



OFFICE of GOVERNMENT INFORMATION SERVICES

May 23, 2016—Sent via U.S. mail

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Case No. 201600717  
NG: HK: CM: CL

NATIONAL  
ARCHIVES  
and RECORDS  
ADMINISTRATION

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COLLEGE PARK, MD  
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Dear [REDACTED]:

This responds to your [REDACTED] request for assistance from the Office of Government Information Services (OGIS) concerning your Freedom of Information Act (FOIA) request to the Department of Justice (DOJ).

As you know, Congress created OGIS to complement existing FOIA practice and procedure; we strive to work in conjunction with the existing request and appeal process. The goal is for OGIS to allow, whenever practical, the requester to exhaust his or her remedies within the agency, including the appeal process. OGIS has no investigatory or enforcement power, nor can we compel an agency to release documents. OGIS serves as the Federal FOIA Ombudsman and our jurisdiction is limited to assisting with the FOIA process.

In [REDACTED], you submitted a records request to the DOJ for records concerning [REDACTED] [REDACTED] Circuit Court Case No. [REDACTED]. DOJ's FOIA/Privacy Act Referral Unit forwarded your request to DOJ's Criminal Division (CRM), the Executive Office for United States Attorneys (EOUSA), and the Federal Bureau of Investigation (FBI).

EOUSA responded to your request on [REDACTED], informing you that the agency does not maintain the records you seek and that you may wish to direct a records request to the proper state or local authority. On appeal, DOJ's Office of Information Policy (OIP) affirmed EOUSA's action on your request. You seek OGIS's assistance with this matter.

It is not clear from your submission why you believe Federal law enforcement agencies maintain records concerning [REDACTED]. As you may be aware, both federal and state governments have authority to investigate and prosecute criminal offenses; The federal government and each state have their own criminal statutes, court systems, prosecutors, and law enforcement agencies. In your case, it appears that you were prosecuted by the [REDACTED].



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The ninety-three United States Attorneys nationwide are responsible for handling litigation affecting the interests of the U.S., including the prosecution of *federal* criminal cases, defending civil cases against the U.S., and conducting grand jury proceedings. EOUSA maintains records on its legal cases, criminal prosecutions, and citizen complaints, as well as records relating to the administration of the office. Because [REDACTED] were prosecuted by the [REDACTED] rather than the federal government, EOUSA is unlikely to maintain records concerning the criminal proceedings against [REDACTED].

While your submission to OGIS did not include information about your requests referred to CRM and the FBI, we contacted those agencies to inquire about this matter. According to CRM, the agency received your request (No. [REDACTED]) on [REDACTED] and responded to it on [REDACTED]. CRM's final response letter, which we enclosed for your reference, informed you that it closed your request and advised you that the Division does not maintain or have access to the state records you seek.

For your information, CRM's mission is to serve the public interest through the enforcement of *federal* criminal statutes and to exercise general supervision over the enforcement of all federal criminal laws, with the exception of statutes specifically assigned to other DOJ components. CRM maintains case files only where it has assumed direct responsibility for prosecution.

We also contacted the FBI to inquire about the status of your referred request. FBI FOIA Public Liaison Dennis J. Argall informed OGIS that the FBI never received your request from DOJ's FOIA/Privacy Act Referral Unit. Based on communications between OGIS and the FBI, the FBI agreed to open a request for you. For tracking purposes, the FBI assigned the request tracking number [REDACTED].

With regard to the FBI file number you cited in your [REDACTED] letter to OGIS, Mr. Argall explained that the number is an FBI Criminal Justice Information Services (CJIS) number. The FBI collects criminal record information, including fingerprints, it gets from all the states. The FBI number listed on a criminal history summary, or "rap sheets" is a unique number identifier that the FBI assigns to records when fingerprints are taken following an arrest or conviction. The FBI number is created upon submission of those prints by the *state*. The fingerprints are collected and processed at the state level. Upon successful completion at that level, an electronic submission is provided to the Integrated Automated Fingerprint Identification System (IAFS), which is housed at the FBI's Criminal Justice Information Services (CJIS) Division in Clarksburg, West Virginia. CJIS is not the source of the arrest data reflected on [REDACTED] rap sheet. For your reference, I have enclosed an FBI document describing how to obtain a copy of your FBI identification record.

If you have not done so already, you may wish to submit a records request to the [REDACTED] Police Department [REDACTED] or other state or local authorities for the records you seek. For your reference, the mailing address for [REDACTED] FOIA Office is on page 3 of this letter. As a courtesy, I have enclosed a document concerning [REDACTED] FOIA requests to [REDACTED]. Please note that fees may apply.

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[REDACTED]

I hope you find this information useful. At this point, OGIS can offer no further assistance and we will close your case. Thank you for bringing this matter to OGIS.

Sincerely,

/s/

NIKKI GRAMIAN  
Acting Director

Enclosures (3)