U.S. Customs and Border Protection
2430 S. Swan Road
Tucson, AZ  85711

Chief Patrol Agent Richard Barlow;

This is a request under the Freedom of Information Act.

I am seeking copies of the following documentation:

- Copies of all rules, regulations, policies, procedures and/or guidelines governing the operation of inland/interior checkpoints operated by Border Patrol/Customs & Border Protection agents in the Tucson sector.

- Copies of all rules, regulations, policies, procedure and/or guidelines governing the use of recording devices (personal or agency issued) by Border Patrol/Customs and Border Protection agents operating inland/interior checkpoints in the Tucson sector.

- Copies of all rules, regulations, policies, procedures and/or guidelines governing the use of nametags by Border Patrol/Customs and Border Protection agents operating inland/interior checkpoints in the Tucson sector.

If your office does not maintain these public records, please advise me as to who does and include the proper custodian's name and address.

I request your response within twenty (20) business days. Wherever possible and as provided for within federal law, please provide the requested documentation on disk in a commonly used digital format such as pdf, MS word, etc.

If you choose to deny this request in whole or in part, please provide a written explanation for each specific denial and/or redaction including a reference to the specific statutory exemption(s) upon which you rely. Please provide all segregable portions of otherwise exempt material.
In order to help determine my status to assess fees, you should know I am an individual seeking information for non-commercial use.

I am willing to pay fees for this request up to $50.00. If you estimate fees will exceed this limit, please notify me beforehand.

Thank you for your assistance in this matter. Please contact me if any clarifications are needed.

Sincerely;

Terry Bressi
Mr. Terry Bressi

Dear Mr. Bressi:

Thank you for contacting the Tucson Sector Border Patrol regarding your Freedom of Information Act (FOIA) request. We noted you expressed that you are willing to pay for fees up to $50.00 in processing fees to process this request; however, the “rules, regulations, policies, procedures and/or guidelines” you are requesting is estimated to exceed this amount and would take a substantial search, manpower, and use an extensive amount of paper.

In an effort to assist you, it is recommended that the scope of you search be narrowed to a more specific issue. This would lower the overall cost for processing your FOIA request. You may also be able to locate any information you are seeking at http://cbp.gov/xp/cgov/border_security/border_patrol/.

Additional information regarding the submission of FOIA requests can also be located at http://www.cbp.gov/xp/cgov/admin/fl/foia/foia_requests/. If you have any further questions, please do not hesitate to contact us.

Sincerely,

Manuel Padilla, Jr.
Chief Patrol Agent
U.S. Customs and Border Protection
2430 S. Swan Road
Tucson, AZ  85711

Dear Chief Patrol Agent Manuel Padilla;

This is a reply to your letter dated April 26, 2013 regarding my FOIA request submitted to your office on April 6, 2013. In your response, you asked me to better define the scope of the information I am seeking:

"We noted you expressed that you are willing to pay for fees up to $50.00 in processing fees to process this request; however, the "rules, regulations, polices, procedures and/or guidelines" you are requesting is estimated to exceed this amount and would take a substantial search, manpower, and use an extensive amount of paper.

In an effort to assist you, it is recommended that the scope of you search be narrowed to a more specific issue."

While I'm encouraged to learn that there appears to be substantial documentation related to my records request regarding rules, regulations, polices, procedures and/or guidelines in the Tucson sector governing the conduct of inland/interior checkpoints along with personal recording devices and name tags by CBP agents interacting with the public, I'm perplexed to learn that actually identifying these rules, regulations, polices, procedures and/or guidelines appears to be a significant undertaking for your office.

Given your feedback however, I'm modifying the scope of my records request as follows:

- I am limiting the scope of my request related to internal/inland checkpoints to a copy of the most current manual(s) or set of guidelines governing the operation of inland/interior checkpoints operated by Customs & Border Protection agents in the Tucson sector. If there are no specific manuals or guidelines in place then a compilation of the most current set of policies, procedures, rules and/or regulations relied upon by Tucson sector CBP personnel for the operation of these checkpoints will suffice.
As a note of explanation, it's my understanding that generally two sets of guidelines govern internal CBP/BP checkpoint operations. One set of guidelines address internal checkpoint operations at a national level and apply to all checkpoints regardless of what sector or appellate district they're located in while the second set of guidelines are tailored to each district or sector. If such a distinction actually exists, I am requesting copies of both sets of guidelines currently in effect or their equivalent.

It should also be noted that my use of the word 'internal' or 'inland' should, wherever possible, be construed to mean checkpoints located inside the country away from the actual border or its functional equivalent.

- I am limiting the scope of my request for policies governing the use of personal recording devices to the most current set of polices or guidelines that address the use of personal recording devices by CBP/BP agents operating in the field and/or interacting with the public. If there are any such polices or procedures specific to internal checkpoint operations, then that is what I am requesting. If the only polices or procedures responsive to my request are general in nature, then that is what I am requesting.

- I am limiting the scope of my request related to name tags to the most current set of polices or guidelines governing the use of name tags by CBP/BP agents operating in the field and/or interacting with the public. If such polices or guidelines are not stand-alone but part of a uniform manual describing what agents are responsible for wearing or having on their person while operating in the field or interacting with the public, then please provide me with a copy of the pertinent part of such a manual.

In your response to me, you also indicated that an extensive amount of paper may be required to respond to my request. It should be noted I am specifically requesting that the responsive records be provided to me in electronic format wherever possible. Any standard document format such as pdf, microsoft word, open office, jpeg or even ascii text is acceptable. To this end, I am specifically invoking paragraph (3) of 5 USC 552 of the FOIA law which states in pertinent part:

"(B) In making any record available to a person under this paragraph, an agency shall provide the record in any form or format requested by the person if the record is readily reproducible by the agency in that form or format. Each agency shall make reasonable efforts to maintain its records in forms or formats that are reproducible for purposes of this section."

If your office cannot reproduce the requested records in electronic format, paper copies are acceptable. If your office does not maintain these public records, please advise me as to who does and include the proper custodian's name and address.

If you choose to deny this request in whole or in part, please provide a written
explanation for each specific denial and/or redaction including a reference to the specific statutory exemption(s) upon which you rely. Please provide all segregable portions of otherwise exempt material.

In order to help determine my status to assess fees, you should know I am an individual seeking information for non-commercial use.

I trust that this letter defines adequate boundaries for the information I am seeking and shouldn't be overly taxing for your office to comply with. After all, the records I am seeking govern basic policies and procedures your agents are expected to abide by on a daily basis while interacting with the public. I would assume such records are easily accessible by any member of Customs and Border Protection's Tucson sector, let alone the public who's tax dollars pay for Tucson sector operations, presumably within the boundaries of the polices and procedures being requested.

Thank you for your assistance in this matter.

Sincerely;

[Redacted]

Terry Bressi