

[REDACTED]

- Sentencing and Charging Working Group: Participating in the discussion were USAs Sarah Saldana (N/TX) and USA Paul Fishman (NJ)

USA Lynch, Chair of the AGAC, advised that both the DAG and AG want the USAs to be looking at what cases are of federal interest and how do we define federal interest. USA Saldana reported that the Sentencing and Charging Working Group is looking at this issue and how we prosecute cases smarter. They are also looking at whether there is a need to change the prosecution thresholds in the USAOs. The impact of sentencing on the Bureau of Prisons is a critical issue. Both the DAG and AG are looking at prison costs. USA Fishman added that this is driven by the need to drive down the prison population by 10%; prosecuting fewer people and shorter sentences. And, he added, we need to look at the issue of fairness in the system. The group discussed the impact of mandatory minimums and 924(c) prosecutions. Diversion of cases was also raised. The Attorney General's memorandum of May 19, 2010, gives the USAs more prosecutorial discretion in the districts.

[REDACTED]

[REDACTED]

- Juvenile Justice Working Group: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

7. USA Staffing Plans:

[REDACTED]

(Heaphy/Wilkinson)

8. Immigration Reform Legislation:

[REDACTED]

[REDACTED] (Hartunian/Shappert)

9. Violent and Organized Crime Subcommittee:

[REDACTED] (Wigginton/Shappert)

10. Native American Issues:

[REDACTED]

2) [REDACTED]

3) [REDACTED]

[REDACTED]

(Purdon)

11. FOIA:

[REDACTED]

[REDACTED]

[REDACTED]

(Gerson/Goldsmith)

12. Streamlining Project:

[REDACTED]

[REDACTED]

(Wong)

13. G-Cars: [REDACTED] (Ana Indovina/Kathy Gugulis)

14. Reducing the Number of Declination Codes: [REDACTED]  
[REDACTED] (Wong)

15. Plea Agreements: [REDACTED]  
[REDACTED] (Macklin/Zauzmer)

16. STOCK Act: [REDACTED] (Macklin)

17. Civil Rights Update: [REDACTED]

[REDACTED]

18. Office of Enforcement Operations (OEO):

[REDACTED]

19. Appellate Chiefs Update:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(Zauzmer)

20. Civil Chiefs Update:

[REDACTED]

- Civil Rights Division Delegation (jointly with the Civil Rights Subcommittee):

[REDACTED]

- Affirmative Civil Enforcement Increased Delegation Efforts:

[REDACTED]

- Contractor Data Security Clause:

[REDACTED]

- EOUSA Senior Litigation Counsel for E-Discovery Status During Sequestration: [REDACTED]

- Asset Forfeiture USAM on Litigation Holds: [REDACTED]

- Success with Preventing Harmful Revision to the Federal Rules of Civil Procedure: [REDACTED]

(Bauknight)

21. Criminal Chiefs Update: [REDACTED]

- Changes in LIONS declination codes requested by the Native American Issues Subcommittee (NAIS) of the AGAC: [REDACTED]



- Reaction to U.S. Sentencing Guideline Commission’s vote to amend the Application notes to U.S.S.G. § 3E1.1, to say the government should not withhold filing a motion for a third level of acceptance of responsibility credit solely because the defendant refused to execute an appeal waiver:

[REDACTED]

[REDACTED]

[REDACTED]

- Discussion (in progress) of Proposed Changes to USAM Section 9-7.302 Regarding Consensual Monitoring. The proposed changes call for heightened levels of supervisory approval, and expand the section's coverage to encompass wire communications (telephone calls).



(Bella/Vance/Coffin)

22. ABA Issues: USA Lynch advised that USA Paul Fishman would be the USA representative on ABA issues. (Lynch/Fishman)

23. Director Awards:



(Jarrett)

**Attorney General's Advisory Committee  
AGENDA**

**Tuesday, June 11, 2013  
AGAC CONFERENCE ROOM – 2266, Main Justice  
Phone: (202) 252-  
FAX: (202) 252-**

- 1:00 – 1:10p.m.      Introductory Remarks  
  
                                 USA Loretta Lynch (E/NY), Chair
- 1:10 – 1:30 p.m.      Detailee Backfills (Update)  
  
                                 H. Marshall Jarrett  
                                 Bruce Swartz, Deputy Assistant Attorney General, Criminal Division
- 1:30 – 2:00 p.m.      Committee Business
- 2:00 – 2:45 p.m.      **Meeting with the Attorney General (5111)**
- 2:45 – 3:00 p.m.      BREAK
- 3:00 – 4:45 p.m.      **Administrative Updates**  
(Exhibits: A – Draft OMB Minutes 6/4/13 Meeting, B – Jim Lewis Notes, 6/4/13 Meeting,  
C – Reinvestigation Information, D – IT Information)
- Budget/APRs/Hiring:      H. Marshall Jarrett, Director  
(3:00 – 4:00p.m.)      Kathy Gugulis, Deputy Director for Administration and  
                                 Management  
                                 Mary Ellen Kline, Assistant Director for Policy and Budget  
                                 Execution  
                                 Jane Reimus, Chief, Policy and Special Programs Division  
                                 Marian Nelson (S/GA), Chair, AO Working Group (VTC)
- OMB Subcommittee Report: USA Jim Lewis (C/IL) (by phone)  
(4:00 – 4:45 p.m.)      USA Stephanie Finley (W/LA) (VTC)  
                                 USA Jim Santelle (E/WI)
- 4:45 – 5:45 p.m.      **Bureau of Justice Assistance**  
(Exhibit: E – BJA Director Report Outline)
- Denise O'Donnell, Director, BJA
- 5:45 p.m.              Meeting Adjourns
- 6:30 p.m.              Group Dinner

**Wednesday, June 12, 2013**  
**AGAC CONFERENCE ROOM – 2266, Main Justice**  
**Phone: (202) 252- [REDACTED]**  
**FAX: (202) 252- [REDACTED]**

9:00 – 9:45 a.m.      **Security Issues**  
(Exhibit: F – Proposed Revisions of USAM for Firearms Deputation Policy/Process)

USA Jim Santelle (E/WI), Chair

9:45 – 10:00 a.m.      Committee Business

10:00 – 10:45 a.m.      **Former United States Attorneys (NAFUSA)**

Jay B. Stephens  
G. Douglas Jones  
Kenneth L. Wainstein  
Donald Stern  
Matthew D. Orwig  
Richard A. Rossman

10:45 – 11:00 a.m.      BREAK

11:00 – 11:30 a.m.      **Asset Forfeiture and Equitable Sharing Policy**  
(Exhibits: G - AFMLS Memo on Reduction in Assets Forfeiture Fund; H - Proposed Asset Forfeiture Guidance on Foreign Assets and Settlements and DAG Cover Memo; I - Summary of the FY 2013 Equitable Sharing Adjustment)

Jaikumar Ramaswamy, Chief, AFMLS  
Jolene Lauria-Sullens, Deputy Assistant Attorney General, Controller  
Candace Olds, Director, Asset Forfeiture Management Staff  
Robert Marca, Deputy Director, Asset Forfeiture Management Staff

**Asset Forfeiture Guidance on Foreign Assets and Settlement**

Jaikumar Ramaswamy

11:30 – 12:00 p.m.      **Appellate Chiefs Working Group**  
(Exhibit: J - Appellate Chiefs Working Group Report/Minutes from June 6, 2013)

Bob Zauzmer (E/PA), Chair, Appellate Chiefs Working Group

12:00 – 1:30 p.m.      LUNCH

- 1:30 – 2:00 p.m.      **Border and Immigration Law Enforcement Subcommittee:**  
Comprehensive Immigration Reform Legislation
- USA Ken Gonzales (NM) (VTC)  
USA Rick Hartunian (N/NY)
- 2:00 – 2:30 p.m.      **Deputy Attorney General’s Surge Working Group**  
(Exhibits: K – Cover Letter for Survey; L – Proposed Survey Questions; M - Proposed Guidelines for Anti-Violence Strategies)
- USA Zane Memeger (E/PA) (VTC)  
Matt Cohen, Associate Deputy Attorney General, ODAG  
Gretchen Shappert, Assistant Director, Indian, Violent & Cyber Crimes Staff, EOUSA
- 2:30 – 2:45 p.m.      **Update on the Streamlining Project**  
(Exhibits: N – Mandatory Training Comparison; O – POC Comparison; P – Prior Approval Comparison; Q – Reports Comparison)
- USA Carter Stewart (S/OH)  
Norm Wong, Deputy Director/Counsel to the Director, EOUSA
- 2:45 - 3:00 p.m.      BREAK
- 3:00 – 3:30 p.m.      **Federal Priorities Working Group**
- USA Paul Fishman (NJ) (VTC)  
USA Sarah Saldaña (N/TX) (VTC)  
USA Pamela Marsh (N/FL)  
USA Wendy Olson (ID)  
USA Rick Hartunian (N/NY)  
USA Jim Santelle (E/WI)
- 3:30 – 4:00 p.m.      Committee Business
- 4:00 – 5:00 p.m.      **Meeting with the Deputy Attorney General**
- 5:00 – 5:30 p.m.      Committee Business
- 5:30 p.m.              Meeting Adjourns

**Thursday, June 13, 2013**  
**AGAC CONFERENCE ROOM – 2266, Main Justice**  
**Phone: (202) 252-██████**  
**FAX: (202) 252-██████**

9:00 – 9:30 a.m.      **Criminal Chiefs Working Group**  
(Exhibit: R – Criminal Chiefs Working Group Report Outline)

Daniel Bella, Criminal Chief (N/IN), Chair, Criminal Chiefs Working Group

9:30 – 10:00 a.m.      **Indian Country Investigations and Prosecutions Report**  
(Exhibit: S – Article on Indian Country Investigations and Prosecutions Report)

USA Brendan Johnson (SD)  
USA Sandy Coats (W/OK) (VTC)

10:00 – 10:30 a.m.      **Meeting with Acting Associate Attorney General**

10:30 – 10:45 a.m.      BREAK

10:45 – 11:15 a.m.      **Office of Legislative Affairs**

Peter Kadzik, Principal Deputy Assistant Attorney General, OLA

11:15 – 12:00 p.m.      Committee Business

12:00 – 1:30p.m.      LUNCH

1:30 – 3:00 p.m.      Committee Business

3:00 p.m.              **Meeting Adjourns/All USA Call**  
**(Call-in number: 1-877-628-██████; passcode ██████)**

Other Exhibits: Provided by the Civil Chiefs Working Group and include:

T – Civil Chiefs Working Group June Report

U – Memo on ACE/HCF Details

V – Asset Forfeiture Litigation Hold Provision of Asset Forfeiture Policy Manual

Attorney General's Advisory Committee  
June 11-13, 2013  
Summary

(Working Draft 7/2/13)

OPDAT Details:

[REDACTED]

(Jarrett/Lynch)

FY 2013 and FY 2014 Budget and Hiring:

[REDACTED]

(Gugulis/Kline)

APRs:

[REDACTED]

(Jarrett/Gugulis)

Attrition:

[Redacted]

(Jarrett/Gugulis)

OMB Subcommittee Report:

[Redacted]

(Gugulis)

Right-sizing Background Reinvestigations:

[Redacted]

(Gugulis/George)

Storage as a Service:

[Redacted]





[REDACTED]

[REDACTED] (Gugulis/George)

National Association of Former U.S. Attorneys: Six former U.S. Attorneys met with the Committee to begin a dialogue on how NAFUSA, as an organization, and/or the individuals could support the efforts of the USAOs. The former U.S. Attorneys included: Jay B. Stephens, G. Douglas Jones, Kenneth L. Wainstein, Donald Stern, Matthew D. Orwig, and Richard A. Rossman. Jay Stephens first explained that NAFUSA is a non-partisan organization and, as a result, had constraints on supporting issues/policies deemed political in nature. However, individual former U.S. Attorneys have greater flexibility in the support they can provide, particularly on the local level. Some suggestions were to draft Op-eds (Ken Wainstein recently paired with Former Deputy Attorney General Jamie Gorelick and Former Attorney General William Barr to express support for the leak investigation); to write to Congress or to testify in Congress. One area the Committee agreed that NAFUSA members could assist with messaging was to inform about the effects sequestration is having on the USAOs. AGAC/EOUSA will provide NAFUSA a fact sheet/talking points to ensure they are providing a consistent message and correct information. Additionally, U.S. Attorney Sally Yates (N/GA) agreed to make introductions of NAFUSA to the new OPA Director who is scheduled to come on board at the end of June. Lastly, NAFUSA will develop a list of former U.S. Attorneys that can be called on when there is a rapid need for messaging in support of the Department. (Jarrett)

Asset Forfeiture/Equitable Sharing: [REDACTED]

[REDACTED]

(Wong/Villegas/Redmiles)

Asset Forfeiture/Settlement Guidance:

[REDACTED]

(Wong/Villegas).

Immigration Reform Legislation:

[REDACTED]

[REDACTED]

(Hartunian/Shappert)

DOJ Driven Surge Strategies Working Group:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Lastly, USA Loretta Lynch (E/NY), Chair, AGAC, wanted to ensure that the various working groups were coordinating their messages to the field so that no mixed messages are ultimately sent out. (Memeger/Shappert)

Streamlining Project: [REDACTED]

[REDACTED]  
(Stewart/Wong)

Appellate Chiefs Working Group: [REDACTED]  
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Federal Priorities Working Group: This newly formed working group of U.S. Attorneys includes Paul Fishman (NJ), Sarah Saldaña (N/TX), Pamela Marsh (N/FL), Wendy Olson (ID), Rick Hartunian (N/NY), and Jim Santelle (E/WI) and was formed so that it could offer suggestions to the Attorney General and Deputy Attorney General about what cases are of federal interest and how do we define federal interest. Also participating in the discussion was Channing Phillips, Senior Counselor to the Attorney General, and Heather Childs, Counsel to the Deputy Attorney General as they are involved in the DAG's Sentencing and Charging Working Group. [REDACTED]  
[REDACTED]

- 1) [REDACTED]
- 2) [REDACTED]
- 3) [REDACTED]

[REDACTED]

AGAC Chair Loretta Lynch (E/NY) asked about coordinating the messages from the various working groups and if there was a DOJ plan for messaging the results of the working groups to the USAOs and DOJ components. Ms. Childs indicated that the working groups were meeting the following day to discuss overlap and/or duplication. The DOJ messaging plan is in the developmental stages, but is not yet formalized. The plan will include briefings to Congress on any major changes. AGAC Chair Lynch indicated that the U.S. Attorneys will want to assist with the messaging when the plan is final.

[REDACTED]

Re-Entry Working Group: Crystal Brown, Senior Counsel to the Deputy Attorney General provided additional information and received feedback on a draft memo that was provided regarding re-entry and the USAOs. AGAC Chair, Loretta Lynch (E/NY) provided the following feedback on the draft memo: the idea is a laudable goal; however, many on the AGAC have concerns about adding duties to the USAO staff at the present time given the staffing levels, budget restrictions and hiring freeze. She believes the U.S. Attorneys will meet resistance from their staff and there is not an ideal position to assign these duties to within the USAO staff ranks. Given that the Deputy Attorney General is very supportive of this effort, U.S. Attorney Lynch

suggested the guidance provide each USAO with maximum flexibility in how the re-entry goals are addressed.

Ms. Brown provided the following response: The intention of the guidance is to build on the current Re-Entry Point of Contact role. It's not intended to be full-time work for anyone in the USAO, but to be a collateral duty where the POC coordinates the efforts of the district in this area. The Deputy Attorney General would like to have the area reviewed during an office evaluation and have time worked in this area reported on the USA5 system. The Coordinator vs. POC is intended to institutionalize the work/role in the USAO. The Deputy Attorney General firmly supports the goal and wants the re-entry work to get done.

Criminal Chief Working Group Report: [REDACTED]

- Proposed change to FRE 801(d)(1)(B)

[REDACTED]

- Proposed amendment to Federal Rule of Bankruptcy Procedure 5005

[REDACTED]

- Whether there is a need for protocols regarding investigative Facebook activity

[REDACTED]

Additional discussion items:

- IT roll outs – [REDACTED]

OEO review - [REDACTED]

- [REDACTED]
- CaseView file review utility -
- [REDACTED]

Native American Issues:

[REDACTED]

Office of Legislative Affairs: Peter Kadzik, Principal Deputy Assistant Attorney General, OLA, discussed the following with the AGAC:

- [REDACTED]
- [REDACTED]
- AGAC Chair Loretta Lynch (E/NY) asked what latitude U.S. Attorneys had to get the message to their Congresspersons and others about the effects of sequestration on the USAOs. Generally, communication with members of Congress should be coordinated through OLA. Mr. Kadzik said that informal (by phone or in-person) contact with members of Congress on this topic are sanctioned. Any official communication by Op-ed, etc., should still be vetted through OLA (send directly to Mr. Kadzik for vetting) to ensure a consistent message and that the message is only about the impact of



sequestration.

- [REDACTED]
- [REDACTED]
- [REDACTED]

AGAC Chair Loretta Lynch (E/NY) let Mr. Kadzik know that U.S. Attorneys are available to testify before Congress.

Effects of Sequestration/Messaging:

[REDACTED]

**Attorney General's Advisory Committee  
AGENDA**

**Tuesday, July 30, 2013**  
**AGAC CONFERENCE ROOM – 2266, Main Justice**  
**Phone: (202) 252- [REDACTED]**  
**FAX: (202) 252- [REDACTED]**

- 1:00 – 1:15p.m.                    **Introductory Remarks**
- USA Loretta Lynch (E/NY), Chair
- 1:15 – 1:45p.m.                    **Federal Priorities Working Group**
- Wendy Olson (ID)  
USA Pamela Marsh (N/FL)  
USA Rick Hartunian (N/NY)  
USA Jim Santelle (E/WI)  
USA Paul Fishman (NJ) (VTC)  
USA Sarah Saldaña (N/TX) (VTC)  
USA Tris Coffin (VT)
- 1:45 – 2:15 p.m.                    **Karol Mason (confirmed)**
- Assistant Attorney General, OJP
- 2:15 – 2:30 p.m.                    BREAK
- 2:30 – 3:00 p.m.                    **Meeting with the Associate Attorney General (confirmed)**
- Room 5706**
- 3:00 – 4:00 p.m.                    Committee Business – HOLD (Planning for meeting with AG)
- 4:00 - 5:00 p.m.                    **Meeting with the Attorney General (confirmed)**
- 5:00 – 5:15 p.m.                    **Criminal Chiefs Working Group**
- Daniel Bella, Criminal Chief (N/IN), Chair, Criminal Chiefs Working Group
- Exhibit – Tab C
- 5:15 – 5:30p.m.                    **Appellate Chiefs Working Group**
- Bob Zauzmer (E/PA), Chair, Appellate Chiefs Working Group
- Exhibit – Tab A
- 6:30 p.m.                            Group Dinner

**Wednesday, July 31, 2013**  
**AGAC CONFERENCE ROOM – 2266, Main Justice**  
**Phone: (202) 252- [REDACTED]**  
**FAX: (202) 252- [REDACTED]**

9:00 a.m. – 12:00 p.m.

**OMB Subcommittee and Administrative Updates**

USA Jim Lewis (C/IL)  
USA Stephanie Finley (W/LA) (VTC)  
H. Marshall Jarrett, Director  
Kathy Gugulis, Deputy Director for Administration and Management  
Rachel Delgado, Acting Assistant Director for Policy and Budget Execution  
Shawn Flinn, Chief Human Resources Officer  
Mark Fleshman, Chief Information Officer  
Marian Nelson (S/GA), Chair, AO Working Group (VTC)

Topics: (FY 13, 14 Budgets, IT, VERA/VSIP, APRs, Students, Exemptions, Flexible Staffing, EOUSA Vacancies and Replacements; Time-off awards; Term Confidential Assistants; Furloughs; Back Up Server Storage in Columbia; Relativity Help Desk; Toner; Printers; Cloud Storage; Guard Service; other items TBD)

Exhibit – Tab D

12:00 – 1:15 p.m.

LUNCH

1:15 – 1:45 p.m.

Committee Business (HOLD)

1:45 – 2:45 p.m.

**Meeting with the Deputy Attorney General (confirmed)**

2:45 - 3:00 p.m.

BREAK

3:00 – 3:30 p.m.

**Civil Rights**

Jocelyn Samuels, Acting Assistant Attorney General, Civil Rights Division (confirmed)  
USA Steve Dettelbach (N/OH)  
USA Anne Tompkins (W/NC)

3:30 – 4:15 p.m.

**Terrorism/National Security Subcommittee**

USA Barbara McQuade (E/MI)  
USA Andre Birotte (C/CA) (by phone)  
John Carlin, Acting Assistant Attorney General, National Security  
Division

Topic: Implementing new FISA policy  
Exhibit – Tab E

4:15 – 4:30 p.m.

**Border and Immigration Law Enforcement Subcommittee**

USA Richard Hartunian (N/NY)

Topic: Comprehensive Immigration Reform Legislation Update

4:35 – 4:45 p.m.

**Surge Working Group Update**

USA Zane Memeger (E/PA) (VTC)

4:45 – 5:30 p.m.

**Committee Business**

Topics: Position Sharing (USA Tim Heaphy (W/VA))  
FBI hair review project (Norm Wong)  
Federal Defenders FY14 Budget  
Review of EARS Program  
Long Range Planning for AGAC  
Others TBD

5:30 p.m.

Meeting Adjourns

**Thursday, August 1, 2013**  
**AGAC CONFERENCE ROOM – 2266, Main Justice**  
**Phone: (202) 252- [REDACTED]**  
**FAX: (202) 252- [REDACTED]**

- 9:00 – 10:00 a.m.                    **U.S. Attorney Messaging**
- (9:00 - 9:30 a.m.)                    Talking Points on the Effects of Sequestration
- USA Brendan Johnson (SD)  
    USA Barbara McQuade (E/MI)  
    USA Richard Hartunian (N/NY)
- (9:30 – 10:00 a.m.)                    Brian Fallon, Director, Office of Public Affairs (confirmed)
- 10:00 – 11:00 a.m.                    **Robert Mueller Farewell**  
    Great Hall
- 11:00 – 11:15 a.m.                    BREAK
- 11:15 – 11:45 a.m.                    **Over-criminalization Task Force**
- USA Sally Yates (N/GA)  
    Jonathan Wroblewski, Director, Office of Policy and Legislation,  
    Criminal Division (confirmed)  
    Norm Wong, Counsel to the Director, EOUSA
- 11:45 a.m. – 12:15 p.m.                **Media Subpoena/Search Guidelines/Federal Defenders**
- USA Loretta Lynch (E/NY)  
    Jenny Mosier, Deputy Chief of Staff and Counselor to the Attorney  
    General, Office of the Attorney General (confirmed)
- Exhibit – Tab G
- 12:15 – 1:30 p.m.                    LUNCH
- 1:30 – 2:00 p.m.                    **Office of Attorney Recruitment and Management**
- Lou DeFalaise, Director, OARM (confirmed)
- Exhibit – Tab F

2:00 – 2:30 p.m.

**Security Issues**

USA Jim Santelle (E/WI)  
Lavern “Skip” Griswold, Chief Physical Security, Security and  
Emergency Management Staff

2:30 – 3:00p.m.

**Civil Chiefs Working Group Report**

Suzanne Bauknight (E/TN), Chair, Civil Chiefs Working Group

Exhibit – Tab B

3:00 p.m.

**Meeting Adjourns/All USA Call**

(Call-in number: 1-877-628-██████; passcode ████████)

Attorney General's Advisory Committee  
July 30 – August 1, 2013  
Summary

(Working Draft, 8/13/2013)

Committee Opening/Business: AGAC Chair Loretta Lynch (E/NY), AGAC Chair, opened the meeting to explain the agenda changes as a result of the AG's schedule and gave an overview of the business to be discussed over the next two days: phone trees, virtual meetings by office size, region, and EOUSA. AGAC Chair Lynch suggested that it would be good if the AGAC meetings could return to two full days and end with a half-day rather than the reverse. AGAC Chair Lynch believes it will give the Committee more time to work as it helps out for the last day as people who need to leave will not miss out on the meeting. The Committee members were unanimous in adopting the 9-5, 9-5, 9-3 schedule for future meetings beginning in September 2013.

AGAC Chair Lynch further explained the agenda to the Committee in that discussions with the Attorney General will focus on racial disparity in sentencing as raised by U.S. Attorney Carter Stewart (S/OH) as a topic and possible creation of a working group. AGAC Chair Lynch met with Channing Phillips, Senior Counsel to the Attorney General, and Margaret Richardson, Counselor to the Attorney General, and they agreed that the AGAC should look at reports issued by the U.S. Sentencing Commission and the Brennan Center for Justice to synthesize the findings and discuss at September's meeting.

AGAC Chair Lynch also said that the phone tree discussions are helpful, particularly because they save money and it helps to make our USA colleagues feel connected, especially because there has been no USA conference. AGAC Chair Lynch asked Committee members to come up with more ways to keep all of the USAs involved and connected with the AGAC. Director Marshall Jarrett listed the nine vacant USA positions. (Jarrett/Lynch)

Federal Priorities Working Group: U.S. Attorneys Paul Fishman (NJ), Sarah Saldana (W/TX), and Tristram Coffin (VT) participated via VTC. U.S. Attorney Wendy Olson (ID) gave an overview of identifying federal priorities and provided the Committee with a copy of USAM 9-27.230 titled "Initiating and declining charges - substantial federal interest" along with an update on the draft memos discussed at the previous AGAC meeting. The working group met with Heather Childs, Counsel to the Deputy Attorney General, to get a working draft defining a federal interest and the DAG's working group is currently reviewing it. United States Attorney Olson has not heard back from Ms. Childs yet on their comments to the working draft. The DAG's concern was how different is the working draft from the current USAM along with the impact of sequestration. U.S. Attorney Olson pointed out that with civil resources diminishing it means a decrease in the amount of money collected. How will we balance increasing criminal work with less resources resulting from civil work. United States Attorney Fishman stated that the working group memo should address three points: 1) reorder the USAO priorities and get the DAG's blessing; 2) direct USAOs and FBI SACs to figure out priorities in the districts so they can work together; and 3) a list of criteria to determine what constitutes a federal case. U.S. Attorney Saldana (W/TX) states that Texas is going to have meetings in the districts with

the SACs regarding this and U.S. Attorney Fishman said that as of last fall all of the FBI SACs are required to establish a strategic plan and if you have not seen one for your district you should. United States Attorney Joyce Vance (N/AL) stated that she spoke to her SAC about this and he said it is not a part of their process to come to the USAO for risk assessment. AGAC Chair Lynch stated that she thinks it is important to discuss with the DAG what is planned in rolling out the series of directive memos to the field regarding federal priorities. United States Attorney Laura Duffy (S/CA) agreed it should be a collaborated effort that comes from leadership so that everyone (within DOJ) will follow. While it should be inclusive and comprehensive however, the DAG does not direct civil priorities. United States Attorney Tristram Coffin (VT) suggests keeping the DAG's input simple with a directive to look at the USAM, determine what applies in your district, and meet with your SAC. United States Attorney Tim Heaphy (W/VA) added that it should also be driven by system fairness and budgets, and put together in a balanced package. AGAC Chair Lynch suggests discussing the coordination of the memos and potential civil issues with the DAG in order to address all of the AGAC's concerns, while considering fairness and the budget. (Olson/Lynch)

Office of Justice Programs:

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

The AGAC discussed that OJP grants come through the State Attorney General so there is a misconception that it is a state grant. This is a missed DOJ opportunity to show how it contributes to the community. AAG Mason stated that for big initiatives, OJP will let the United States Attorney know in advance about the grant and some grants are more of an opportunity for USAOs to publicize the good work DOJ is doing. AAG Mason indicated that there is a formula press release that the USAOs can use. AGAC Chair Lynch mentions the twitter accounts for the USAs and AAG Mason advises that Mel Haines is the head of OJP's office communications and Ms. Haines can provide the name of a contact person for press information.



Terrorism/National Security Subcommittee: John Carlin, Acting Assistant Attorney General, National Security Division, and Anita Singh, Acting Chief of Staff, discussed the December 2012 reauthorization of the Foreign Intelligence Surveillance Act (FISA) and implementing new FISA policy. Specifically discussed were the defense counsel legal challenges to § 702 procedures for targeting non-U.S. persons abroad. Mr. Carlin discussed Clapper v. Amnesty International, in which the Supreme Court held that the plaintiffs had not suffered a sufficiently concrete injury to have legal standing to challenge Title VII. [REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

AGAC Chair Lynch suggested to the Committee that they should reach out to U.S. Attorney Birotte (C/CA) on this issue quickly and get a group together to gather information as to practical arguments to use in these cases. Acting AAG Carlin agrees with this suggestion and states that the impact from the field on NSD operations has been valuable.

Surge Working Group Update: U.S. Attorney Zane Memeger (E/PA) provided an update on a draft memo that has been sent to the DAG with recommendations to the districts on how to deal with violent crime problems, along with suggestions on how to combine the memo with other directives being issued by the DAG. [REDACTED]

[REDACTED]

AGAC Chair Lynch asked Mr. Memeger if the DAG has said anything about coordinating all of the memos that are coming out, and Mr. Memeger states that the focus has been on policies only. The Committee discusses generally their concerns about the timing of numerous directives being issued by the AG and the DAG, and not wanting the districts to be overwhelmed with too much

information with a lack of resources. The Committee agrees with the idea of asking the AG to have a VTC with the U.S. Attorneys prior to the memos going out in order to provide some interaction and to present a combined message. (Memeger/Lynch)

Border and Immigration Law Enforcement:

[REDACTED]

(Hartunian/Lynch)

Criminal Chiefs Working Group:

[REDACTED]

- [REDACTED]
- [REDACTED]
- A [REDACTED]

[REDACTED]

(Bella/Lynch)

Civil Rights: Acting Assistant Attorney General for the Civil Rights Division, Jocelyn Samuels, thanked the AGAC for all of the work they have done and she wants to continue with former AAG Perelli's path in Civil Rights. Ms. Samuels said she would also like to visit as many districts as she could but with the budget constraints, it will not be possible; rather she may use VTC calls to connect with the districts. U.S. Attorney McQuade (E/MI) stated that she is concerned about the effect of the budget on civil rights initiatives as it can be viewed as "extra" though it is a very real issue. If someone leaves the USAO, resources cannot be reallocated to fill that position. Ms. Samuels said that she would be happy to facilitate helping the districts do more by providing template pleadings and settlement agreements, or provide research. These are issues identified by the AGAC Civil Rights subcommittee and AGAC Chair Lynch asked Ms. Samuels if her office is envisioning a role for USAOs in the voting rights cases? Ms. Samuels

responded affirmatively and that they are meeting on the issue regarding recent state legislation.

[REDACTED]

(Samuels/Dettelbach)

Civil Rights Subcommittee:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(Dettelbach/Tompkins)

EARS Program:

[REDACTED]



[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]

The current status of the memo is U.S. Attorney Heaphy and Deputy Director Monty Wilkinson need to resolve these two issues and the DAG has not yet opined on this matter. Director Jarrett states that not sweeping the money results in a furlough day for everyone. AGAC Chair Lynch states that she is not comfortable resolving this issue without Monty Wilkinson.

OMB Subcommittee and Administrative Updates: U.S. Attorney Jim Lewis (C/IL) reported on a recent subcommittee meeting where a number of issues relating to the budget were covered and recommendations for the AGAC were reached. Acting Chief Financial Officer Kathy Gugilis walked the Committee through the House, Senate, and Continuing Resolution marks for FY 2014. Budget Analyst Rachel Delgado provided the AGAC with a 2013 budget update and reports that adjustments have been made since the last update as attrition levels in the districts have been less than expected. Ms. Gugilis reported that in FY 2014 we will likely not be able to avoid furloughs. AGAC Chair Lynch asked if the sequestration cut will get bigger every year and Ms. Delgado responded that yes it will, and she went over the chart exhibit to explain the calculation and pointed out the increase on the APR line which used the same methodology but was increased for everyone eligible, which will be discussed further under the APR section. Director Jarrett explains that for funded positions such as OCDETF, people will stay in the position in the office but the office will absorb the personnel cost. AGAC Chair Lynch asked whether EOUSA will be \$11 million in the hole based on the current assumptions and this was confirmed by Ms. Delgado. AGAC Co-Chair Sally Yates inquired about the OLE budget only being reduced \$1 million and Director Jarrett explains that OLE is starting at a reduced base which does not include reprogramming (we would need to go back to Congress to request reprogramming). AGAC Chair Lynch asks if reprogramming has to be done again for FY 2014 can we use the same committee, and Director Jarrett confirmed that this can be done. AGAC Co-Chair Sally Yates asked what would reprogramming again achieve and Ms. Delgado states that it will equal one less furlough day.

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]

U.S. Attorney Jim Lewis explained that he used the scenario of a continuing resolution with sequestration as it is the most likely scenario for at least the beginning of FY 2014 and we will still have a \$45 million shortfall (equals nine furlough days). Therefore, the earlier we do the VERA/VSIP the most benefit we will receive. We would need 130 VERA/VSIP positions to get back into the black by 10/1/2013. Mr. Pelletier explains that the VERA/VSIP will not come out of the districts' budgets and that the average lump sum cost per attorney is \$12,500. When the AUSA leaves, the district pays out of pocket and the rest is swept back by EOUSA. Director Jarrett raised the VERA/VSIP issue the DAG, and the DAG is not sure if we should offer this to the USAO community at this point. AGAC Chair Lynch said that the majority view on the tree phones is against VERA/VSIP.

[REDACTED]

Time-Off Awards for 2013 and 2014:

[REDACTED]

AGAC Chair Lynch took a vote [REDACTED]

- [REDACTED]
- [REDACTED]

APRs for 2013: AGAC Chair Lynch outlines what the AGAC initially wanted to do regarding APRs. U.S. Attorney Jim Lewis explained how the OMB determined that giving out APRs as the AGAC wants will actually cost \$9.2 million and not \$5.8 million. The additional expense is the result of the passage of time and in order to provide an amount equivalent to three percent raises. AGAC Chair Lynch discussed with the Committee whether the additional \$4.4 million expense is something that should be done and opens the floor to opposing arguments. Director Jarrett confirms that the DAG did question this and JMD has approved it, but the DAG has not approved it yet. The Committee voted to keep the original intent of the APRs, absorb the additional cost, and make this recommendation to the DAG.

Exemptions: U.S. Attorney Jim Lewis addressed the process. [REDACTED]



[Redacted]

Appellate Chiefs Working Group:

[Redacted]

[Redacted]

[Redacted]

Effects of Sequestration Messaging:

[Redacted]

Office of Public Affairs:

[Redacted]



[REDACTED]

OMB Subcommittee and Administrative Updates continued: The AGAC resumes with the OMB updates and AGAC Chair Lynch asks that everyone limit the discussion to five minutes in order to get through the lengthy agenda. Budget Analyst Jonathan Pelletier has returned with a new chart reflecting the VERA/VSIP numbers based on a 15 percent vacancy rate. Eleven districts will have no attorneys eligible and 48 districts with no staff eligible.

There is a general Committee discussion about ensuring the districts share equally in the loss of staff. AGAC Chair Lynch took a vote on whether the VERA/VSIP should be a straight 20 percent or apply a second filter, and the Committee voted in favor of recommending a VERA/VSIP using a 20 percent vacancy rate.

Chair Lynch then asked if certain positions should be ineligible for the VERA/VSIP. It was decided to include the Intelligence Specialists in the exemption for now until it can be verified whether this position is required in each district. Administrative Officer Marian Nelson (S/GA) expressed concern about the internal control processes required in the districts for certain administrative jobs and that some jobs require more than one person to handle certain duties. Both the AO Working Group and EOUSA are trying to get JMD to change some of the internal controls/separation of duties requirements. The Committee voted in favor of the OMB recommendation to make certain positions exempt from VERA/VSIP to be completed by 10/1/13 for 120/120 (total 240 positions), with the filter that a district's vacancy rate cannot go below 20 percent and certain critical positions will be exempt.

Students in 2014:

[REDACTED]

Guards:

[REDACTED]

[REDACTED]

(Lewis/Griswold)

USA Staffing:

[REDACTED]

Back-up IT Server Storage in Columbia:

[REDACTED]

- [REDACTED]
- [REDACTED]

[REDACTED]

Help Desk for Relativity and Nine Related Programs:

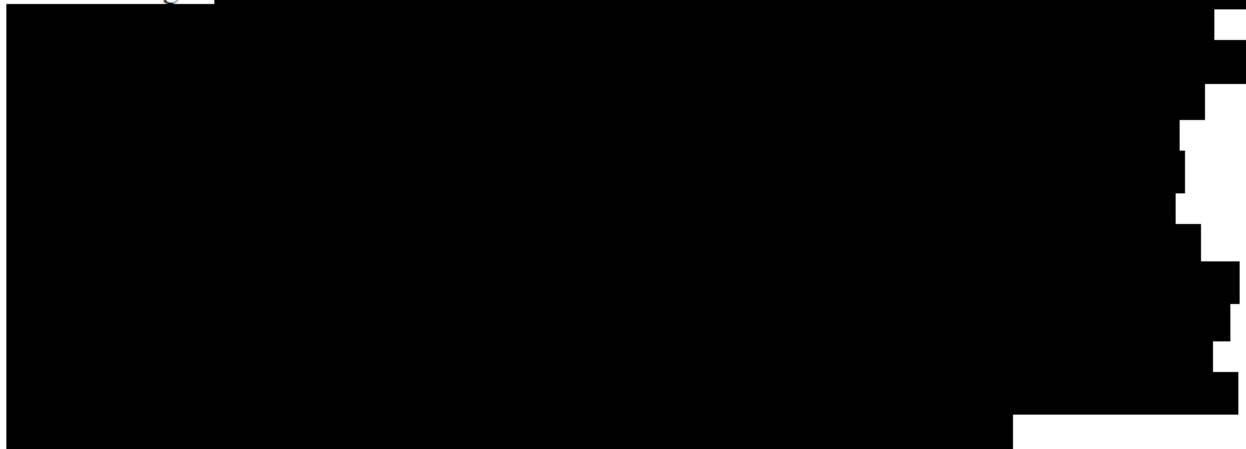
[REDACTED]

Toners/Printers: U.S. Attorneys Stephanie Finley (W/LA) and Conner Eldridge (W/AR), and Chief Information Officer Mark Fleshman presented the OMB recommendation to divide the present nation-wide toner budget on the basis of FTE allocated to each district and if a district needs more than this allocation, the district should finance the additional toner. The OMB and EOUSA are also committed to the educational process that will be required by these changes. AGAC Chair Lynch pointed out that a year ago it was discussed to come up with a goal

regarding printers and toner but this had not yet been determined. The AGAC was not receptive to this OMB recommendation regarding the toner budgets. Mr. Fleshman agreed that he did not address the educational issue and stated it was his goal to remedy that situation now. Therefore, Mr. Fleshman offered an alternative recommendation: 1) the toner account will be funded centrally; 2) Mr. Fleshman's staff will make education a priority; 3) if a district exceeds its toner budget, RMP will fund through non-personnel or other alternative. The Committee agrees to accept Mr. Fleshman's alternative recommendation.

U.S. Attorney Conner Eldridge and Mr. Fleshman explain the issues with printers: maintenance and directive from OPM/JMD encouraging a lower number of printers/users. The IRB presented four options to OMB, which recommends that EOUSA provide each of the 94 districts an allocation of the printer maintenance budget, and grant them full discretion on selecting which units receive maintenance. This option provides districts with the most flexibility. The Committee voted to accept the OMB's recommendation with USA Lynch abstaining.

Cloud Storage:



Health Care Units/FLU Shots: AGAC Chair Lynch asks what the cost of the health care units is and Administrative Officer Marian Nelson (S/GA) explains how this service is used in the districts. AGAC Chair Lynch asks the Committee members to check in their districts to see if health care units are being used and what is the cost, and asks Budget Analysis Rachel Delgado to calculate the cost per person and/or per district. Ms. Delgado said she will get the figures and that EOUSA needs to give a 60-day notice to cancel these health care unit contracts. AGAC Chair Lynch asks that this issue be put on the September meeting agenda for possible cost savings.

General Business Wrap up:



U.S. Attorney Tim Heaphy (W/VA) states that he would like to distribute the position sharing memo to the districts as soon as possible. Director Jarrett asks that Deputy Director Monty

Wilkinson take a look at the memo first since there could be a shadow financial issue because it could increase the grade for an employee. AGAC Chair Lynch approves the position sharing memo going out to the districts pending Mr. Wilkinson's review of the memo.

**Attorney General's Advisory Committee  
AGENDA**

**Tuesday, September 10, 2013  
AGAC CONFERENCE ROOM – 2266, Main Justice  
Phone: (202) 252-████**

- |                         |  |
|-------------------------|--|
| 9:00 – 9:15 a.m.        | <b>Introductory Remarks</b><br>USA Loretta Lynch (E/NY), Chair   |
| 9:15 – 9:45 a.m.        | <b>Giglio Policy Update</b><br><br>Andrew Goldsmith, National Criminal Discovery Coordinator,<br>Office of the Deputy Attorney General (confirmed)<br>USA Nick Klinefeldt (IAS) (VTC)<br>USA Tris Coffin (VT) (VTC)<br>USA Joyce Vance (ALN) (VTC)<br><br>Exhibit – Tab 11 |
| 10:00 – 10:45 a.m.      | <b>Committee Business: Narcotics Policy Discussion</b>   |
| 10:45 – 11:00 a.m.      | BREAK  |
| 11:00 a.m. – 12:00 p.m. | <b>EARS Briefing</b><br><br>Dayle Elieson, Assistant Director, EARS (confirmed)  |
| 12:00 – 1:30 p.m.       | LUNCH  |
| 1:30 – 2:15 p.m.        | <b>Office of Attorney Recruitment and Management</b><br><br>Lou DeFalaise, Director, OARM (confirmed)<br><br>Exhibit – Tab 4   |
| 2:15 – 3:00 p.m.        | <b>Committee Business: Narcotics Policy Discussion (con't)</b>   |
| 3:00 – 3:30 p.m.        | <b>Meet with Associate Attorney General (confirmed)</b>  |
| 3:30 – 3:45 p.m.        | BREAK  |

3:45 p.m. – 4:15 p.m.

**Federal Bureau of Prisons**

Kathleen A. Kenney, Assistant Director/General Counsel, BOP  
(confirmed)

Topic: Handling compassionate release requests

Exhibit: Tab 6

4:15 – 5:00 p.m.

**Committee Business: Narcotics Policy Discussion (con't)**

5:00 – 5:15 p.m.

**Appellate Chiefs Working Group**

Bob Zauzmer (E/PA), Chair, Appellate Chiefs Working Group

Exhibit – Tab 1

5:15 - 5:30 p.m.

**Criminal Chiefs Working Group**

Daniel Bella, Criminal Chief (N/IN), Chair, Criminal Chiefs  
Working Group

Exhibit – Tab 3

6:30 p.m.

Group Dinner

**Wednesday, September 11, 2013**  
**AGAC CONFERENCE ROOM – 2266, Main Justice**  
**Phone: (202) 252-██████**

- 9:00 – 10:00 a.m.                    **Committee Business: USA Conference Planning**
- 10:00 – 11:00 a.m.                    **Administrative Updates**
- H. Marshall Jarrett, Director  
Kathy Gugulis, Deputy Director for Administration and Management  
Shawn Flinn, Chief Human Resources Officer (by phone)  
Jane Reimus, Assistant Director, Policy and Special Programs  
USA Stephanie Finley (LAW) (VTC)  
USA Conner Eldridge (ARW) (VTC)  
Marian Nelson (GAS) (VTC)
- Topics: VERA/VSIP, Budget update, OMB/IRB update
- 11:00 a.m. - 12:00 p.m.                **Meeting with Attorney General** (confirmed)
- 12:00 – 1:30 p.m.                    LUNCH
- 1:30 – 2:00p.m.                    **FBI Payment of Translation Costs Post-indictment** (confirmed)
- USA John Walsh (CO) (VTC)
- 2:00 – 2:30 p.m.                    **Border and Immigration Law Enforcement Subcommittee**
- USA Richard Hartunian (NYN)  
Gretchen Shappert, Assistant Director, Indian, Violent & Cyber Crimes Staff  
Topics: Comprehensive Immigration Reform Status, Notario Fraud Public Outreach, and USCIS – ELIS Transformation Project
- Exhibit: Tab 10
- 2:30 – 3:00 p.m.                    **Committee Business: Media Subpoena/Search Guidelines, Risk Assessment** (USA Sally Yates)

3:00 – 3:15 p.m.                    **NAIS Subcommittee Report**  
  
USA Tim Purdon (ND)(VTC) (confirmed)  
USA Sandy Coats (OKW) (VTC) (confirmed)  
Topics: Upcoming NAIS Meeting, involvement in upcoming AG  
speech  
  
Exhibit: Tab 9

3:15 – 3:30 p.m.                    **BREAK**

3:30 – 4:00 p.m.                    **Domestic Terrorism Executive Committee**  
USA Barbara McQuade (EMI)  
USA Conner Eldridge (ARW) (VTC)  
  
Exhibit – Tab 7

4:00 – 4:30 p.m.                    **Civil Chiefs Working Group Report**  
Suzanne Bauknight (E/TN), Chair, Civil Chiefs Working Group  
  
Exhibit – Tab 2

4:30 – 5:30 p.m.                    **Committee Business: Racial Disparity Working Group**  
**(Exhibit: Tab 8) and Streamlining Project (Exhibit: Tab 5)**  
(USA Carter Stewart)

5:30 p.m.                                Meeting Adjourns



**Thursday, September 12, 2013**  
**AGAC CONFERENCE ROOM – 2266, Main Justice**  
**Phone: (202) 252-████**

- 9:00 – 10:00 a.m.                    **Implementation of Mandatory Minimum Sentences**
- (9-9:30 a.m.)                         Jonathan Wroblewski, Director, Office of Policy and Legislation,  
Criminal Division (confirmed)  
USA Sally Yates (GAN)
- 10:00 – 10:30 a.m.                   **Affordable Care Act Fraud Awareness**
- Matthew Axelrod, Associate Deputy Attorney General, Office of  
the Deputy Attorney General  
Maame Frimpong, Deputy Assistant Attorney General, Consumer  
Protection Branch, Civil Division
- Exhibit – Tab 12
- 10:30 - 11:00 a.m.                   **Committee Business: Best Practices**
- 11:00 a.m. – 12:00 p.m.           **Meeting with Deputy Attorney General (confirmed)**
- 12:00 – 1:30 p.m.                   LUNCH
- 1:30 – 1:45 p.m.                    **INTERPOL**
- Shawn Bray, Director (confirmed)
- 1:45 - 3:00 p.m.                    **Committee Business**
- 3:00 p.m.                              **Meeting Adjourns/All USA Call**  
**(Call-in number: 1-877-628-████; passcode █████)**

Attorney General's Advisory Committee  
Sept 10-12, 2013  
Summary

(Working Draft of 9/23/14)

Giglio Policy Update: [REDACTED]

1. [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]

2. [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]

[REDACTED]

[REDACTED]

. (Smith)

Evaluation and Review Staff (EARS) Briefing: [REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

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- [Redacted list item]
- [Redacted list item]

- [Redacted]
- [Redacted]

Office of Attorney Recruitment and Management (OARM): [Redacted]

[Redacted]

Pay plans for DOJ attorneys vs. AUSAs

[Redacted]

Tenure Groups for Attorneys

[Redacted]

- [Redacted]
- [Redacted]
- [Redacted]

[Redacted]

[Redacted]

Documenting Veterans' Preference in Hiring Attorneys

[Redacted]

[Redacted]

[Redacted]

(Flinn/Macklin)

Meeting with Associate Attorney General:

[Redacted]

[Redacted]

[Redacted]

OJP:

[Redacted]

[Redacted]

[Redacted]

COPS Office:

[Redacted]

OVW:

[Redacted]

Narcotics Policy Discussion:

[Redacted]

[REDACTED]

Federal Bureau of Prisons - Handling Compassionate Release Requests:

[REDACTED]



[Redacted]

Administrative Update: [Redacted]

FY 2013 Budget Status: [Redacted]

FY 2014 Operating Plan Updates: [Redacted]

VERA/VSIP: [Redacted]

[Redacted]

(Jarrett)

FBI Payment of Translation Costs Post-Indictment:

[Redacted]

[Redacted]

Report from FBI Criminal Investigative Division:

[Redacted]

1)

2)

3)

4)

5)

6)

[Redacted]

NAIS Subcommittee Report:

[Redacted]

[Redacted]

[Redacted]

Domestic Terrorism Executive Committee: [Redacted]

[Redacted]

[Redacted]

[Redacted]

Immigration Reform Legislation: [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Streamlining Project:

[Redacted]  
(Stewart/Wong)

Racial Disparity Working Group:

[Redacted]

- [Redacted]

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

Affordable Care Act Fraud (ACA) Awareness: [Redacted]

[REDACTED]

INTERPOL:

[REDACTED]

U.S. Attorneys Conference Planning:

[REDACTED]

Appellate Chiefs Working Group:

[REDACTED]

Criminal Chiefs Working Group Report:

[REDACTED]

- Re-authorization of long term ICE umbrella undercover operations –

[REDACTED]

- Draft Tax Directive 145 –

[REDACTED]

[REDACTED]

Civil Chiefs Working Group Report

[REDACTED]

[REDACTED]

**Attorney General's Advisory Committee  
AGENDA**

**Tuesday, November 5, 2013  
AGAC CONFERENCE ROOM - 2266, Main Justice  
Phone: (202) 252-████**

- 9:00 – 9:15 a.m.                    **Introductory Remarks**  
USA Loretta Lynch (NYE), Chair
- 9:15 – 10:15 a.m.                   **Committee Business - Implementation of Narcotics Policy**  
  
Exhibit – Tab 4
- 10:15 – 10:30 a.m.                   **BREAK**
- 10:30 – 11:30a.m.                   **Implementation of Federal Priorities Policy**  
  
USA Wendy Olson (ID)  
USA Tris Coffin (VT) (VTC)  
USA Paul Fishman (NJ) (VTC)  
USA Sarah Saldana (TXN) (VTC)  
  
Topics: Update from Federal Priorities WG; Discussion of implementation of federal priorities policy; effect of policy on prosecution guidelines.
- 11:30 a.m. – 12:00 p.m.           **Committee Business – Follow-up EARS discussion; feedback on DOJ/EOUSA handling of government shutdown**
- 12:00 – 1:30 p.m.                   **LUNCH**
- 1:30 – 2:00 p.m.                   **Committee Business – Discussion on upcoming DOJ policies**
- 2:00 – 2:15 p.m.                   **Border and Immigration Law Enforcement Subcommittee**  
  
USA Rick Hartunian (NYN)  
USA Ken Magidson (TXS) (VTC)
- 2:15 – 3:00 p.m.                   **Risk Assessment Memo**  
  
Matt Axelrod, Associate Deputy Attorney General, Office of the Deputy Attorney General  
USA Sally Yates (GAN)  
  
Exhibit – Tab 5



3:00 – 3:30 p.m.

**Proposed E-Discovery Working Group**

Andrew Goldsmith, National Criminal Discovery Coordinator  
Office of the Deputy Attorney General  
Tammy Reno, Assistant Director, White Collar and Civil Litigation,  
EOUSA  
John Haried, Criminal Discovery Coordinator, EOUSA (VTC)

Exhibit – Tab 6

3:30 – 3:45 p.m.

BREAK

3:45 p.m. – 4:15 p.m.

**Asset Forfeiture Contractor Resource Allocation**

Norm Wong, Deputy Director, EOUSA  
Dan Villegas, Counsel, Legal and Victim Programs, EOUSA  
Mark Redmiles, Assistant Director, Asset Recovery, EOUSA

Exhibit – Tab 7

4:15 – 4:45 p.m.

**Appellate Chiefs Working Group Report**

Bob Zauzmer (PAE), Chair, Appellate Chiefs Working Group

Exhibit – Tab 1

4:45 – 5:00 p.m.

**Criminal Chiefs Working Group Report**

Daniel Bella, Criminal Chief (INN), Chair, Criminal Chiefs  
Working Group

Exhibit – Tab 3

5:00 - 5:30 p.m.

**Civil Chiefs Working Group Report**

Suzanne Bauknight (TNE), Chair, Civil Chiefs Working Group

Exhibit – Tab 2

6:30 p.m.

Group Dinner  
(Del Frisco's Grille, 1201 Pennsylvania Ave, NW under  
Winzenburg)

**Wednesday, November 6, 2013**  
**AGAC CONFERENCE ROOM – 2266, Main Justice**  
**Phone: (202) 252-████**

9:00 – 11:00 a.m.

**Administrative Updates**

H. Marshall Jarrett, Director  
Shawn Flinn, Chief Human Resources Officer  
Paul Suddes, Acting CFO  
Marian Nelson (GAS) (VTC)

Topics: VERA/VSIP update; Budget update; discussion of transfers among USAO (support staff); Exemption Committee update, DAG spending restriction memo; additional cut to non-payroll funds

Exhibit – Tab 12

11:00 – 11:15 a.m.

**BREAK**

11:15 a.m. – 12:00 p.m.

**FBI Taping Policy Update**

USA Joyce Vance (ALN) (VTC)  
USA Tris Coffin (VT) (VTC)  
USA Sandy Coats (OKW) (VTC)  
USA Steve Dettelbach (OHN) (VTC)  
USA Paul Fishman (NJ) (VTC)

Exhibit – Tab 8

12:00 – 1:30 p.m.

**LUNCH**

1:30 – 1:45 p.m.

**USPIS National Interdiction Plan**

USA Carter Stewart (OHS)  
USA Amanda Marshall (OR) (VTC)  
USA John Walsh (CO) (VTC)

Exhibit – Tab 9

1:45 – 2:00 p.m.

**Update on FBI Translation Services**

USA Anne Tompkins (NCW) (VTC)  
USA John Walsh (CO) (VTC)

- 2:00 – 2:30 p.m.                    **Committee Business – U.S. Attorneys’ Conference Planning**
- 2:30 – 3:15 p.m.                    **OCDETF De-Allocation Proposal**
- James Dinan, Associate Deputy Attorney General and Director,  
    OCDETF  
    Thomas Padden, Deputy Director, OCDETF  
    Peter Maxey, Executive Officer, OCDETF
- 3:15 - 4:00 p.m.                    **Committee Business - U.S. Attorneys’ Conference Planning**
- 4:00 – 4:30 p.m.                    **Committee Business - HOLD**
- 4:30 – 5:30 p.m.                    **Meeting with Deputy Attorney General**
- 5:30 p.m.                                Meeting Adjourns

**Thursday, November 7, 2013**  
**AGAC CONFERENCE ROOM – 2266, Main Justice**  
**Phone: (202) 252-██████████**

- 9:00 – 10:30 a.m.            **Committee Business** – USAM Changes (Exhibit – Tab 10), CEOS WG, Circuit Reports
- 10:30 – 11:00 a.m.           **Committee Business – HOLD**
- 11:00 a.m. – 12:00 p.m.      **Meeting with Attorney General**
- 12:00 – 1:30 p.m.            LUNCH
- 1:30 – 2:00 p.m.            **Committee Business** – Circuit Reports
- 2:00 – 2:30 p.m.            **Meeting with Associate Attorney General**
- 2:30 - 3:00 p.m.            **Committee Business** – Circuit Reports
- 3:00 p.m.                      **Meeting Adjourns/All USA Call**  
**(Call-in number: 1-877-628-██████████; passcode ██████████)**

Attorney General's Advisory Committee  
November 5-7, 2013  
Summary

(Working Draft of 11/25/13)

Implementation of Narcotics Policy:

[REDACTED]

[REDACTED]

(Lynch/Zauzmer/Bella)

Federal Priorities Working Group Update:

[REDACTED]

[REDACTED] (Olson/Bauknight)

Follow-up EARS Discussion:

[Redacted]

(Jarrett/Wong)

Feedback on DOJ/EOUSA Handling of Government Shutdown:

[Redacted]

(Jarrett)

Border and Immigration Subcommittee Update:

[Redacted]

[Redacted]

[Redacted]

(Hartunian/Shappert)

Risk Assessment Memo:

[Redacted]

[Redacted]

[Redacted]

(Jarrett/Yates)

E-discovery Working Group Proposal:

[Redacted]

[Redacted]

[Redacted]

[Redacted]

(Villegas/Reno)

Asset Forfeiture Contractor Allocation Process:

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]  
(Villegas/Redmiles)

Administrative Update: [Redacted]  
(Jarrett/Suddes)

VERA/VSIP: [Redacted]

- [Redacted]
- [Redacted]



- [Redacted]

[Redacted] (Jarrett/Flynn)

[Redacted] (Jarrett/Flynn)

[Redacted] (Jarrett/Suddes)

FBI Taping of Custodial Interviews:

[Redacted]

- [Redacted]
- [Redacted]

[Redacted]

[Redacted] (Smith)

USPIS National Interdiction Plan for FY2014:

[Redacted]



[Redacted]

[Redacted] (Wong)

Proposed Changes to the USAM: [Redacted]  
[Redacted] (Smith)

U.S. Attorneys' Conference Planning: [Redacted]  
[Redacted]

[Redacted] (Lynch/Jarrett)

Appellate Chiefs Working Group: [Redacted]  
[Redacted]

[REDACTED]

[REDACTED]

- 

[REDACTED]

- 

[REDACTED]

- Other matters:

- 

[REDACTED]

- 

[REDACTED]

(Zauzmer)

Criminal Chiefs Working Group Report:

[REDACTED]

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

(Smith/Bella)

Civil Chiefs Working Group Report

[Redacted]

[Redacted]

- [Redacted]
- [Redacted]

- Civil Rights Delegation:

[Redacted text block]

(Edelman/Bauknight)

**Attorney General's Advisory Committee  
AGENDA**

**Tuesday, December 10, 2013  
AGAC CONFERENCE ROOM – 2266, Main Justice  
Phone: (202) 252-████**

- 9:00 – 9:15 a.m.                    **Introductory Remarks**  
USA Loretta Lynch (NYE), Chair
- 9:15 – 10:00 a.m.                **Committee Business** – Planning for 2014
- 10:00 – 11:00 a.m.                **Federal Priorities Working Group Update**  
  
USA Wendy Olson (ID)  
USA Pam Marsh (FLN)  
USA Jim Santelle (EWI)  
USA Rick Hartunian (NYN)  
USA Tris Coffin (VT) (VTC)  
USA Paul Fishman (NJ) (VTC)  
USA Sarah Saldana (TXN) (VTC)  
Suzanne Bauknight (TNE), Chair, Civil Chiefs Working Group  
  
Exhibit – Tab 4
- 11:00 – 11:15 a.m.                BREAK
- 11:15 a.m. – 12:00 p.m.        **Committee Business** - discussion of district policies on filing 851s  
(Tab 9)
- 12:00 – 1:30 p.m.                LUNCH
- 1:30 – 2:00 p.m.                **Committee Business** – update on Streamlining Project
- 2:00 – 2:30 p.m.                **Update on Congressional Budget Report**  
  
Lee Lofthus, Assistant Attorney General for Administration  
Peter Kadzik, Principal Deputy Assistant Attorney General, Office  
of Legislative Affairs

2:30 – 3:00 p.m.

**Expanded Guidance Regarding the Use of Race by Federal Law Enforcement Agencies**

Elana Tyrangiel, Principal Deputy Assistant Attorney General,  
Office of Legal Policy  
Steve Siger, Chief of Staff, Office of Legal Policy

Exhibit – Tab 10

3:00 – 3:30 p.m.

**Sentencing Guideline Change Proposal**

USA Steve Wigginton (ILS), Chair, Violent and Organized Crime  
Subcommittee (VTC)

Exhibit – Tab 5

3:30 – 3:45 p.m.

BREAK

3:45 p.m. – 4:30 p.m.

**Michael Dreeben, Deputy Solicitor General**

Topics: Drug conspiracy charging issue & plea agreement  
ineffective assistance of counsel waiver

Exhibit – Tab 8

4:30 – 5:00 p.m.

**Appellate Chiefs Working Group Report**

Bob Zauzmer (PAE), Chair, Appellate Chiefs Working Group

Exhibit – Tab 1

5:00 – 5:20 p.m.

**Civil Chiefs Working Group Report**

Suzanne Bauknight (TNE), Chair, Civil Chiefs Working Group

Exhibit – Tab 2

5:30 p.m.

Meeting Adjourns

6:30 p.m.

Group Dinner  
McCormick and Schmick's, 901 F Street, NW



**Wednesday, December 11, 2013**  
**AGAC CONFERENCE ROOM – 2266, Main Justice**  
**Phone: (202) 252-██████**

9:00 – 10:00 a.m.

**Administrative Updates**

H. Marshall Jarrett, Director  
Monty Wilkinson, Principal Deputy Director and Chief of Staff  
Norm Wong, Deputy Director and Counsel to the Director  
Shawn Flinn, Chief Human Resources Officer  
Paul Suddes, Acting CFO  
Marian Nelson (GAS) (VTC)

Topics: Term Administrative Assistants, LIONS and pre-trial diversion; discussion of prohibition of transferring of AUSAs between offices

10:00 – 10:30a.m.

**Committee Business – HOLD**

10:30 – 11:30 a.m.

**Meeting with Deputy Attorney General**

11:30 – 11:45 a.m.

**BREAK**

11:45 - 12:15 p.m.

**Update on FBI Translation Services**

USA Anne Tompkins (NCW)  
USA John Walsh (CO) (VTC)

Exhibit – Tab 6

12:15 – 1:30 p.m.

**LUNCH**

1:45 – 2:15 p.m.

**Meeting with Associate Attorney General**

2:15 – 2:30 p.m.

**BREAK**

2:30 – 3:00 p.m.

**Committee Business** – Discussion on effects of VERA/VSIP, establishing a limited hiring authority

3:00 – 3:30 p.m.

**FBI’s Cyber Threat Center**

Cristina Posa, Deputy Chief, National Security & Cybercrime, NYE

Exhibit - Tab 9

4:00 – 5:30 p.m.

**Committee Business** - U.S. Attorneys' Conference Planning, Prep for meeting with ATF Director

5:30 p.m.

Meeting Adjourns



Attorney General's Advisory Committee  
December 10-12, 2013  
Summary

(Working Draft of 12/23/13)

Implementation of Narcotics Policy:

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

U.S. Attorney Loretta Lynch (NYE), Chair, asked that Committee members obtain feedback from their phone trees for the next meeting on 851 filing practices that includes:

- USAO policy overall, including an mechanism in place for implementing
- Does the USAO always file?
- Does the USAO always dismiss or not file in return for a plea?
- Is the policy used for plea negotiations?

- Any cases that could be used as examples for messaging purposes. (Lynch/Yates)

Federal Priorities Working Group Update:

[REDACTED]

(Olson/Bauknight)

[REDACTED]

(Wong)

Planning for 2014: U.S. Attorney Loretta Lynch (NYE), Chair, asked for suggestions from the Committee on topics or potential policy areas that the AGAC and Subcommittees should consider focusing on during the next year. The following topics were provided during the discussion:

- Civil workload
- Retention of staff
- Supervisory positions – training younger AUSAs on information they should know to become a supervisor
- Long term hiring, progression of staff
- Long term effects of the hiring freeze
- Prevention and reentry as a legacy topic

- Develop ways to measure success in “alternatives to prison.” LIONS is not fully capable of capturing this information.
- How are USAOs supporting this part of the mission?
- Share successful USAO programs (at USA conference within the “managing in lean times” block of topics)
- Furthering the DOJ mission in ensuring fair administration of justice
- Improving eyewitness identification practices
- Relations with non-government organizations (e.g. civil rights and environmental, as examples) – the trend is that DOJ is moving away from these organizations due to our shrinking resources
- White House and National Security Staff are engaging U.S. Attorneys on their ideas for combatting violent extremism in the United States. U.S. Attorneys are providing feedback on what efforts are underway in their districts, what’s working, how the community is being engaged, and what outreach efforts are underway.

Streamlining Project Update:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

DOJ Budget Update:

[REDACTED]

[Redacted]

[Redacted]

Collections Press Release:

[Redacted]

Proposed "Body Armor" Amendment to USSG 2K2.1:

[Redacted]

Solicitor General's Office:

[Redacted]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



[Redacted]

[Redacted]  
(Zauzmer)

Administrative Update: [Redacted]

[Redacted]

[Redacted]

[Redacted]

[REDACTED]  
(Jarrett/Wilkinson/Suddes)

FBI Payment of Translation Costs Post-Indictment: [REDACTED]  
[REDACTED]  
(Tompkins/Walsh/Shappert)

LIONS Tracking of Pre-trial Diversion Efforts: [REDACTED]  
[REDACTED]

Transfer of AUSAs between USAOs: U. S. Attorney Loretta Lynch (NYE), Chair, requested feedback from Committee members and phone trees over whether to lift the ban on transfers of AUSAs between districts. Most reported that there was no strong opposition from them or their phone trees for lifting the ban. They don't want to deny opportunities to AUSAs. There have been approximately 15 hardship transfers that have taken place since the ban was put in place. These were situations where both U.S. Attorneys agreed to the transfer. It was suggested that the ban remain in place until there is more budget clarity, which is expected in mid-January. The full AGAC agreed that this was the best option for now. This issue will be revisited during the January meeting.

FBI's Cyber Threat Center: [REDACTED]  
[REDACTED]

[Redacted]

- [Redacted]
- [Redacted]
- [Redacted]

[Redacted]

- [Redacted]
- [Redacted]
- [Redacted]

[Redacted]

Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF): [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Border and Immigration Subcommittee Update: [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted] (Hartunian/Shappert)

U.S. Attorneys' Conference Planning:

[Redacted]

[Redacted]

[Redacted]

Expanded Guidance Regarding the Use of Race by Federal Law Enforcement Agencies:

[Redacted]

- [Redacted]
- [Redacted]

- [Redacted]

[Redacted]

Appellate Chiefs Working Group:

[Redacted]

- [Redacted]

[Redacted]

- [Redacted]

- [Redacted]

- [Redacted]
- (Zauzmer)

Criminal Chiefs Working Group Report: [Redacted]

(Bella)

Civil Chiefs Working Group Report

[Redacted]

- Annual Report Spotlight on Civil Defensive Medical Malpractice Cases: [Redacted]
- United States Attorney on Tax Division Pleadings: [Redacted]

[Redacted]

- Update Concerning Contractor Data Security Clause: [Redacted]

- IRS SAUSA Program Transition: [Redacted]

- Civil Rights Delegation: [Redacted]

- [Redacted] (Bauknight)

**Attorney General's Advisory Committee  
AGENDA**

**Tuesday, January 28, 2014  
AGAC CONFERENCE ROOM - 2266, Main Justice  
Phone: (202) 252-████**

- 9:00 – 9:15 a.m.                    **Introductory Remarks**  
USA Loretta Lynch (NYE), Chair
- 9:15 – 10:15 a.m.                   **Committee Business** – proposed sentencing guidelines amendment  
reducing the drug guidelines (Tabs 11& 12)  
USA Tris Coffin (VT) (VTC)
- 10:15 – 10:30 a.m.                   **BREAK**
- 10:30 – 11:15 a.m.                   **Principles of Federal Prosecution – Proposed Changes**  
  
Norm Wong, Counsel to the Director and Deputy Director  
USA Tris Coffin (VT) (VTC)  
USA Joyce Vance (ALN)  
  
Exhibit – Tab 4
- 11:15 – 11:30 a.m.                   **Federal Priorities Working Group Update**  
  
USA Wendy Olson (ID)  
USA Pam Marsh (FLN)  
USA Jim Santelle (EWI)  
USA Rick Hartunian (NYN)  
USA Sarah Saldana (TXN)  
USA Tris Coffin (VT) (VTC)  
USA Paul Fishman (NJ)  
USA Joyce Vance (ALN)  
Suzanne Bauknight (TNE), Chair, Civil Chiefs Working Group  
  
Exhibit – Tab 5
- 11:30 - 12:00 p.m.                   **Committee Business** – AG/DAG outreach plan for 2014
- 12:00 – 1:30 p.m.                   **LUNCH**
- 1:30 – 2:15 p.m.                   **Meeting with FBI Director (confirmed)**
- 2:15 – 2:30 p.m.                   **BREAK**



2:30 – 3:00 p.m.

**Death Penalty Protocol (confirmed)**

Channing Philips, Senior Counselor to the Attorney General  
James Dinan, Associate Deputy Attorney General & Director,  
OCDETF  
Kevin Carwile, Chief, Capitol Case Unit, Criminal Division

Exhibit – Tab 6

3:00 – 3:30 p.m.

**Committee Business** - Feedback from phone trees on handling of  
851s and DOJ priorities for 2014; Outreach to NAAUSA

3:30 – 4:00 p.m.

**Committee Business - HOLD**

4:00 – 5:00 p.m.

**Meeting with Attorney General (confirmed)**  
Room 5111

5:00 – 5:30 p.m.

**Civil Chiefs Working Group Report**

Suzanne Bauknight (TNE), Chair, Civil Chiefs Working Group

Exhibit – Tab 2

5:30 p.m.

Meeting Adjourns

6:30 p.m.

Group Dinner  
Chef Geoff's – Downtown @ 13<sup>th</sup> Street between E & F

**Wednesday, January 29, 2014**  
**AGAC CONFERENCE ROOM – 2266, Main Justice**  
**Phone: (202) 252-██████**

- 9:00 – 9:30 a.m.                    **Office of Community Oriented Policing Services (COPS)**  
**(confirmed)**
- Ronald L. Davis, Director
- 9:30 – 10:00 a.m.                **AD vs. GS pay scales for AUSAs**
- Shawn Flinn, Chief Human Resources Officer  
Marian Nelson (GAS) (VTC)
- Exhibit – Tab 8
- 10:00 – 11:00 a.m.                **Budget Update**
- H. Marshall Jarrett, Director  
Monty Wilkinson, Principal Deputy Director and Chief of Staff  
Paul Suddes, Chief Financial Officer  
Marian Nelson (GAS) (VTC)
- Exhibit – Tab 9
- 11:00 – 11:30 a.m.                **Committee Business**
- 11:30 – 12:00 p.m.                **Plea Agreement Waivers of Claims of Ineffective Assistance of**  
**Counsel**
- Bob Zauzmer (PAE), Chair, Appellate Chiefs Working Group
- Exhibit – Tab 1
- 12:00 – 1:30 p.m.                LUNCH
- 1:30 – 2:00 p.m.                **Human Rights and Special Prosecution Section Overview**  
**(confirmed)**
- Teresa McHenry, Chief
- Exhibit – Tab 10

2:00 – 2:30 p.m.

**Appellate Chiefs Working Group Report**

Bob Zauzmer (PAE), Chair, Appellate Chiefs Working Group

Exhibit – Tab 1

2:30 - 3:00 p.m.

**Committee Business** – Prep for Associate

3:00 – 3:30 p.m.

**Meeting with the Associate Attorney General (confirmed)**  
Room 5706

3:30 – 4:30 p.m.

**Committee Business – HOLD** – Prep for DAG; other topics TBD

4:30 – 5:30 p.m.

**Meeting with Deputy Attorney General (confirmed)**  
Room 4111

5:30 p.m.

Meeting Adjourns

**Thursday, January 30, 2014**  
**AGAC CONFERENCE ROOM – 2266, Main Justice**  
**Phone: (202) 252-████**

- 9:00 – 9:30 a.m.                    **Criminal Chiefs Working Group Report**  
  
Dan Bella (INN), Chair, Criminal Chiefs Working Group  
  
Exhibit – Tab 3
- 9:30 – 10:00 a.m.                **Tax Directive 145 (confirmed)**  
  
Kathleen Keneally, Assistant Attorney General, Tax Division  
  
Exhibit – Tab 7
- 10:00 - 10:15 a.m.                **BREAK**
- 10:15 – 11:00 a.m.                **Committee Business – U.S. Attorneys’ Conference Planning and Update**
- 11:00 – 11:30 a.m.                **Update on FBI Cyber Operations (confirmed)**  
  
Joseph M. Demarest  
Assistant Director for Cyber, Federal Bureau of Investigation
- 11:30 a.m. - 12:00 p.m.            **Committee Business – Giglio Policy Update (Tab 13)**
- 12:00 – 1:30 p.m.                **LUNCH**
- 1:30 – 3:00 p.m.                **Committee Business - TBD**
- 3:00 p.m.                            **Meeting Adjourns/All USA Call**  
**(Call-in number: 1-877-628-████; passcode █████)**

Attorney General's Advisory Committee  
January 28-30, 2014  
Summary

(Working Draft of 2/5/14)

Proposed Reduction in Narcotics Sentencing Guidelines:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[Redacted]

[Redacted]

[Redacted]  
(Lynch/Vance/Coffin)

Proposed Changes to Principles of Federal Prosecution:

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

primary reliance on 3553 factors instead of Guideline calculations. For this reason, the

[REDACTED]

[REDACTED]

[REDACTED] (Wong/Vance)

Federal Priorities Working Group Update:

[REDACTED]

[REDACTED]

[REDACTED] (Olson)

AG/DAG Messaging: The Attorney General has stated that he supports Congress reviewing sentencing reduction legislation for narcotics offenders.

[REDACTED]

The overall goals are to let the field staff hear from the AG his views on this and other topics and to increase the internal messaging. These include:

1. [REDACTED]
2. A webinar in February that includes Criminal Chiefs and drug prosecutors. This will allow the AG to reach many of AUSAs at one time. Questions can be asked in real time by typing them in during the session. It was suggested that since the AGAC is aware of

some of the concerns, that he speak to those without being directly asked. Channing Phillips of the AG's staff is working with Loretta Lynch on possible dates.

3. [REDACTED]
4. [REDACTED]
5. [REDACTED]
6. [REDACTED]
7. [REDACTED]
8. [REDACTED]
9. [REDACTED]
10. [REDACTED]

(Lynch/Jarrett)

Federal Bureau Of Investigation Director:

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]



- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

[Redacted]

(Lynch)

Proposed Revisions to Death Penalty Protocol: [Redacted]

[Redacted]

[Redacted]

- [Redacted text block]

- [Redacted text block]

- [Redacted text block]

- [Redacted text block]

- [Redacted text block]

- [Redacted text block]

[Redacted]

[Redacted] (Lynch)

Office of Community Oriented Policing Services (COPS): [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Budget Update/Hiring Plan: [Redacted]

[Redacted]

[Redacted]

[Redacted]

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- [Redacted]

Human Rights and Special Prosecution Section: [Redacted]

[Redacted]

- 1) [Redacted]
- 2) [Redacted]
- 3) [Redacted]

[Redacted]

- 1) [Redacted]
- 2) [Redacted]
- 3) [Redacted]

- 1) [Redacted]
- 2) [Redacted]
- 3) [Redacted]
- 4) [Redacted]

[Redacted] (Shappert)

Meeting with Associate Attorney General: [Redacted]

[Redacted]

Tax Directive 145: [Redacted]

[Redacted]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]  
(Kubiatowski)

Transfer of AUSAs between USAOs: U.S. Attorney Loretta Lynch (NYE), Chair, asked the Committee if it was now time to lift the moratorium on the open transfers of AUSAs between USAOs. The Committee decided to delay lifting the ban until the hiring process can begin.

U.S. Attorneys' Conference Planning:

[REDACTED]

[REDACTED]

[REDACTED]  
(Lynch/Heaphy)

FBI's Cyber Threat Center:

[REDACTED]

[Redacted]

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted] (Lynch/Durkin)

Giglio Policy Update: [Redacted]  
[Redacted]  
[Redacted] (Vance0

Appellate Chiefs Working Group: [Redacted]  
[Redacted]

Plea Agreement Waivers of Ineffective Assistance of Counsel: [Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

[Redacted]

Criminal Resources Manual: [Redacted]

Guidance Regarding Rule 11 Colloquy: [Redacted]

Crimes Of Violence: [Redacted]

[Redacted]

Sentencing Guidelines Amendments: [Redacted]

2241 Protocol: [Redacted]



[Redacted]

Criminal Chiefs Working Group Report: [Redacted]

Guidance On Charging Conspiracies Post-Alleyne: [Redacted]

Guidance on Amendment to Fed.R.Crim.P. 11(b)(1)(O) (Padilla fix): [Redacted]

Principles of Federal Prosecution: [Redacted]

Proposed Sentencing Guideline Amendments: [Redacted]

Tax Directive 145: [Redacted]

Civil Chiefs Working Group Report  
[Redacted]

- [Redacted]
- [Redacted]

[Redacted text block]

- [Redacted text block]

- [Redacted text block]

**Attorney General's Advisory Committee  
AGENDA**

**Monday, March 17, 2014  
AGAC CONFERENCE ROOM – 2266, Main Justice  
Phone: (202) 252-████**

- 9:00 – 9:15 a.m.                    **Discussion on Smart on Crime Symposium**
- USA Loretta Lynch (NYE), Chair
- 9:15 – 9:30 a.m.                    **Update from Forensic Science Working Group**
- USA John Kacavas (NH)
- 9:30 – 10:00 a.m.                **Committee Business**
- 10:00 – 10:30 a.m.                **Plea Agreement Waivers of Claims of Ineffective Assistance of Counsel**
- Bob Zauzmer (PAE), Chair, Appellate Chiefs Working Group
- Exhibit – Tab 1
- 10:30 – 11:00 a.m.                **Smart on Crime Implementation**
- Norm Wong, Deputy Director and Counsel to the Director, EOUSA  
Dave Smith, Counsel for Legal Initiatives, EOUSA
- Exhibit – Tab 2
- 11:00 – 12:00 p.m.                **FY 14 and FY15 Budget/APRs**
- H. Marshall Jarrett, Director, EOUSA  
Monty Wilkinson, Chief of Staff, EOUSA  
Paul Suddes, Chief Financial Officer, EOUSA  
Shawn Flinn, Chief Human Resource Officer, EOUSA
- Exhibit – Tab 3
- 12:00 p.m.                            **Adjourn**

Attorney General's Advisory Committee  
March 17, 2014  
Summary

(Working Draft of 3/21/14)

Smart on Crime Symposium:

[REDACTED]

(Lynch/Yates)

Messaging Smart on Crime by the Deputy Attorney General: U.S. Attorney Lorretta Lynch (NYE) indicated that should try to schedule a VTC between the DAG and narcotics prosecutors and OCDETF Chiefs during the first two weeks in April to discuss the Smart on Crime Initiative. (Lynch)

Forsenic Science Working Group:

[REDACTED]

[REDACTED]

(Kacavas/Dave Smith)

Plea Agreement Waivers of Ineffective Assistance of Counsel:

[REDACTED]

[Redacted]

(Zauzmer)

Budget Update/Hiring Plan:

[Redacted]

[Redacted]

- [Redacted]
- [Redacted]
- [Redacted]

[Redacted]

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

[Redacted]

- [Redacted]
- [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

(Wilkinson/Suddes/Flinn)

**Attorney General's Advisory Committee  
AGENDA**

**Tuesday, April 29, 2014  
AGAC CONFERENCE ROOM – 2266, Main Justice  
Phone: (202) 252-████**

- |                         |   |
|-------------------------|---|
| 9:00 – 9:15 a.m.        | <b>Introductory Remarks</b><br>USA Loretta Lynch (NYE), Chair   |
| 9:15 – 10:00 a.m.       | <b>Committee Business</b> – Follow-up to issues from the U.S. Attorneys' Conference   |
| 10:00 – 10:30 a.m.      | <b>Campaign for the Fair Sentencing of Youth</b><br><br>Jody Kent Lavy, Director & National Coordinator<br>Miriam Aroni Krinsky, Policy Consultant, The California Endowment<br><br>Exhibit – Tab D   |
| 10:30 – 10:45 a.m.      | BREAK   |
| 10:45 a.m. – 11:15 a.m. | <b>Federal Priorities Working Group Update</b><br><br>USA Wendy Olson (ID)<br>USA Rick Hartunian (NYN)<br>USA Sarah Saldana (TXN)<br>USA Jim Santelle (WIE) (VTC)<br>USA Paul Fishman (NJ) (VTC)<br>Suzanne Bauknight (TNE), Chair, Civil Chiefs Working Group<br><br>Exhibit – Tab E |
| 11:15 – 11:45 a.m.      | <b>Civil Chiefs Working Group Report</b><br><br>Suzanne Bauknight (TNE), Chair, Civil Chiefs Working Group<br><br>Exhibit – Tab B   |
| 11:45 – 12:00 p.m.      | <b>Committee Business</b>   |
| 12:00 – 1:30 p.m.       | LUNCH   |

1:30 – 2:00 p.m.                    **Proposed USAM Changes**  
  
USA Deb Gilg (NE), Chair, CEOS Working Group (VTC)  
  
Exhibits – Tab F

2:00 – 3:00 p.m.                    **Clemency Initiative**  
  
Heather Childs, Senior Counsel, Office of the Deputy Attorney General  
Julie Zubrak, Deputy Chief of Staff, Office of the Attorney General  
  
Exhibit – Tab L

3:00 – 3:30 p.m.                    **Committee Business – HOLD** (prep for ASG)

3:30 – 4:00 p.m.                    **Meeting with the Associate Attorney General**  
Room 5706

4:00 – 4:30 p.m.                    **Committee Business**

4:30 - 5:00 p.m.                    **Taping Policy Update**  
  
USA Tris Coffin (VT) (VTC)  
USA Joyce Vance (ALN) (VTC)  
Andrew Goldsmith, National Criminal Discovery Coordinator,  
Office of the Deputy Attorney General  
Dave Smith, Counsel for Legal Initiatives, EOUSA  
  
Exhibit – Tab G

5:00 – 5:30 p.m.                    **Giglio Policy Update**  
  
USA Tris Coffin (VT) (VTC)  
USA Joyce Vance (ALN) (VTC)  
Andrew Goldsmith, National Criminal Discovery Coordinator,  
Office of the Deputy Attorney General  
Dave Smith, Counsel for Legal Initiatives, EOUSA  
  
Exhibit – Tab H

5:30 p.m.                                Meeting Adjourns

6:30 p.m.                                Group Dinner  
The Hamilton, 600 14th Street, N.W.



**Wednesday, April 30, 2014**  
**AGAC CONFERENCE ROOM – 2266, Main Justice**  
**Phone: (202) 252-████**

- 9:00 – 9:30 a.m.                    **Disciplinary Process and Procedure/OIG Report on EOUSA/USAO Disciplinary Process**
- Suzanne Bell, Deputy Director, EOUSA  
Jay Macklin, General Counsel, EOUSA
- 9:30 – 10:00 a.m.                **Smart on Crime**
- Update on Conference**  
USA Sally Yates (GAN)
- Update on Performance Measure Development**  
Norm Wong, Counsel to the Director and Deputy Director, EOUSA  
Dave Smith – Counsel for Legal Initiatives, EOUSA
- Exhibit – Tab I
- 10:00 – 10:15 a.m.                BREAK
- 10:15 – 11:45 a.m.                **Subcommittee Reports**
- 10:15 – 10:30 a.m.                **NAIS**  
USA Tim Purdon (ND)
- Exhibit – Tab K
- 10:30 – 10:45 a.m.                **Health Care Fraud**  
USA Zane Memeger (PAE)
- 10:45 – 11:00 a.m.                **Border and Immigration**  
USA Rick Hartunian (NYN)
- 11:00 a.m. - 12:00 p.m.            **More Subcommittee Reports TBD**
- 12:00 – 1:30 p.m.                LUNCH
- 1:30 – 2:00 p.m.                **Criminal Chiefs Working Group Report**
- Dan Bella (INN), Chair, Criminal Chiefs Working Group
- Exhibit – Tab C

2:00 - 2:30 p.m.	<b>Appellate Chiefs Working Group Report and Plea Agreement Waivers</b>  Bob Zauzmer (PAE), Chair, Appellate Chiefs Working Group  Exhibit – Tab A
2:30 – 2:45 p.m.	BREAK
2:45 – 3:30 p.m.	<b>Committee Business</b>
3:30 – 4:00 p.m.	<b>Committee Business – HOLD</b> – Prep for DAG
4:00 – 5:00 p.m.	<b>Meeting with Deputy Attorney General (confirmed)</b> Room 4111
5:00 - 5:30 p.m.	<b>Committee Business</b>
5:30 p.m.	Meeting Adjourns

**Thursday, May 1, 2014**  
**AGAC CONFERENCE ROOM – 2266, Main Justice**  
**Phone: (202) 252-██████████**

9:00 – 10:00 a.m.                    **Committee Business**

10:00 – 10:15 a.m.                    BREAK

10:15 – 10:45 a.m.                    **Internal Revenue Service**

Commissioner John Koskinen

10:45 – 12:15 p.m.                    **Administrative Issues**

Monty Wilkinson, Director, EOUSA  
Paul Suddes, Chief Financial Officer, EOUSA  
Mark Fleshman, Chief Information Officer, EOUSA  
Jane Reimus, Assistant Director, Policy, Personnel Staff, EOUSA  
Valarie Mulcahy, Assistant Director, Operations, Personnel Staff,  
EOUSA  
USA Stephanie Finley (LAW) (VTC)  
USA Conner Eldridge (ARW) (VTC)  
Marian Nelson (GAS) (VTC)

Possible topics: IT topics (BYOD & GJ tracking solution briefing,  
IRB Projects), budget update, hiring update, AD/GS Working  
Group, others TBD

Exhibits – Tab J

12:15 – 1:30 p.m.                    LUNCH

1:30 – 3:00 p.m.                    **Committee Business**

3:00 p.m.                                **Meeting Adjourns/All USA Call**  
**(Call-in number: 1-877-628-██████████; passcode ██████████#)**

Attorney General's Advisory Committee  
April 29 – May 1, 2014  
Summary

(Working Draft of 5/9/14)

Discussion on U.S. Attorneys' Conference Follow-up:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[Redacted text block]

[Redacted text block]

Campaign for Fair Sentencing of Youth:

[Redacted text block]

[Redacted text block]

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[Redacted]

Federal Priorities Working Group:

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Changes to USAM/USAP by CEOWG:

[Redacted]

- 1) [Redacted]
- 2) [Redacted]
- 3) [Redacted]

[Redacted]

- 1) [Redacted]
- 2) [Redacted]
- 3) [Redacted]
- 4) [Redacted]

Clemency Initiative:

[Redacted]

[Redacted]

- 1) [Redacted]
- 2) [Redacted]
- 3) [Redacted]

- 4) [REDACTED]
- 5) [REDACTED]
- 6) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Discussion on Retroactivity of Sentencing Guideline Reductions: [REDACTED]

[REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

To close out the discussion on retroactivity, the Committee decided to wait to hold further discussions on their position until the numbers were released in early May. A working group to closely review was suggested. The volunteers include USA Sarah Saldana, Bob Zauzmer, and Dan Bella. Others who are interested should let Loretta Lynch know of their interest. The Committee would also like to reconvene by conference call after members have conferred with their phone trees.

Taping and Giglio Policy Updates:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Disciplinary Procedures/OIG Report:

[REDACTED]

[REDACTED]

[REDACTED]

Smart on Crime Update: [REDACTED]

Norm Wong, Counsel to the Director and Deputy Director, and Dave Smith, Counsel for Legal

[REDACTED]

1)

[REDACTED]

2)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

NAIS Subcommittee Update:

[REDACTED]

[REDACTED]

[REDACTED]

Border and Immigration Law Enforcement Subcommittee Update:

[REDACTED]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Health Care Fraud Working Group Update:

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Criminal Division Leadership:

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Administrative Updates:

[Redacted]

[Redacted]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Update on AD vs. GS pay plan for attorneys:

[REDACTED]

[REDACTED]

[REDACTED]

Appellate Chiefs Working Group:

[REDACTED]

[REDACTED]

- 1) [REDACTED]
- 2) [REDACTED]
- 3) The AGAC approved the final memo that states the AGAC's position regarding plea agreement waivers of claims of ineffective assistance of counsel. The memo will now be sent by Loretta Lynch to the DAG's office.
- 4) [REDACTED]

5)

6)

7)

Criminal Chiefs Working Group Report:

1)

2)

3)

4)

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- 8)
- 9)
- 10)
- 11)
- 12)
- 13)



Civil Chiefs Working Group Report:

Suzanne Bauknight, Civil Chief (TNE) and Chair of the Civil Chiefs Working Group, discussed



- 1) Contractor Data Security Clause –



- 2) Affirmative Delegation -



- 3) IRS Cases –



**Attorney General's Advisory Committee  
AGENDA**

**Tuesday, June 10, 2014  
AGAC CONFERENCE ROOM – 2266, Main Justice  
Phone: (202) 252-████**

- |                         |   |
|-------------------------|---|
| 9:00 – 9:15 a.m.        | <b>Introductory Remarks</b><br>USA Loretta Lynch (NYE), Chair   |
| 9:15 – 10:45 a.m.       | <b>Committee Business - planning for next two years</b>   |
| 10:45 – 11:00 a.m.      | <b>BREAK</b>  |
| 11:00 a.m. – 12:00 p.m. | <b>LGBT Pride Month Observance Program</b><br>Great Hall  |
| 12:00 – 1:30 p.m.       | <b>LUNCH</b>  |
| 1:30 – 2:45 p.m.        | <b>Committee Business – Prep for Criminal Division; other topics<br/>TBD</b>  |
| 2:45 - 3:00 p.m.        | <b>BREAK</b>  |
| 3:00 – 3:15 p.m.        | <b>Appellate Chiefs Working Group Report</b><br><br>Bob Zauzmer (PAE), Chair, Appellate Chiefs Working Group<br><br>Exhibit – Tab A |
| 3:15 – 3:30 p.m.        | <b>Criminal Chiefs Working Group Report</b><br><br>Dan Bella (INN), Chair, Criminal Chiefs Working Group<br><br>Exhibit – Tab C     |
| 3:30 – 4:15 p.m.        | <b>Criminal Division Assistant Attorney General</b><br><br>Leslie R. Caldwell, Assistant Attorney General                           |
| 4:15 – 5:00 p.m.        | <b>Committee Business – Smart on Crime Conference Debrief and<br/>related topics, Prep for DAG</b>                                  |

5:00 – 5:30 p.m.

**Policy Statement Regarding Marijuana Issues in Indian County**

USA Tim Purdon (ND)  
USA Amanda Marshall (OR)  
USA Michael Ormsby (WAE) (VTC)

Exhibit – Tab D

5:30 p.m.

Meeting Adjourns

6:30 p.m.

Group Dinner  
nopa Kitchen + Bar  
800 F St. NW (Corner of 8<sup>th</sup> & F, next to the Spy Museum)

**Wednesday, June 11, 2014**  
**AGAC CONFERENCE ROOM – 2266, Main Justice**  
**Phone: (202) 252-██████**

- 9:00 – 9:30 a.m.                    **Office of Legal Education**
- Monty Wilkinson, Director  
Suzanne Bell, Deputy Director
- 9:30 – 10:00 a.m.                **Proposed Changes to Financial Litigation USAM**
- Laurie Levin, Attorney Advisor, Asset Recovery Staff, OLVP  
Mark Redmiles, Assistant Director, Asset Recovery Staff, OLVP
- Exhibit – Tab E
- 10:00 – 10:15 a.m.                **BREAK**
- 10:15 – 10:45 a.m.                **Courtroom Closures & Victim Privacy**
- USA Tim Heaphy (VAW) (VTC)  
USA David Hale (KYW) (VTC)  
Kate Manning, Attorney Advisor, Victim Witness Staff, OLVP
- Exhibit – Tab F
- 10:45 – 11:00 a.m.                **BREAK**
- 11:00 a.m. – 12:00 p.m.        **Meeting with Deputy Attorney General**  
Room 4111
- 12:00 – 1:30 p.m.                **LUNCH**
- 1:30 – 2:00 p.m.                **Racial Disparities Working Group Update**
- USA Carter Stewart (OHS) (VTC)
- Exhibit – Tab H
- 2:00 – 3:00 p.m.                **Committee Business - Update on Streamlining Project, other topics**
- 3:00 – 3:30 p.m.                **Civil Chiefs Working Group Report**
- Suzanne Bauknight (TNE), Chair, Civil Chiefs Working Group

Exhibit – Tab B

3:30 – 4:15 p.m.

**Clemency Initiative Update**

Deborah Leff, Acting Pardon Attorney

Julie Zebrak, Deputy Chief of Staff, Office of the Deputy Attorney General

Miriam Vogel, Senior Counsel to the Deputy Attorney General

Will Taylor, Acting Administrative Officer, Office of the Pardon Attorney

4:15 – 5:30 p.m.

**Committee Business**

5:30 p.m.

Meeting Adjourns

**Thursday, June 12, 2014**  
**AGAC CONFERENCE ROOM – 2266, Main Justice**  
**Phone: (202) 252-████████**

9:00 – 10:30 a.m.

**Administrative Issues**

Monty Wilkinson, Director, EOUSA  
Paul Suddes, Chief Financial Officer, EOUSA  
Shawn Flinn, Chief Human Resources Officer, EOUSA  
USA Stephanie Finley (LAW) (VTC)  
USA Conner Eldridge (ARW) (VTC)  
Marian Nelson (GAS) (VTC)

Topics: FY2016 Spring Call Requests, Budget Update, Hiring Update & AD/GS Pay Disparity Update

Exhibits – Tab G

10:30 – 11:00 a.m.

**Committee Business – HOLD (Prep for AG)**

11:00 a.m. – 12:00 p.m.

**Meeting with the Attorney General**  
Room 5111

12:00 – 1:30 p.m.

LUNCH

1:30 – 3:00 p.m.

**Committee Business**

3:00 p.m.

**Meeting Adjourns/All USA Call**  
**(Call-in number: 1-877-628-████████; passcode ██████████#)**



Attorney General's Advisory Committee  
June 10-12, 2014  
Summary

(Working Draft of 6/20/14)

Retroactivity:

[REDACTED]

Communication/Coordination with Main Justice: U.S. Attorney Loretta Lynch (NYE) encouraged DOJ leadership to inform the U.S. Attorneys about the decision regarding their position on retroactivity on Friday, June 6, rather than Monday, June 9. The U.S. Attorneys were informed on June 6 by the Attorney General.

[REDACTED]

Planning for Next Two Years: The Committee is interested in working on some initiatives for the next two years that will be meaningful to the Department and this Administration's legacy. They discussed various ways to participate and determined that one of the best ways would be to be proactive. It was suggested that the subcommittees provide one or two initiatives that they would like to see pursued. The AGAC will then review and vet those so as to provide a final list to the AG and DAG. This plan was discussed at the meetings with the AG and DAG and both were supportive of the idea. The AG asked that the ideas be forwarded to him within a few weeks. AGAC Chair Loretta Lynch will be reaching out to the subcommittee chairs in the near future for their input.

Phone Tree Reports:

[REDACTED]

- [REDACTED]

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

New AUSA Orientation:

[Redacted]

[REDACTED]

Smart on Crime Conference Debrief:

[REDACTED]

Criminal Division Assistant Attorney General:

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

U.S. Attorney Loretta Lynch (NYE) also informed AAG Caldwell that the AGAC is a resource to her and the Division via either the full AGAC or the subcommittees. USA Lynch also indicated that the USAs are willing to be involved when the Criminal Division is thinking about new policy. USA Lunch encouraged continued joint participation in major case announcements.

[REDACTED]

Policy Statement on Marijuana Issues in Indian Country:

[REDACTED]

[Redacted]

Office of Legal Education:

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Proposed Changes to FLU USAM:

[Redacted]

1)

2)

Victim Privacy:

Racial Disparities Working Group Update:

[Redacted text block]

[Redacted text block]

[Redacted text block]

Streamlining Project Update:

[Redacted text block]

- [Redacted bullet point]
- [Redacted bullet point]

[Redacted text block]

[Redacted text block]

Smart on Crime Measurements:

[Redacted text block]

[Redacted]

[Redacted]

Clemency Initiative Update:

[Redacted]

[Redacted]

[Redacted]

[Redacted]



FBI Taping Training:

[Redacted]

[Redacted]

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- [Redacted]
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[Redacted]

Update on Sentencing Bills:

[Redacted]

[Redacted]

[Redacted]

Administrative Update:

[Redacted]

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- [Redacted]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Appellate Chiefs Working Group Report:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]

- [Redacted]
- [Redacted]

Criminal Chiefs Working Group Report: [Redacted]

- [Redacted]
- [Redacted]

Civil Chiefs Working Group Report: [Redacted]

- [Redacted]
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- [Redacted]

**Attorney General's Advisory Committee  
AGENDA**

**Tuesday, July 22, 2014  
AGAC CONFERENCE ROOM - 2266, Main Justice  
Phone: (202) 252-████**

- 9:00 – 9:15 a.m.                    **Introductory Remarks**  
USA Loretta Lynch (NYE), Chair
- 9:15 – 10:15 a.m.                   **Committee Business** – Threat Banding discussion on concerns  
and/or issues; discussion on DOJ initiatives for next two years and  
851 implementation (Exhibits - Tabs D, E & F)
- 10:15 – 10:45 a.m.                   **Update on the Countering Violent Extremism (CVE) Pilot  
Project**  
  
Brette Steele, Senior Counsel, Office of the Deputy Attorney  
General  
Adrian Brown, National Civil Rights Coordinator, EOUSA  
  
Exhibit – Tab G
- 10:45 – 11:00 a.m.                   BREAK
- 11:00 – 12:00 p.m.                   **Naturalization Ceremony**  
Great Hall
- 12:00 – 1:30 p.m.                   LUNCH
- 1:30 – 2:00 p.m.                    **Criminal Chiefs Working Group Report**  
  
Dan Bella (INN), Chair, Criminal Chiefs Working Group  
  
Exhibit – Tab C
- 2:00 – 2:45 p.m.                    **NAFUSA**  
  
Richard A. Rossman  
G. Douglas Jones  
Kenneth L. Wainstein  
Donald Stern  
Matthew D. Orwig  
Kevin O'Connor

2:45 - 3:00 p.m.

**BREAK**

3:00 – 3:45 p.m.

**Committee Business**

3:45 - 4:15 p.m.

**Meeting with the Associate Attorney General**  
Room 5706

4:15 – 5:00 p.m.

**Committee Business** - discussion on DOJ initiatives for next two years and 851 implementation (Exhibits - Tabs D, E & F)

5:00 - 5:30 p.m.

**FBI Cyber Threat Team Model**

John Carlin, Assistant Attorney General, NSD  
Joseph M. Demarest, Assistant Director for Cyber, FBI  
USA Jenny Durkan (WAW), Chair, Cyber/Intellectual Property  
Subcommittee (VTC)

5:30 p.m.

Meeting Adjourns

6:30 p.m.

Group Dinner  
Oya - 777 9th St NW (Corner of 9<sup>th</sup> & H)



**Wednesday, July 23, 2014**  
**AGAC CONFERENCE ROOM – 2266, Main Justice**  
**Phone: (202) 252-██████**

9:00 – 9:30 a.m.

**Civil Chiefs Working Group Report**

Thomas Walsh (ILN), Chair, Civil Chiefs Working Group  
Suzanne Bauknight (TNE), Civil Chief

Exhibit – Tab B

9:30 – 10:15 a.m.

**My Brother’s Keeper**

Karol Mason, Assistant Attorney General, OJP  
Edward Chung, Senior Policy Advisor, OJP

Exhibit – Tab H

10:15 - 10:30 a.m.

BREAK

10:30 – 11:15 a.m.

**Administrative Issues**

Monty Wilkinson, Director, EOUSA  
Paul Suddes, Chief Financial Officer, EOUSA  
Shawn Flinn, Chief Human Resources Officer, EOUSA  
USA Stephanie Finley (LAW), Chair, OMB Subcommittee (VTC)  
Marian Nelson, Chair, AOWG (GAS) (VTC)

Topics: Budget and Hiring Updates

Exhibits – Tab J

11:15 – 12:00 p.m.

**Subcommittee Reports: Civil Rights, Border and Immigration, and HCF**

USA Anne Tompkins (NCW)  
USA Rick Hartunian (NYN)  
USA Zane Memeger (PAE)

12:00 – 1:30 p.m.

LUNCH

1:30 – 2:00 p.m.

**Committee Business** – discussion on DOJ initiatives for next two years and 851 implementation (Exhibits - Tabs D, E & F)

2:00 – 2:45 p.m.

**Office of Urban Affairs, Justice and Opportunity**

Roy Austin, Jr., Deputy Assistant to the President

2:45 – 3:45 p.m.

**FBI Threat Banding Process**

Eric Velez-Villar, Assistant Director for the Directorate of Intelligence, FBI

Dave Schlendorf, Assistant Director for the Resource Planning Office, FBI

3:45 - 4:30 p.m.

**Committee Business – HOLD (Prep for DAG)**

4:30 – 5:30 p.m.

**Meeting with Deputy Attorney General**

Room 4111

5:30 p.m.

Meeting Adjourns

**Thursday, July 24, 2014**  
**AGAC CONFERENCE ROOM – 2266, Main Justice**  
**Phone: (202) 252-████**

- 9:00 – 10:00 a.m.                    **Retroactivity Decision and Charles Colson Task Force Update**
- Jonathan Wroblewski, Director, Office of Policy and Legislation,  
Criminal Division
- 10:00 - 10:30 a.m.                    **Appellate Chiefs Working Group Report**
- Sandra Glover (CT), Chair, Appellate Chiefs Working Group  
Robert Zauzmer (PAE), Appellate Chief
- Exhibit – Tab A
- 10:30 – 11:00 a.m.                    **Committee Business – HOLD (Prep for AG)**
- 11:00 a.m. – 12:00 p.m.              **Meeting with the Attorney General**  
Room 5111
- 12:00 – 1:30 p.m.                    LUNCH
- 1:30 – 3:00 p.m.                    **Committee Business**
- 3:00 p.m.                                **Meeting Adjourns/All USA Call**  
**(Call-in number: 1-877-628-████; passcode █████#)**

Attorney General's Advisory Committee  
July 22-24, 2014  
Summary

(Working Draft of 7/28/14)

New Members of AGAC:

[Redacted]

Discussion on FBI's Threat Banding Process:

[Redacted]

[Redacted]

Priorities/Initiatives for Next Two Years:

[Redacted]

1. [Redacted]
2. [Redacted]
3. [Redacted]

Countering Violent Extremism (CVE) Pilot Project:

[Redacted]

- 1.
- 2.
- 3.

[Redacted]

[Redacted]

- 1.
- 2.

[Redacted]

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[Redacted]

[REDACTED]

[REDACTED]

National Association of Former U.S. Attorneys (NAFUSA): Representatives from NAFUSA met with the Committee. They included: Richard A. Rossman (Executive Director), Donald Stern (President), G. Douglas Jones, Kenneth L. Wainstein, Matthew D. Orwig, and Kevin O'Connor. Mr. Stern provided an overview of NAFUSA and its purpose. The organization serves as an opportunity for former U.S. Attorneys to get together to socialize and network for business purposes. There is an annual conference that the EOUSA Director is typically invited to attend and speak. NAFUSA is non-partisan so it cannot take positions for or against any issues; however, they can offer support for the Department and the position of the U.S. Attorney (more on this later). NAFUSA administers the Wales Fund, which is a fundraising foundation that is attempting to collect donations to match the DOJ reward of \$1 million for information on the death of AUSA Thomas Wales, an AUSA in Seattle, WA, who was killed one evening in his home.

NAFUSA also bestows the J. Michael Bradford Memorial Award each year to an AUSA. This award is for exceptional work on a particular case. The recipient is nominated by his/her U.S. Attorney, attends the annual conference and presents an overview of the case to the entire conference. Mr. Stern encouraged the Committee to submit more nominations. Typically, only 20-24 are received each year. Nominations are solicited in February/March and due in early April. After a screening process and vetting, the top nominations are voted on the by NAFUSA Board and the recipient is selected.

Kenneth Wainstein discussed how NAFUSA could support the AGAC by being a surrogate on issues. This means that NAFUSA could serve as a conduit to former U.S. Attorneys who hold a similar position who may be willing to advocate for that position publically with the press or Congress, for example. NAFUSA would like to establish a process to channel these requests to the correct member (s) of NAFUSA. At a minimum, U.S. Attorneys could contact Mr. Stern or Rossman with the issue. One Committee member expressed concern about reaching out for this kind of assistance. NAFUSA insisted they would be discreet with all requests of this nature.

NAFUSA can also informally help with the transition out of office. Membership fees are waived the first year out of office. The current membership is approximately 300 people. Information and updates are at [www.nafusa.org](http://www.nafusa.org).

Mr. Rossman reported that one way EOUSA currently supports NAFUSA is to fly a flag over the RFK Main Justice Building then present it to the family of a deceased former U.S. Attorney. He appreciates this support.

Discussion of Use of 851s and 924 (c)s: USA Loretta Lynch (NYE) and Chair, AGAC, asked the Committee to again consider whether any national policies are needed for the use of these tools. The primary concern expressed was whether the practice of stacking 924 (c)s when there is a multiple count indictment, which if a defendant is convicted on all counts, leads to what could be considered an excessive amount of prison time (120 years) and is essentially a life sentence. Because of the uncertainty of what a jury will do, some offices still charge multiple 924 (c) counts, so as to ensure an adequate sentence. However, if the defendant is convicted on all counts, then the sentence is too high. Are there post-conviction remedies for this situation? Appellate Chief Bob Zauzmer (PAE) (recent former Chair, Appellate Chiefs Working Group) indicated that there are mechanisms in place that allow for discretion in sentencing. Another concern was the disparity across the country in use of these tools and sentencing. Some opined that disparity is expected because of the discretion allowed, which was set out in AG Holder's 2010 memo.

[REDACTED]

[REDACTED]

Meeting with the Associate Attorney General:

[REDACTED]

[Redacted]

FBI Cyber Threat Team Model:

[Redacted]

- [Redacted]
- [Redacted]
- [Redacted]

[Redacted]

1. [Redacted]
2. [Redacted]
3. [Redacted]

[Redacted]