

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

Breon Peace  
United States Attorney for the  
Eastern District of New York  
By: Kathleen A. Mahoney  
Assistant United States Attorney  
271-A Cadman Plaza East, 7<sup>th</sup> Floor  
Brooklyn, New York 11201  
Tel.: (718) 254-6026  
Email: kathleen.mahoney@usdoj.gov

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CLEAR, AMERICAN CIVIL LIBERTIES  
UNION; AMERICAN CIVIL LIBERTIES  
UNION FOUNDATION,

Plaintiffs,

v.

UNITED STATES CUSTOMS AND  
BORDER PROTECTION

Defendant.

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) Civil Action No. 19-CV-07079 (EK)(RER)  
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**SUPPLEMENTAL DECLARATION OF PATRICK HOWARD**

I, Patrick A. Howard, declare the following to be true and correct:

1. I am a Branch Chief in the Freedom of Information Act (FOIA) Division, Privacy and Diversity Office, Office of the Commissioner, U.S. Customs and Border Protection (CBP).

2. I submit this declaration to supplement the declaration dated October 16, 2020, that I submitted in support of Defendant CBP’s Motion for Summary Judgment. This declaration is based on my personal knowledge and other information obtained in the course of my official duties and responsibilities.

3. I understand that CBP’s withholding of certain information under 5 U.S.C. § (b)(7)(E) remains at issue before the Court.

4. In this declaration, I provide additional clarifying information and details regarding

specific withholdings in twenty-nine records; thirteen partially released records, as well as sixteen records which were withheld in full.

4. Specifically, I am making this declaration to address the following twenty-nine documents:<sup>1</sup>

- a. 4(a) TTRT Refusals (ACLU 0001-0002)
- b. 5(a) TTRT Inspections by Class of Admission (ACLU 0003-0005)
- c. 5(a) TTRT Inspections by Port (ACLU 0006-0010)
- d. 7 TTRT Withdrawals (ACLU 0011-0014)
- e. 7(d) TTRT Inspection Expedited Removal (ACLU 0015)
- f. CBP Directive 3340-051 PAU Procedures (ACLU 0016-0028)
- g. Encounters at Ports of Entry Identify Individuals with Potential Links to International Terrorism (Document 1) (ACLU 0029-0031)
- h. Tactical Terrorism Response Team Curriculum v2 (Document 4) (ACLU 0032-0033)
- i. TTRT Officer Reference Job Aid 2020 (Document 5) (ACLU 0034-0068)
- j. CTD TTRT101 (Document 9) (ACLU 0069-109)
- k. Map of TTRT Locations (Document 10) (ACLU 0110)
- l. Culture and Religious Awareness Class (Document 11) (ACLU 0111-0167)
- m. CND 101\_20200205 (Document 14) (ACLU 0168-ACLU 0174)
- n. CTD 10 TTRT Orientation 20200304 (Document 15) (ACLU 0175-0191)
- o. Memorandum – Importance of Targeting Rules (Document 16) (ACLU 0192)
- p. Muster – Updated Guidance [redacted] (Document 18) (ACLU 0193-0194)
- q. TOC Watchlisting Overview (Document 27) (ACLU 0195-0209)
- r. TTP\_[redacted] Presentation (Document 28) (ACLU 0210-0221)
- s. TTRT [redacted] SOP [redacted] BSI 2018 (Document 29) (ACLU 0222-0229)
- t. TTRT [redacted] Accomplishments (Document 30) (ACLU 0230-0242)
- u. Nominations Referrals (Document 19) (ACLU 0243-0260)
- v. TTRT One Page Document 1 (ACLU 0261)
- w. Exhibit H, Page 43-61 (ACLU 0262-0280)
- x. TTRT Overview (ACLU 0281-0289)
- y. TTRT [redacted] SOP (ACLU 0290-0294)
- z. TTRT Roles and Responsibilities (ACLU 0295-0297)
- aa. TTRT [redacted] Presentation (ACLU 0298-0335)
- bb. Watchlisting Reference Aid (ACLU 0336-0343)
- cc. Enhanced Communication Course (Document 32) (ACLU 0344-0720)

5. In a Memorandum & Order dated November 2, 2022, which granted in part and denied

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<sup>1</sup> Their names are identified here, as well as, where applicable the document number identifier from the Defendant's Vaughn Index, filed as Exhibit M with Defendant's Motion for Summary Judgment of documents that were withheld in full.

in part the CBP's motion for summary judgment, the Court concluded, based on *in camera* review of a representative sample of the disputed documents that there was some non-exempt segregable information that had been withheld. The Court directed CBP to release of that non-exempt segregable information and provide a reasonably specific segregability analysis for all of the disputed documents that are being withheld in full or in part based on FOIA Exemption 7(E), 5 U.S.C. § 552(b)(7)(E).

6. CBP has reviewed the documents at issue and has released in part twenty-eight of the twenty-nine documents. Only one document remains withheld in full.

7. In the paragraphs below, I will address each of the twenty-nine documents and discuss the specific information which has been properly withheld under exemption 5 U.S.C. § 552(b)(7)(E).

8. **Document 4(a) TTRT Refusals** – This document, which has been released in part, is a chart that displays how many times a Tactical Terrorism Response Team (TTRT) encounter resulted in an individual being refused entry into the United States, sorted by location. CBP has withheld the first column of the chart, which identifies locations at which TTRT may operate. Disclosure of this information would identify law enforcement priorities and conversely, areas where investigative resources may not be focused. If revealed, that information could be exploited and used to develop countermeasures to allow bad actors to enter the United States.

9. **Document 5(a) TTRT Inspections by Class of Admission** – This document, which has been released in part, is a chart that displays how many times TTRT was involved in the inspection of a specific type/class of admission. CBP has withheld the encounter count field located in this document. Release of this information would allow bad actors to identify at what rate specific types/classes of admission are inspected by TTRT officers, and thus act accordingly in an attempt

to evade inspection. Further, CBP has withheld four separate items under the “class of admission” category. The information withheld represents internal metrics by which CBP collects and analyzes information. Disclosure of this information would educate subjects of interest on techniques employed by CBP, thus allowing them to take countermeasures to circumvent the effectiveness of CBP’s efforts.

**10. Document 5(a) TTRT Inspections by Port** – Similar to Document 4(a) Refusals, this document, which has been released in part, is a chart that displays how many times a TTRT officer encountered an individual attempting to enter the United States, sorted by location. CBP has withheld the information in first column of the chart, which identifies locations at which TTRT may operate. Disclosure of this information would identify law enforcement priorities and conversely, areas where investigative resources may not be focused. If revealed, that information could be exploited and used to develop countermeasures to allow bad actors to enter the United States.

**11. Document 7 Withdrawals** – Similar to two of the documents above (4(a) and 5(a)), this document, which has been released in part, is a chart that displays how many times a TTRT encounter resulted in an individual withdrawing their application to enter into the United States, sorted by location. CBP has withheld the first column of the chart, which identifies locations at which TTRT may operate. Disclosure of this information would identify law enforcement priorities and conversely, areas where investigative resources may not be focused. If revealed, that information could be exploited and used to develop countermeasures to allow bad actors to enter the United States.

**12. Document 7(d) Inspection Expedited Removal** - Similar to the documents above (4(a), 5(a) and 7), this document, which was released in part, is a chart that displays how many

times a TTRT encounter resulted in an individual being expeditiously removed from the United States, sorted by location. CBP has withheld the first column of the chart, which identifies locations at which TTRT may operate. Disclosure of this information would identify law enforcement priorities and conversely, areas where investigative resources may not be focused. If revealed, that information could be exploited and used to develop countermeasures to allow bad actors to enter the United States.

**13. CBP Directive 3340-051 PAU Procedures** – This document, which has been released in part, is an internal CBP memorandum whose goal is to provide guidance and communication of protocols for officers assigned to specific border security roles. Throughout, this document contains information related to CBP methods, techniques, and procedures designed to identify national security threats. Information describing specific methods, techniques, and procedures is highly sensitive and identify CBP’s highest priorities for targeting high-risk travelers that threaten border security and national security. Releasing such information would reveal how CBP connects various pieces of information about existing national security threats to use in creating targeting criteria to identify future high-risk travelers. Disclosure of such information would thwart CBP’s efforts to identify national security threats and would alert individuals that they may be of national security or law enforcement interest. Such information, if unprotected, could enable individuals to thwart CBP's efforts to secure the border and enforce various laws, including customs and immigration laws. Therefore, CBP has withheld this information. Pages 1-7 of the document also have information withheld that discuss processes and procedures related to the same. This information, and how CBP utilizes it, if released could be exploited. Accordingly, it has been withheld.

**14. Document 1 Encounters at Ports of Entry Identify Individuals with Potential**

**Links to International Terrorism** – This three-page document, which has been released in part, contains statistics related to encounters taking place at ports of entry with potential links to international terrorism. The document provides statistics such as the number of individuals added to the Terrorist Identities Datamart Environment (TIDE) database as a result of secondary interviews as well as the number of data points and types of information obtained during interviews. The second page contains a map which shows the number of encounters at various ports of entry with individuals with potential links to international terrorism who were unknown to the U.S. Government. Releasing such information would reveal the extent of CBP’s abilities and capacity to obtain information from and about individuals who may be potential links to international terrorism. Knowing the specific ports of entries where such encounters take place could also allow individuals to avoid those ports and thwart CBP’s efforts to secure the border from potential international terrorism.

15. **Document 4 Tactical Terrorism Response Team Curriculum v2** – This two-page document, which has been released in part, contains the curriculum for a class provided by the National Targeting Center (NTC) to new TTRT officers. CBP has withheld the specific details of the training such as the specific classes that comprise the curriculum. Disclosure of such information would alert individuals to the specialized training received by TTRT officers. If revealed, that information could be exploited and used to develop countermeasures to allow bad actors to enter the United States.

16. **Document 5 TTRT Officer Reference Job Aid 2020** – This document, which has been released in part, is a reference guide for TTRT officers. Pages 1-7 contain a table of contents with sensitive information that is discussed later in the document. These pages also contain the names and contact information for high-level managers and their contact information and contact

information for the NTC. Release of this information could result in an unwarranted invasion of personal privacy. Pages 8-16 contain codes used for law enforcement databases as well as specific details and the differences between various law enforcement databases. Information describing specific codes and procedures used when encountering a passenger is highly sensitive and identify CBP's highest priorities for targeting high-risk travelers that threaten border security and national security. Releasing such information would reveal how CBP connects various pieces of information about existing national security threats to use in creating targeting criteria to identify future high-risk travelers. Pages 17-35 contain instructions for how to log in to the Department of State's Consular Consolidated Database (CCD) as well as terms used by the Department of State in visa adjudication notes and other abbreviations and acronyms for law enforcement sensitive terminology and tools. Knowledge of this information could increase the risk of compromising the CCD records system, facilitate improper access to sensitive investigatory and other law enforcement processes and records, impede effectiveness of law enforcement activities, and endanger agency investigative practices.

17. **Document 9 CTD TTRT101** – This document, which has been released in part, contains information regarding the NTC and the Counterterrorism Division (CTD) and their role in relation to the TTRT. CBP has withheld information relating to the size of the NTC as well as the names and faces of CBP personnel which are included within the document. Additionally, the document discusses the functions of the CTD as well as the size, location, capabilities of the TTRT, and the TTRT's specialized training. Pages 30-37 contain TTRT interactions with travelers suspected of terrorism as well as TTRT success stories. If revealed, the information gathered could be exploited and used to develop countermeasures to allow bad actors to enter the United States. The remaining several pages include a tool used by the CTD as well as statistics relating to

terrorism related encounters and contact information for the CTD. Revealing this information would facilitate improper access to sensitive investigatory and other law enforcement processes and records, allow bad actors to better understand the capabilities of CTD and the TTRT as well as result in an unwarranted invasion of personal privacy.

18. **Document 10 Map of TTRT Locations** – This one-page document contains a map of the ports of entry where the TTRT operates. CBP has withheld the document in full as revealing the locations of operation for the TTRT would allow individuals to avoid those ports of entry and thwart CBP's efforts to secure the border from potential international terrorism.

19. **Document 11 Culture and Religious Awareness Class** – This document has been released in part. Page 11 contains a redaction to part of a photograph of a passport in order to protect the privacy of the individual associated with the travel document. Page 19 contains redaction to the name and photograph of a CBP Officer who was visiting a mosque. Revealing the name and photograph of the officer would result in an unwarranted invasion of personal privacy. Pages 23 and 24 contain specific interview techniques and suggested dialogue with passengers originating from Islamic backgrounds. If revealed, this would allow individuals to be tipped off to TTRT interviewing techniques, preventing TTRT officers from conducting effective interviews. Pages 28-57 contain specific threats TTRT officers should be aware of as well as case studies of prior TTRT encounters with passengers suspected of terrorism. If revealed, the information gathered could be exploited and used to develop countermeasures to allow bad actors to enter the United States and would allow for bad actors to glean the information that is of importance to the TTRT.

20. **Document 14 CND 101\_20200205** – This document, which has been released in part, discusses the Counter Network Division (CND), its goals and the approach it takes to counter



terrorism. Releasing such information would reveal how CND connects various pieces of information about existing national security threats to use in creating targeting criteria to identify future high-risk travelers. Disclosure of such information would thwart CBP's efforts to identify national security threats. The document also contains information relating to groups within CND that are not known to the public. This non-public information could be used to aid individuals who are a threat to national security and/or engaged in illicit activity by enabling them to take proactive steps to alter their behavior to further conceal criminal activity or predict the Agency's investigative strategy to obfuscate or avoid detection.

21. **Document 15 CTD 10 TTRT Orientation 20200304** – This document, which has been released in part, contains much of the same pages included in **Document 9 CTD TTRT101**, which has been discussed above. As discussed above, the document contains information regarding the NTC and the CTD and their role in relation to the TTRT. Additionally, the document discusses the functions of the CTD as well as the size, location, capabilities of the TTRT, and the TTRT's specialized training. Pages 4-8 contain withholdings related to how CTD shares information and changes to how counterterrorism examinations are conducted by TTRT. Pages 13-17 contain TTRT interactions with travelers suspected of terrorism as well as TTRT success stories as well as statistics relating to terrorism related encounters. If revealed, the information gathered could be exploited and used to develop countermeasures to allow bad actors to enter the United States and allow bad actors to better understand the capabilities of CTD and the TTRT.

22. **Document 16 Memorandum – Importance of Targeting Rules** – This one-page memorandum, which has been released in part, references a NTC program which is sensitive and not publicly known. The memorandum reminds CBP personnel of proper procedure relating to when to refer an individual for a secondary inspection based on particular criteria. Revealing the

particular criteria referenced in the memorandum would allow individuals to gain access to information which would thwart CBP's efforts to identify national security threats and would alert individuals that they may be of national security or law enforcement interest.

23. **Document 18 Muster – Updated Guidance [redacted]** – This two-page document, which has been released in part, is a muster which contains updates to a previously issued memorandum. The information withheld contains directions regarding how to deal with particular criteria that may arise in the processing of passengers. Disclosure of this information would allow individuals to learn how CBP processes particular information in different scenarios when encountering passengers with a particular criteria of information.

24. **Document 27 TOC Watchlisting Overview** – This document, which has been released in part, contains processes, procedures and explains how CBP gathers information relating to Transnational Criminal Organizations. The document also contains names of Transnational Criminal Organizations that are currently watchlisted and case studies and success stories. Disclosure of such information would thwart CBP's efforts to identify national security threats and would alert individuals and Transnational Criminal Organizations that they may be of national security or law enforcement interest.

25. **Document 28 TTP\_[redacted] Presentation** – This document, which has been released in part, is a twelve-page presentation discussing certain capabilities of CBP's targeting efforts. The information withheld from pages 5-10 of the document summarizes previous inspections and enforcement actions taken by CBP. Sharing these interactions, as well as CBP's response to the same, would provide bad actors with information how to tactically approach the United States and thwart CBP's efforts to protect the border. The remainder of information withheld in the document identifies CBP targeting techniques, procedures, and limitations. This

information, either standing alone or combined with other available information, would disclose techniques, procedures, or guidelines for law enforcement investigations and risk circumvention of the law by revealing non-public law enforcement techniques and information.

**26. Document 29 TTRT [redacted] SOP [redacted] BSI 2018** – This document, which has been released in part, is an eight-page document which expands upon CBP’s public facing Border Search of Electronic Device directive. The title is withheld because the specific area of responsibility which published this document is in the title and release of that information would compromise CBP’s national security efforts. All the withholdings in this document relate to information which would disclose CBP’s internal techniques, procedures, and guidelines for utilizing border search authority on electronic devices. If these procedures were released, combined with public information, it would provide a roadmap for bad actors regarding CBP’s efforts in border searching electronic devices.

**27. Document 30 TTRT [redacted] Accomplishments** – This thirteen-page document which has been released in part, discusses previous interactions with a specific location’s TTRT unit. The title of the document has been redacted as it included the specific location being discussed. Pages 1-8 of this document contain withholdings of specific interactions of TTRT officers. As stated, *supra*, releasing this information would make specific techniques and law enforcement responses to specific situations, public, and allow for circumvention of the Agency’s efforts. Pages 9-13 of the document compile tables and graphs of internal statistics on specific categories of individuals arriving to this area of responsibility. Release of this information would identify operational techniques and methods which could be exploited by bad actors. This information would identify how this location utilizes specific resources in their decision to scrutinize travelers or commodities.

**28. Document 19 Nominations Referrals** – This eighteen-page document, which has been released in part, contains methodology and categorical information related to individuals that CBP may be interested in for national security reasons. Throughout the document, withholdings are made discussing specific categories of interest to CBP for national security reasons. Pages 2-5 and 7-15 contain discuss those specific categories of interest. Releasing the same would divulge areas in which CBP is focused on our national security priorities. Pages 16 and 17 state specific examples of items which would be contained within those area of focus. If this information became public, it would specifically speak to techniques and procedures utilized by CBP to protect the public from those who wish to do it harm.

**29. Document 1 TTRT One Page** – This one-page document, which has been released in part, provides a brief synopsis of what the TTRT is, the training TTRT Officers receive, their duties and responsibilities, and some statistics associated with the TTRT. CBP has withheld the specific details of the training received by TTRT Officers. Disclosure of such information would alert individuals to the specialized training received by TTRT officers. If revealed, that information could be exploited and used to develop countermeasures to allow bad actors to enter the United States. Disclosure of TTRT’s specific duties and responsibilities would identify TTRT priorities and conversely, areas where their investigative resources may not be focused. If revealed, that information could be exploited and used to develop countermeasures to allow bad actors to enter the United States. Revealing specific statistics relating to the TTRT would allow bad actors to better understand the capabilities of the TTRT.

**30. Exhibit H, Page 43-61** – This document is a nineteen-page PowerPoint presentation, which has been released in part, that was created at one location where TTRT officers operate. This document is the first 19 pages of the document discussed below in paragraph 34, entitled

TTRT [redacted] Presentation. The withholdings on the first 17 pages speak to locations at which TTRT officers operate as well as their investigative techniques employed. Release of this information would unnecessarily jeopardize CBP's national security mission goals. Pages 18 and 19 of the document are withheld as these speak to specific interactions by TTRT officers with the traveling public. If this information were to be released, it would allow bad actors to study and deploy effective countermeasures to evade CBP.

31. **TTRT Overview** – This document, which has been released in part, is a nine-page PowerPoint TTRT presentation created at one location where TTRT officers operate. The location has been withheld on the first page in order to prevent bad actors from learning the locations where the TTRT operates. Information regarding the roles, responsibilities, and training of TTRT officers also has been withheld to prevent from exploiting the information in order to develop countermeasures which would allow bad actors to enter the United States. Additionally, disclosure of this information would identify TTRT priorities and conversely, areas where their investigative resources may not be focused. Sensitive law enforcement codes, terminology and information relating to sensitive databases have also been withheld as this information is not known to the public. If this information became public, it would specifically speak to techniques and procedures utilized by CBP to protect the public from those who wish to do it harm. The final page of the presentation contains withholdings of the number of TTRT personnel who have been promoted to different positions or who have moved on to different work opportunities. These redactions have been made to prevent bad actors from better ascertaining the size and staffing of the TTRT.

32. **TTRT [redacted] SOP** – This five-page document, which has been released in part, that details the standard operating procedures for TTRT officers at a specific location where they may operate. The location has been withheld in the title and throughout the document in order to

prevent bad actors from learning the locations where the TTRT operates. Further, throughout this short document, withholdings have been made to protect law enforcement techniques and procedures utilized by TTRT officers in this specific area of responsibility. This document contains information related to CBP methods, techniques, and procedures designed to identify national security threats. Information describing specific methods, techniques, and procedures is highly sensitive and identify CBP's highest priorities for targeting high-risk travelers that threaten border security and national security. Releasing such information would reveal how CBP connects various pieces of information about existing national security threats to use in creating targeting criteria to identify future high-risk travelers. Disclosure of such information would thwart CBP's efforts to identify national security threats and would alert individuals that they may be of national security or law enforcement interest. Such information, if unprotected, could enable individuals to thwart CBP's efforts to secure the border and enforce various laws, including customs and immigration laws.

33. **TTRT Roles and Responsibilities** – This three-page document, which has been released in part, discusses specific functions utilized by TTRT officers to combat terrorism and protect national security. The document goes on to identify proper procedure relating to when to refer an individual for a secondary inspection based on particular criteria. Revealing the particular criteria referenced in the memorandum would allow individuals to gain access to information which would thwart CBP's efforts to identify national security threats and would alert individuals that they may be of national security or law enforcement interest. Further, the information withheld contains directions regarding how to deal with particular criteria that may arise in the processing of passengers. Disclosure of this information would allow individuals to learn how CBP processes particular information in different scenarios when encountering passengers with a particular

criterion of information.

34. **TTRT [redacted] Presentation** – This thirty-eight-page document, which has been released in part, is a presentation from a specific location where TTRT officers may operate. The first 19 pages of this document were addressed in paragraph 30 of this declaration. The title of this document has been partially withheld to protect a location at which TTRT officers may operate. In the second half of the document, page twenty through the end, information relating to specific examinations and enforcement actions taken by TTRT officers at a specific location has been withheld. Not only would bad actors know where TTRT operates if this information was released, but they would know the techniques and procedures utilized by TTRT officers during their inspections. This information would provide a roadmap on how to predict CBP priorities, and thus how to evade the same.

35. **Watchlisting Reference Aid**<sup>2</sup> – This document is an eight-page document, which has been released in part, speaks to information surrounding the watchlisting of individuals. The withholdings on this document cover intelligence methods utilized by CBP, and other federal agencies, to combat terrorism. The information withheld herein is important for CBP's effort to protect national security. Releasing such information would reveal how CBP connects various pieces of information about existing national security threats, and how it to identifies new ones. Disclosure of such information would thwart CBP's efforts to identify national security threats and would alert individuals that they may be of national security or law enforcement interest. Such information, if unprotected, could enable individuals to thwart CBP's efforts to secure the border and enforce various laws, including customs and immigration laws. Further, the withholdings from this document identify specific information that is valuable to CBP in interacting with

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<sup>2</sup> It is my understanding that a separate declaration is being filed by the Chief of the Information Management Office for the Office of the Director of National Intelligence in support of the withholdings under 5 U.S.C. § 552(b)(3).

travelers and how that information may be utilized. If this information became public, it would detract from CBP's ability to identify bad actors.

36. **Document 32 Enhanced Communication Course** – This document, which has been released in part, is a 371-page student guidebook for the Enhanced Communications Course. The course teaches CBP law enforcement officers how to effectively obtain information through conversation by using various techniques and types of communication. Pages 1–90 contain introductory information relating to the Enhanced Communication Course. Redacted information includes telephone numbers for the training facility, building information, names of instructors, and photographs of CBP employees. Redactions have been made to prevent an unwarranted invasion of personal privacy to the instructors and participants involved with trainings at the Agency facility. Redactions have also been made to training scenarios. Disclosure of this information would result in the manipulation of interactions with CBP law enforcement officers in order to elicit a certain result. Pages 91-255 contain information related to biases, how to increase awareness and how to overcome inattentive blindness, information related to intercultural communication, communication techniques regarding how to establish and maintain rapport, and scenarios and examples of types of questions and examples of questioning techniques for travelers. Revealing such information would individuals to learn information and techniques that can be used to manipulate interactions with CBP law enforcement officers to elicit a certain result. If the above-mentioned techniques and scenarios were revealed it would allow bad actors to thwart CBP law enforcement efforts when attempting to gather information. Pages 274-295 contain withholdings to particular questioning techniques taught during the ECC course as well as examples of how to implement the techniques. Revealing such information would allow for bad actors to learn CBP interviewing techniques which would allow an individual to thwart a law



enforcement investigation. Pages 305-315 contain redactions to scenarios used in exercises to teach officers the types of questions and techniques to use to elicit information in certain scenarios when encountering persons of interest. Disclosure of the information in the scenarios would lead individuals to learn what particular facts and observations CBP Law enforcement officers are instructed to look out for and what questions they would ask in those interactions when they suspect suspicious activity.

37. **Segregability**- Plaintiffs have been provided with the 28 of the 29 documents which were still at issue in this litigation. There remains one document, identified in paragraph 19 above, which has been withheld in full. All information that continues to be withheld is exempt from disclosure pursuant to a FOIA exemption or is not reasonably segregable because it is so intertwined with protected material that segregation is not possible or its release would have revealed the underlying protected material. CBP personnel have reviewed the documents determined to be responsive, line-by-line, to identify information exempt from disclosure or for which a discretionary waiver of exemption could apply, and all reasonably segregable portions of the relevant records have been released to Plaintiffs in this matter. In my determination, any further release of the exempted materials could reasonably lead to the identification of information that is properly protected by the exemptions asserted.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed: January 17,2023

*Patrick Howard*

PATRICK HOWARD  
FOIA Division  
Privacy and Diversity Office  
Office of the Commissioner  
U.S. Customs and Border Protection  
U.S. Department of Homeland Security