

From: [Jolly, Vinay \(USAEO\)](#)
To: [Brudy-Everett, Kristin \(USADC\)](#)
Subject: FW: FOIA Req 2018-005641 Musa/USAO PAW
Date: Thursday, October 1, 2020 3:38:54 PM

Kristin, here is the USAO PAW's search steps. Please share with Plaintiff to see if this USAO can now be removed from a search challenge.

From: Dojcak, Melissa (USAPAW) <MDojcak@usa.doj.gov>
Sent: Thursday, October 01, 2020 3:32 PM
To: Jolly, Vinay (USAEO) <VJolly@usa.doj.gov>
Subject: FOIA Req 2018-005641 Musa

Good afternoon.

I was able to contact Tina Miller, who was Criminal Chief when the FOIA request at issue was received.

I have confirmed the steps taken in order to comply with the FOIA request.

On Wednesday, January 9, 2019, Tina Miller's legal assistant (Sada Moran) sent an email to the entire criminal division; that email attached the FOIA request, and directed all criminal division personnel to review the FOIA request, and if anyone had any responsive documents, to contact Tina Miller by 1/18/19. Each AUSA and legal assistant was responsible for determining whether he/she had any responsive documents/records.

Our office did not have any responsive documents, other than what was provided by Felicia Langford, our FOIA coordinator at the time (the template form letter, and a BOP Program Statement).

This is not surprising, as our office has had a long-standing policy regarding obtaining recorded inmate calls, which strictly prohibits the gathering of any attorney/client calls. All subpoenas for jail calls state: "The telephone recordings provided pursuant to this request should not include any conversations between an inmate and an attorney." Our AUSAs understand that prohibition, and accordingly subsequently applied that same prohibition to prisoner emails.

We responded to the FOIA request on 2/4/2019.

Subsequent to our response to the FOIA request at issue, on 6/20/2019, Criminal Chief Tina Miller sent the attached email, dated 6/20/2019, to the Criminal Division regarding "Evidence Requests to Jails" – to specifically address video and audio surveillance systems within the jails. The 6/20/2019 email reiterated our office's policy regarding the prohibition on gathering any communication or interactions between defendants and their attorneys. That is the only office guidance that I could find that addresses inmate correspondence.

Please let me know if you have any other questions or need any further information.

Troy Rivetti, AUSA
Chief of the Criminal Division
United States Attorney's Office
Western District of Pennsylvania

From: [Jolly, Vinay \(USAEO\)](#)
To: [Brudy-Everett, Kristin \(USADC\)](#)
Subject: FW: FOIA Request: EOUSA 2018-005641 Supplemental response WDPA
Date: Monday, October 19, 2020 2:34:52 PM

Kristin, see below response to the Plaintiff from the USAO-PAW Criminal Chief. Please feel free to share and see if PAW can now be removed from a search challenge. Please also note the Miller email [stated](#): Similarly, any requests for copies of inmate correspondence should be approved by me before you or the agent requests copies of the correspondence from the institution.

From: Dojcak, Melissa (USAPAW) <MDojcak@usa.doj.gov>
Sent: Monday, October 19, 2020 11:31 AM
To: Jolly, Vinay (USAEO) <VJolly@usa.doj.gov>
Subject: FW: FOIA Request: EOUSA 2018-005641 Supplemental response WDPA

[See below.](#)

From: Rivetti, Troy (USAPAW) <TRivetti@usa.doj.gov>
Sent: Monday, October 19, 2020 11:27 AM
To: Dojcak, Melissa (USAPAW) <MDojcak@usa.doj.gov>
Subject: RE: FOIA Request: EOUSA 2018-005641 Supplemental response WDPA

There is nothing more to produce.

The 6/20/2019 email from Tina Miller (then Criminal Chief) was sent after the FOIA request response, but it reflects the office's long-standing prohibition regarding obtaining any attorney client communications pertaining to prisoners. The 6/20/2019 states that "any requests for copies of inmate correspondence should be approved by me [Tina Miller]." That includes email correspondence. The Criminal Chief has to approve any requests for inmate correspondence – and that is one more "check" on the procedure which prohibits the gathering of any attorney client communications pertaining to prisoners. That includes email correspondence.

Bottom line: there is nothing more to produce.

Thanks.

Troy

Troy Rivetti, AUSA
Chief of the Criminal Division
United States Attorney's Office
Western District of Pennsylvania
(412) 894-7410

From: Melody Wong <mwong@clinical.law.berkeley.edu>
Sent: Thursday, October 15, 2020 8:08 PM
To: Brudy-Everett, Kristin (USADC) <KBrudyEverett@usa.doj.gov>
Cc: Megan Graham <mgraham@clinical.law.berkeley.edu>; Schuyler Standley

[<sstandley@clinical.law.berkeley.edu>](mailto:sstandley@clinical.law.berkeley.edu)

Subject: Fw: FOIA Request: EOUSA 2018-005641 Supplemental response WDPA

Hi Kristin,

We appreciate you sharing Criminal Chief Miller's 6/20/19 email with us. However, we noticed that the language did not specify that it also applied to prisoner emails. Here is the portion of the search description that we believed would be in the email:

All subpoenas for jail calls state: "The telephone recordings provided pursuant to this request should not include any conversations between an inmate and an attorney." **Our AUSAs understand that prohibition, and accordingly subsequently applied that same prohibition to prisoner emails.**

Could you also produce this search description email describing Criminal Chief Miller's 6/20/19 email? We are looking to have a clear record of W.D. PA's email-related practices as part of the production.

Best,
Schuyler and Melody

From: USAEO-FOIA Requests <USAEO.FOIA.Requests@usdoj.gov>

Date: Wednesday, October 14, 2020 at 8:19 AM

To: Megan Graham <mgraham@clinical.law.berkeley.edu>

Subject: FW: FOIA Request: EOUSA 2018-005641 Supplemental response WDPA

Please see the attached supplemental response.

Thank you.

EOUSA FOIA Staff
2020-252-6020