <judith.mogul@kennedyhumanrights.org>, Anthony Enriquez <enriquez@kennedyhumanrights.org>

Good afternoon Danielle,

Thanks for your email concerning JMD FOIA request 138669. Please be aware that each request is handled on a "first in - first out" basis in relation to other requests processed by JMD. Currently, our office has 88 other requests that must also be reviewed and that are ahead of your request in the queue. As soon as we have any additional updates, we will be sure to contact you. If you need any further assistance or would like to discuss any aspect of your request, please do not hesitate to contact me.

Sincerely,

Daniel Wagner

FOIA Service Center

Justice Management Division

U.S. Department of Justice

From: Danielle McClain <dmcclain@kennedyhumanrights.org>
Sent: Monday, May 18, 2026 9:30 AM
To: Wagner, Daniel D. (JMD) <Daniel.D.Wagner@usdoj.gov>
Cc: Delia Addo-Yobo <addo-yobo@kennedyhumanrights.org>; Judith Mogul <judith.mogul@kennedyhumanrights.org>; Anthony Enriquez <enriquez@kennedyhumanrights.org>
Subject: [EXTERNAL] Re: Re: Re: Reschedule 11:30 Meeting

Good Morning Dan,

I wanted to follow up to see whether you can provide any additional sense of timing for this request. I understand there are currently 90 requests ahead of ours in the queue, but can you let us know how many of those are simple v. complex? Even a rough estimate of when JMD expects to reach our request, begin review, or start making productions, would be very helpful for us.

Best,
Danielle

On Thu, May 7, 2026 at 1:53 PM Wagner, Daniel D. (JMD) <Daniel.D.Wagner@usdoj.gov> wrote:

Good afternoon Danielle,

Thanks for your email concerning JMD FOIA request 138669. Please be aware that each request is handled on a “first in - first out” basis in relation to other requests processed by JMD. Currently, our office has 90 other requests that must also be reviewed and that are ahead of your request in the queue. As soon as we have any additional updates, we will be sure to contact you. If you need any further assistance or would like to discuss any aspect of your request, please do not hesitate to contact me.

Sincerely,

Dan

Daniel Wagner

FOIA Service Center

Justice Management Division

U.S. Department of Justice

From: Danielle McClain <dmcclain@kennedyhumanrights.org>
Sent: Wednesday, May 6, 2026 12:23 PM
To: Delia Addo-Yobo <addo-yobo@kennedyhumanrights.org>; Wagner, Daniel D. (JMD) <Daniel.D.Wagner@usdoj.gov>
Cc: Judith Mogul <judith.mogul@kennedyhumanrights.org>; Anthony Enriquez <enriquez@kennedyhumanrights.org>
Subject: [EXTERNAL] Re: Re: Reschedule 11:30 Meeting

Hi Daniel,

I hope you are doing well.

I'm writing to check in on the status of the searches within JMD. Would you be able to share any update on how those searches are progressing and when we might expect to begin receiving responsive documents?

If it would be helpful, we would also be happy to set up a follow-up call.

Best,
Danielle

On Mon, Apr 6, 2026 at 5:02 PM Delia Addo-Yobo <addo-yobo@kennedyhumanrights.org> wrote:

> Hi Daniel,
>
> Thank you for this response and for your continued work with us on this FOIA request. We are glad to hear that you are starting the searches based on the initial search terms and custodians we have agreed to. Would it be possible to provide us an update on when those searches have concluded and how many documents those searches produced, as well as a timeline for when we might expect to receive responsive documents?Depending on the volume of responsive documents, we may want to discuss a schedule for rolling productions with you. In the meantime, if, as searches are conducted, you think a further discussion with us would be helpful, please let us know.

While we are optimistic that working cooperatively with you will be the best and most efficient way to resolve this FOIA for us and the DOJ, we will be appealing the denial of our request for expedited processing in order to preserve our rights should litigation become necessary - an outcome we do not anticipate.

All the best,

Delia