



U.S. Department of Justice

Executive Office for United States Attorneys

Freedom of Information and Privacy Staff

Suite 5.400, 3CON Building
175 N Street, NE
Washington, DC 20530

(202) 252-6020
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September 14, 2022

Austin Evers
15th Street NW, Suite B255,
Washington, DC 20005
foia@americanoversight.org

Request Number: EOUSA-2020-001409
Date of Receipt: February 3, 2020
Subject of Request: Email Communication regarding McCabe or Grand Jury (USAO-DC)

Dear Austin Evers:

This letter constitutes a reply to your Freedom of Information Act/Privacy Act request. The material has been considered under both the FOIA and the Privacy Act to provide you the greatest degree of access. *This letter is a partial withholding of records.* An Enclosure to this letter explains the exemptions in more detail.

Exemption (b)(6)

1 page(s) are being released in full (RIF);
9 page(s) are being released in part (RIP);
 page(s) are withheld in full (WIF) and
 page(s) were duplicate copies of material already processed.

This is a final action on this above-numbered request. If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

You may contact our FOIA Public Liaison at the Executive Office for United States Attorneys (EOUSA) for any further assistance and to discuss any aspect of your request. The contact information for EOUSA is 175 N Street, NE, Suite 5.400, Washington, DC 20530; telephone at 202-252-6020; or facsimile 202-252-6048. 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, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kevin Krebs', is written over a light pink rectangular background.

Kevin Krebs
Assistant Director

Enclosures

Form No. 0024 – 12/15

EXPLANATION OF EXEMPTIONS

FOIA: TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by and Executive order to be kept secret in the in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual.
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

PRIVACY ACT: TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to Executive Order 12356 in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability eligibility, or qualification for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his identity would be held in confidence.

FBI/DOJ 1/06

From: (b)(6)
To: Kent, David (USADC); (b)(6)
Subject: RE: SAUSA Program Changes
Date: Friday, September 20, 2019 9:51:48 AM

Yeah, seems like a raw deal for the people who applied to be regulars and were told to never expect to move to federal court.

From: Kent, David (USADC)
Sent: Friday, September 20, 2019 9:36 AM
To: Barlotta, Allison [USA] (b)(6)
(b)(6)
Subject: FW: SAUSA Program Changes

Am I reading this right? They are going to allow SAUSAs the opportunity to do brief District Court rotations as opposed to preserving those opportunities for regular AUSAs?

If you know anyone who wants to become an AUSA, tell them not to bother. Try to be a SAUSA instead!

From: (b)(6) (USADC) <(b)(6)>
Sent: Thursday, September 19, 2019 6:37 PM
To: USADC-All Attorneys <(b)(6)@usa.doj.gov>
Subject: SAUSA Program Changes

Hi. We've made some major changes to our SAUSA program. Please disseminate to your friends and colleagues who are licensed attorneys at federal agencies.

Dear Colleagues:

The U.S. Attorney's Office in Washington, D.C. has made some exciting changes to our Special AUSA (SAUSA) detail opportunity. We now offer two standard options for licensed attorneys, both of which start on **October 15, 2019**, with additional details starting on January 6, 2020; April 6, 2020; July 6, 2020; and October 5, 2020:

SEVEN MONTH SPLIT DETAIL

The first option is a split detail that begins on October 15, 2019, and ends on May 1, 2020. The detail begins with the same rigorous three-week Basic Training course that our incoming AUSAs also attend which is an excellent blend of intense academic classes (e.g., evidence, discovery), trial skills (direct and cross examinations, openings, closings), and hands-on experience, including court observation ("shadowing"), evidence workshops, and several days of mock motions hearings and trials that are critiqued by seasoned Assistant United States Attorneys with years of trial experience. DOJ's National Advocacy Center (NAC) and most state Bar agencies have approved the training for over

fifty hours of CLE credit. At the conclusion of Basic Training, SAUSAs are assigned to either our Misdemeanor Section or our Domestic Violence Misdemeanor Section in the Superior Court Division. While in the Superior Court Division, SAUSAs will handle their own caseloads; argue bond and suppression motions; conduct numerous bench trials; advocate at sentencings; etc. There is no difference between a regular AUSA and a SAUSA in terms of duties, responsibilities, and training. Because the U.S. Attorney's Office also serves as the local prosecutor for the District, we prosecute thousands of cases each year. Our misdemeanor-level caseloads can include simple assaults; threats; possession of prohibited weapons; drug possession; assaults on police officers; theft; destruction of property; hate/bias crimes; child abuse; credit card fraud; etc. We do not handle traffic; DUI; or juvenile cases.

After the first 3 ½ months of the detail, the SAUSA and his/her agency has the option to choose one of several opportunities:

- Continue the detail in the Superior Court Division with more advanced litigation opportunities, to include second chairing one or more jury trials in the Division's Felony Trial or Major Crimes Unit; handling preliminary hearings; assisting in investigating felony offenses; and/or presenting cases to the grand jury as part of the Division's Case Initiation Unit.
- Transfer to the Criminal Division, if the SAUSA meets the requisite DOJ security clearance requirements. At the discretion of the Chief of the Criminal Division, the SAUSA can transfer to the Violent Crime & Narcotics Trafficking Section; Cyber Crimes Section; Fraud & Public Corruption Section; or the National Security Section. Although jury trial opportunities in the Criminal Division would be rare, the SAUSA may assist with the investigation and/or trial preparation of federal cases; draft and litigate motions; handle preliminary hearings; and/or assist with grand jury presentments.
- Transfer to the Civil Division
- Transfer to the criminal Appellate Division
- Transfer to the criminal Special Proceedings Division

SHORTENED DETAIL

The second option is a shorter (3 ½ months) detail that will start on October 15, 2019, and end on January 31, 2020. This program begins the same way as the seven month split detail with our three-week, CLE-approved, Basic Training program followed by assignments to either our Misdemeanor Section or our Domestic Violence Misdemeanor Section until January 31, 2020. While SAUSAs in the shortened detail will receive the same training and handle the same types of cases as the SAUSAs in the seven month split detail, the more advanced litigation opportunities (i.e., jury trials; preliminary hearings; and grand jury presentments) are not part of this program.

Finally, although we have flexibility in terms of when SAUSAs start, all SAUSAs (and regular AUSAs) go through our Basic Training program before appearing in Superior Court. We have programs that begin on **October 15, 2019; January 6, 2020; April 6, 2020; July 6, 2020, and October 5, 2020**. If a SAUSA starts before a Basic Training class, they assist with case processing/intake; shadow other attorneys; draft motions, etc. until the class starts.

Please encourage any interested applicants to send us their resume as soon as possible. Written

supervisory approval; a joint Memorandum of Understanding; and verification of security clearance will be required. This is a non-reimbursable detail; the SAUSA's agency will continue to pay the SAUSA's salary and benefits.

If you have additional questions about our program, please reach out to either Jean Sexton, our Director of Professional Development and Training, at (b)(6) (b)(6) or (b)(6), our Assistant Director of Professional Development and Training, at (b)(6) (202) (b)(6).

From: Kent, David (USADC)
To: Barlotta, Allison [USA]; (b)(6)
Subject: RE: Office Move
Date: Tuesday, September 17, 2019 2:14:07 PM

Civil Rights already is out of there (they are over at 4 CON by NOMA/Galludet. I think part of Patrick Henry is under renovation. The plan is for our office and DC OAG to move there. I also don't think the space will be big enough. Not my concern, though.

From: Barlotta, Allison [USA] <(b)(6)>
Sent: Monday, September 9, 2019 2:52 PM
To: Kent, David (USADC) <(b)(6)> (CRM)
<(b)(6)>
Subject: RE: Office Move

OMG!!!! Leaving the triple nickel? That is crazy. I can't even imagine how much that move will cost with all of the unique features the USAO needs – grand jury rooms, etc. And is PHB that empty? Or are you guys replacing the Civil Rights Division?

From: Kent, David (USADC) <(b)(6)>
Sent: Monday, September 9, 2019 2:10 PM
To: Barlotta, Allison [USA] <(b)(6)> (CRM)
<(b)(6)>
Subject: [External] FW: Office Move

From: Liu, Jessie (USADC) <(b)(6)>
Sent: Monday, September 9, 2019 12:15 PM
To: USADC-All Employees <(b)(6)>
Subject: Office Move

Dear Colleagues:

As you may know, the Department of Justice leases our office space from a private entity. Our lease has expired, and the General Services Administration (GSA) has notified us that in late 2021, our office will be moving to the Patrick Henry Building located at 601 D Street, N.W.

We understand that this news likely will generate many questions and concerns. In addition, planning for and executing the move will be a very significant project. After we receive more details, we will set up a process to address those questions and concerns and to receive employee feedback. Please rest assured that we are committed to keeping you as informed as we can and to making the transition to our new location as smooth as possible.

As always, thank you for your patience and understanding, and for all you do every day to seek justice and to the keep our communities safe.

(b)(6)

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(b)(6)

From: [Barlotta, Allison \[USA\]](#)
To: [Kent, David \(USADC\)](#); (b)(6)
Subject: RE: Office Move
Date: Tuesday, September 17, 2019 5:07:05 PM

That's so hard to imagine. I wonder what they'll do with 555. Wrecking ball?

From: Kent, David (USADC) <(b)(6)>
Sent: Tuesday, September 17, 2019 2:14 PM
To: [Barlotta, Allison \[USA\]](#) <(b)(6)>
<(b)(6)>
Subject: [External] RE: Office Move

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