



CREATING
LAW
ENFORCEMENT
ACCOUNTABILITY &
RESPONSIBILITY

November 7, 2019

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U.S. Customs and Border Protection
FOIA Officer
90 K Street NE, 9th Floor
Washington, D.C. 20229-1181

Re: FOIA Request Concerning Tactical Terrorism Response Teams (Expedited Processing & Fee Waiver/Limitation Requested)

To Whom It May Concern:

The American Civil Liberties Union and the American Civil Liberties Union Foundation (together, the “ACLU”)¹ and the Creating Law Enforcement Accountability & Responsibility (“CLEAR”) Project at the City University of New York (“CUNY”) School of Law² submit this Freedom of Information Act request (the “Request”). The Request seeks records pertaining to U.S. Customs and Border Protection’s Tactical Terrorism Response Teams, which target travelers arriving at a U.S. port of entry holding valid admission documents and who have not been previously identified as presenting a security risk.

I. Background

According to statements by U.S. Customs and Border Protection (“CBP”) officials, one objective of Tactical Terrorism Response Teams (“TTRTs”) is to identify and deny entry to travelers holding valid visas or other travel documents and who have not been flagged as a security threat.³ CBP has not disclosed the criteria TTRT officers use to determine which

¹ The American Civil Liberties Union Foundation is a 26 U.S.C. § 501(c)(3) organization that provides legal representation free of charge to individuals and organizations in civil rights and civil liberties cases, and educates the public about civil rights and civil liberties issues across the country. The American Civil Liberties Union is a separate non-profit, 26 U.S.C. § 501(c)(4) membership organization that educates the public about the civil liberties implications of pending and proposed state and federal legislation, provides analysis of pending and proposed legislation, directly lobbies legislators, and mobilizes its members to lobby their legislators.

² The CLEAR Project is a clinical project of Main Street Legal Services at the CUNY School of Law in Long Island City, New York, dedicated to addressing the needs of communities targeted by government policies and practices deployed under the guise of national security and counterterrorism.

³ See Brian Dodwell & Paul Cruickshank, “A View from the CT Foxhole: An Interview with Kevin McAleenan, Commissioner of U.S. Customs and Border Protection,” CTC Sentinel, Sept. 2018, at 9, available at <https://ctc.usma.edu/app/uploads/2018/09/CTC-SENTINEL-092018.pdf>; *Raising the Standard: DHS’s Efforts to Improve Aviation Security Around the Globe: Hearing Before the H. Comm. on Homeland Security, Subcomm. on Transp. and Protective Security*, 115 Cong. 12 (2017) (statement of Todd Owen, CBP Office of Field Operations Executive Assistant), available at <https://www.govinfo.gov/content/pkg/CHRG-115hrg28417/pdf/CHRG-115hrg28417.pdf>; *Preventing Terrorists from Acquiring U.S. Visas: Hearing Before the H. Comm. on Homeland Security, Task Force on Denying Terrorist Entry into the United States*, 115 Cong. 18 (2017) (statement of Michael Dougherty, DHS Office of Policy Acting Assistant Secretary for Border, Immigration and Trade, John Wagner, CBP Office of Field Operations Deputy Executive Assistant Commissioner, and Clark Settles, CBP Office of Field

travelers to target for inspection. Former CBP Commissioner and current Acting Secretary of Homeland Security Kevin McAleenan has described the “Tactical Terrorism Response Team concept” as “a conscious effort by the Office of Field Operations...to take advantage of those instincts and encounters that our officers have with travelers to make decisions based on risk for people that might not be known on a watch list, might not be a known security threat.”⁴ McAleenan has lauded TTRT officers as having “tremendous success in identifying previously unknown individuals that present a security risk and in denying entry to folks that were not watch listed prior to their travel.”⁵ In September 2017, CBP officials reported that in the then-fiscal year to date, “more than 1,400 individuals were denied entry to the United States as a result of TTRT efforts and information discovered during the secondary inspection at [U.S. ports of entry].”⁶

TTRT officers also target travelers, including U.S. citizens, who do not themselves present a security risk. CBP officials have asserted that TTRT officers examine “travelers, their associates, or co-travelers who arrive at POE and are suspected of having a nexus to terrorist activity.”⁷ McAleenan has indicated that “watchlist nominations” have “devolve[d] from a good interview at the border” by TTRT officers.⁸ He has also stated that there are “people traveling to different regions of the world that want to offer information to the government about security risks that they saw in their foreign engagements” and “[b]eing able to offer that information to agency partners is another way we measure [TTRTs’] success.”⁹

TTRTs raise serious constitutional concerns. The criteria TTRT officers use to determine which travelers to target for interview or inspection remain secret, but recent reporting suggests that these criteria may rely on race, religion, ethnicity, national origin, or their proxies.¹⁰ TTRT officers may also be targeting travelers, including U.S. citizens, based on their speech and associative activity, which may be protected under the First Amendment.¹¹ And by subjecting travelers who are not reasonably suspected of any wrongdoing to interview or inspection, TTRT officers are invading their privacy and potentially retaining and sharing information on their

Operations Deputy Executive Assistant Commissioner and ICE Homeland Security Investigations Assistant Director for National Security Investigations Division), available at <https://www.govinfo.gov/content/pkg/CHRG-115hhrg27293/pdf/CHRG-115hhrg27293.pdf>.

⁴ Dodwell & Cruickshank, *supra*, at 11.

⁵ *Id.*

⁶ Raising the Standard, *supra*, at 12.

⁷ *Id.*

⁸ Dodwell & Cruickshank, *supra*, at 11.

⁹ *Id.*

¹⁰ See Murtaza Hussain, “His Visa Was Stamped, His Papers in Order. Then He Was Targeted by a Secretive CBP Task Force.” *The Intercept*, May 13, 2019, <https://theintercept.com/2019/05/13/customs-border-protection-profiling-airport/>.

¹¹ See Megan Hernbroth, “We Talked to the Apple Employee Who Says CBP Detained Him and Tried to Search His Phone and Laptop: ‘The Most Invasive Search the Government Could Possibly Do,’” *Business Insider*, Apr. 6, 2019, <https://www.businessinsider.com/andreas-gal-aclu-cbp-phone-laptop-2019-4>.

innocent activity. These activities raise further questions regarding whether CBP has adequately notified the public or provided opportunity for public comment regarding TTRTs.

Despite these concerns, little information is available to the public about TTRTs, including the policies and guidelines that govern their activities. The public similarly lacks knowledge of how travelers are selected for interview or inspection and the potential consequences for affected individuals.

To provide the public with information about TTRTs, including their policies and conduct, the ACLU and CLEAR submit this FOIA Request.

II. Requested Records

- (1) Formal or informal policies, guidance, procedures, bulletins, memoranda, and/or legal opinions pertaining to TTRTs, including but not limited to, records concerning:
 - a. How travelers are screened and/or targeted for interviews or inspection by TTRTs;
 - b. Profiling based on race, religion, ethnicity, and/or national origin and their proxies, such as name or appearance;
 - c. Whether and how a watchlist nomination may result from TTRT interviews or inspection;
 - d. The retention, storage, sharing, and/or deletion of information about travelers subject to TTRT interviews or inspection;
- (2) Training and/or course materials for TTRT officers, whether developed by CBP or by other agencies, including but not limited to materials related to reliance on race, religion, ethnicity, and/or national origin and their proxies;
- (3) Formal or informal reports, evaluations, audits, or analyses concerning the effectiveness of TTRTs;
- (4) Records sufficient to show, since January 1, 2017:
 - a. The number of individuals denied entry as a result of TTRT activities and their immigration status and/or basis for application for admission;
 - b. The races, ethnicities, and/or national origins of the individuals denied entry as a result of TTRT activities;

- (5) Records sufficient to show, since January 1, 2017:
 - a. The number of individuals targeted for interview or inspection by TTRTs and their immigration status and/or basis for application for admission;
 - b. The races, ethnicities, and/or national origins of the individuals targeted for interview or inspection by TTRTs;
 - c. The number of individuals targeted for interview or inspection by TTRTs for the purpose of gathering information about third parties, including watchlisted persons;
- (6) Records sufficient to show the number of individuals nominated to a watchlist by TTRTs since January 1, 2017;
- (7) Records sufficient to show, since January 1, 2017:
 - a. The number of individuals targeted for interview or inspection by TTRTs who were asked to but declined to sign Form I-275, "Withdrawal of Application for Admission";
 - b. The number of individuals targeted for interview or inspection by TTRTs who signed Form I-275;
 - c. The number of individuals targeted for interview or inspection by TTRTs for whom Forms I-867A, which contains a record of the basis for CBP's determination that an individual is subject to Expedited Removal, and/or I-867B, which consists of questions designed to assess whether a traveler has a fear of returning to his or her country, were prepared;
 - d. The number of individuals targeted for interview or inspection by TTRTs for whom Form I-870, "Notice and Order of Expedited Removal," was prepared;
- (8) Records concerning complaints, grievances, and/or concerns raised by CBP officers or other government officials related to TTRTs;
- (9) Records concerning investigations of and/or disciplinary action related to TTRT officers;
- (10) All records created, sent, received, referenced, and/or used in fulfilling and/or responding to this Request.

With respect to the form of production, *see* 5 U.S.C. § 552(a)(3)(B), the ACLU and CLEAR request that responsive electronic records be provided electronically in their native file

format, if possible. Alternatively, the ACLU and CLEAR request that the records be provided electronically in a text-searchable, static-image format (PDF), in the best image quality in the agency's possession, and that the records be provided in separate, Bates-stamped files.

III. Application for Expedited Processing

The ACLU and CLEAR request expedited processing pursuant to 5 U.S.C. § 552(a)(6)(E).¹² There is a “compelling need” for these records, as defined in the statute, because the information requested is “urgen[tly]” needed by organizations primarily engaged in disseminating information “to inform the public concerning actual or alleged Federal Government activity.” 5 U.S.C. § 552(a)(6)(E)(v)(II).

A. *The ACLU and CLEAR are organizations primarily engaged in disseminating information in order to inform the public about actual or alleged government activity.*

The ACLU and CLEAR are “primarily engaged in disseminating information” within the meaning of the statute. *See id.*¹³ Obtaining information about government activity, analyzing that information, and widely publishing and disseminating it to the press and public are critical and substantial components of the ACLU and CLEAR’s work and are among their primary activities. *See ACLU v. Dep’t of Justice*, 321 F. Supp. 2d 24, 29 n.5 (D.D.C. 2004) (finding non-profit public interest group that “gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw material into a distinct work, and distributes that work to an audience” to be “primarily engaged in disseminating information”).¹⁴

The ACLU regularly publishes *STAND*, a print magazine that reports on and analyzes civil liberties-related current events. The magazine is disseminated to 850,000 people. The ACLU also publishes regular updates and alerts via email to 3.9 million subscribers (both ACLU members and non-members). These updates are additionally broadcast to 4.8 million social media followers. The magazine as well as the email and social-media alerts often include descriptions and analysis of information obtained through FOIA requests.

The ACLU also regularly issues press releases to call attention to documents obtained through FOIA requests, as well as other breaking news,¹⁵ and ACLU attorneys are interviewed

¹² *See also* 6 C.F.R. § 5.5(e).

¹³ *See also* 6 C.F.R. § 5.5(e)(1)(ii).

¹⁴ Courts have found that the ACLU as well as other organizations with similar missions that engage in information-dissemination activities similar to the ACLU are “primarily engaged in disseminating information.” *See, e.g., Leadership Conference on Civil Rights v. Gonzales*, 404 F. Supp. 2d 246, 260 (D.D.C. 2005); *ACLU*, 321 F. Supp. 2d at 29 n.5; *Elec. Privacy Info. Ctr. v. DOD*, 241 F. Supp. 2d 5, 11 (D.D.C. 2003).

¹⁵ Press Release, ACLU, Federal Court Permanently Blocks Billions of Dollars in Border Wall Construction (June 28, 2019), <https://www.aclu.org/press-releases/federal-court-permanently-blocks-billions-dollars-border-wall-construction>; Press Release, ACLU, New Documents Reveal NSA Improperly Collected Americans’ Call Records Yet Again (June 26, 2019), <https://www.aclu.org/press-releases/new-documents-reveal-nsa-improperly-collected-americans-call-records-yet-again>; Press Release, ACLU, ACLU and Center for Media Justice Sue FBI for Records on Surveillance of Black Activists (Mar. 21, 2019), <https://www.aclu.org/press-releases/aclu-and-center-media-justice-sue-fbi-records-surveillance-black-activists>; Press Release, ACLU, ACLU, Privacy International Demand

frequently for news stories about documents released through ACLU FOIA requests.¹⁶

The ACLU publishes reports about government conduct and civil liberties issues based on its analysis of information derived from various sources, including information obtained from the government through FOIA requests. This material is broadly circulated to the public and widely available to everyone for no cost or, sometimes, for a small fee. ACLU national projects regularly publish and disseminate reports that include a description and analysis of government documents obtained through FOIA requests.¹⁷ The ACLU also regularly publishes books, “know your rights” materials, fact sheets, and educational brochures and pamphlets designed to educate the public about civil liberties issues and government policies that implicate civil rights and liberties.

The ACLU publishes a widely read blog where original editorial content reporting on and analyzing civil rights and civil liberties news is posted daily. *See* <https://www.aclu.org/blog>. The

Government Disclose Nature and Extent of Hacking Activities (Dec. 21, 2018), <https://www.aclu.org/press-releases/aclu-privacy-international-demand-government-disclose-nature-and-extent-hacking>; Press Release, ACLU, New Documents Reveal Government Plans to Spy on Keystone XL Protesters (Sept. 4, 2018), <https://www.aclu.org/news/new-documents-reveal-government-plans-spy-keystone-xl-protesters>; Press Release, ACLU, ACLU Obtains Documents Showing Widespread Abuse of Child Immigrants in U.S. Custody (May 22, 2018), <https://www.aclu.org/news/aclu-obtains-documents-showing-widespread-abuse-child-immigrants-us-custody>; Press Release, ACLU, ACLU Demands CIA Records on Campaign Supporting Haspel Nomination (May 4, 2018), <https://www.aclu.org/news/aclu-demands-cia-records-campaign-supporting-haspel-nomination>; Press Release, ACLU, Advocates File FOIA Request For ICE Documents on Detention of Pregnant Women (May 3, 2018), <https://www.aclu.org/news/advocates-file-foia-request-ice-documents-detention-pregnant-women>; Press Release, ACLU, Civil Rights Organizations Demand Police Reform Documents from Justice Department (Jan. 4, 2018), <https://www.aclu.org/news/civil-rights-organizations-demand-police-reform-documents-justice-department>; Press Release, ACLU, ACLU Files Lawsuits Demanding Local Documents on Implementation of Muslim Ban (Apr. 12, 2017), <https://www.aclu.org/news/aclu-files-lawsuits-demanding-local-documents-implementation-trump-muslim-ban>.

¹⁶ *See, e.g.,* Charlie Savage, *N.S.A. Gathered Domestic Calling Records It Had No Authority to Collect*, N.Y. Times, June 26, 2019, <https://www.nytimes.com/2019/06/26/us/telecom-nsa-domestic-calling-records.html> (quoting ACLU attorney Patrick Toomey); Rachel Frazin, *ACLU Sues FBI Over Black Activist Surveillance Records*, Hill, Mar. 21, 2019, <https://thehill.com/policy/national-security/fbi/435143-fbi-sued-over-black-activist-surveillance-records> (quoting ACLU attorney Nusrat Choudhury); Cora Currier, *TSA's Own Files Show Doubtful Science Behind Its Behavioral Screen Program*, Intercept, Feb. 8, 2017, <https://theintercept.com/2017/02/08/tsas-own-files-show-doubtful-science-behind-its-behavior-screening-program> (quoting ACLU attorney Hugh Handeyside); Larry Neumeister, *Judge Scolds Government over Iraq Detainee Abuse Pictures*, The Associated Press, Jan. 18, 2017, <https://www.apnews.com/865c32eebf4d457499c017eb837b34dc> (quoting ACLU project director Hina Shamsi).

¹⁷ *See, e.g.,* ACLU, *Bad Trip: Debunking the TSA's 'Behavior Detection' Program* (2017), https://www.aclu.org/sites/default/files/field_document/dem17-tsa_detection_report-v02.pdf; Carl Takei, *ACLU-Obtained Emails Prove that the Federal Bureau of Prisons Covered Up Its Visit to the CIA's Torture Site* (Nov. 22, 2016), <https://www.aclu.org/blog/speak-freely/aclu-obtained-emails-prove-federal-bureau-prisons-covered-its-visit-cias-torture>; Brett Max Kaufman, *Details Abound in Drone 'Playbook' – Except for the Ones That Really Matter Most* (Aug. 8, 2016), <https://www.aclu.org/blog/speak-freely/details-abound-drone-playbook-except-ones-really-matter-most>; ACLU, *Leaving Girls Behind: An Analysis of Washington D.C.'s "Empowering Males of Color" Initiative* (2016), <https://www.aclu.org/report/leaving-girls-behind>; Nathan Freed Wessler, *ACLU-Obtained Documents Reveal Breadth of Secretive Stingray Use in Florida* (Feb. 22, 2015), <https://www.aclu.org/blog/free-future/aclu-obtained-documents-reveal-breadth-secretive-stingray-use-florida>; Nathan Freed Wessler, *FBI Documents Reveal New Information on Baltimore Surveillance Flights* (Oct. 30, 2015), <https://www.aclu.org/blog/free-future/fbi-documents-reveal-new-information-baltimore-surveillance-flights>.

ACLU creates and disseminates original editorial and educational content on civil rights and civil liberties news through multi-media projects, including videos, podcasts, and interactive features. See <https://www.aclu.org/multimedia>. The ACLU also publishes, analyzes, and disseminates information through its heavily visited website, www.aclu.org. The website addresses civil rights and civil liberties issues in depth, provides features on civil rights and civil liberties issues in the news, and contains many thousands of documents relating to the issues on which the ACLU is focused. The ACLU's website also serves as a clearinghouse for news about ACLU cases, including analysis about case developments and an archive of case-related documents. Through these pages, and with respect to each specific civil liberties issue, the ACLU provides the public with educational material, recent news, analyses of relevant congressional or executive branch action, government documents obtained through FOIA requests, and further in-depth analytic and educational multi-media features.¹⁸

The ACLU website includes many features on information obtained through the FOIA. For example, the ACLU maintains an online "Torture Database," a compilation of over 100,000 pages of FOIA documents that allows researchers and the public to conduct sophisticated searches of its contents relating to government policies on rendition, detention, and interrogation.¹⁹ The ACLU has also published a number of charts and explanatory materials that collect, summarize, and analyze information it has obtained through the FOIA.²⁰

Similarly, CLEAR is "primarily engaged in disseminating information." 5 U.S.C. §

¹⁸ See, e.g., *ACLU v. ODNI—FOIA Lawsuit Seeking Records About Government Surveillance Under the USA Freedom Act*, ACLU Case Page, <https://www.aclu.org/cases/aclu-v-odni-foia-lawsuit-seeking-records-about-government-surveillance-under-usa-freedom-act>; *ACLU v. DOJ—FOIA Lawsuit Seeking Information on Federal Agencies' Surveillance of Social Media*, ACLU Case Page, <https://www.aclu.org/cases/aclu-v-doj-foia-lawsuit-seeking-information-federal-agencies-surveillance-social-media>; *ACLU v. DOJ—FOIA Case for Records Relating to Targeted Killing Law, Policy, and Casualties*, ACLU Case Page, <https://www.aclu.org/cases/aclu-v-doj-foia-case-records-relating-targeted-killing-law-policy-and-casualties>; Executive Order 12,333—FOIA Lawsuit, ACLU Case Page, <https://www.aclu.org/cases/executive-order-12333-foia-lawsuit>; ACLU Motions Requesting Public Access to FISA Court Rulings on Government Surveillance, ACLU Case Page, <https://www.aclu.org/cases/aclu-motions-requesting-public-access-fisa-court-rulings-government-surveillance>; *ACLU v. DOJ—FOIA Lawsuit Demanding OLC Opinion "Common Commercial Service Agreements"*, ACLU Case Page, <https://www.aclu.org/cases/aclu-v-doj-foia-lawsuit-demanding-olc-opinion-common-commercial-service-agreements>; FOIA Request for Justice Department Policy Memos on GPS Location Tracking, ACLU Case Page, <https://www.aclu.org/cases/foia-request-justice-department-policy-memos-gps-location-tracking>; Florida Stingray FOIA, ACLU Case Page, <https://www.aclu.org/cases/florida-stingray-foia>; Nathan Freed Wessler, *ACLU-Obtained Documents Reveal Breadth of Secretive Stingray Use in Florida*, (Feb. 22, 2015) <https://www.aclu.org/blog/free-future/aclu-obtained-documents-reveal-breadth-secretive-stingray-use-florida?redirect=blog/national-security-technology-and-liberty/aclu-obtained-documents-reveal-breadth-secretive-sting>.

¹⁹ *The Torture Database*, ACLU Database, <https://www.thetorturedatabase.org>; see also *Countering Violent Extremism FOIA Database*, ACLU Database, <https://www.aclu.org/foia-collection/cve-foia-documents>; *TSA Behavior Detection FOIA Database*, ACLU Database, <https://www.aclu.org/foia-collection/tsa-behavior-detection-foia-database>; *Targeted Killing FOIA Database*, ACLU Database, <https://www.aclu.org/foia-collection/targeted-killing-foia-database>.

²⁰ Summary of FISA Amendments Act FOIA Documents Released on November 29, 2010, ACLU (Nov. 29, 2010), https://www.aclu.org/files/pdfs/natsec/faafoia_20101129/20101129Summary.pdf; Index of Bush-Era OLC Memoranda Relating to Interrogation, Detention, Rendition and/or Surveillance, ACLU (Mar. 5, 2009), https://www.aclu.org/sites/default/files/pdfs/safefree/olcmemos_2009_0305.pdf; Statistics on NSL's Produced by Department of Defense, ACLU, https://www.aclu.org/sites/default/files/field_document/nsl_stats.pdf.

552(a)(6)(E)(v)(II). The CLEAR Project is part of the CUNY School of Law, an educational institution that operates a program of scholarly research and publication. It was created to serve the needs of individuals from marginalized communities, including Muslim, Arab, and South Asian communities, affected by policies and practices deployed under the guise of national security and counterterrorism. The impact on these communities is compounded by the secrecy surrounding these policies and practices. One of CLEAR's primary goals is therefore to educate the communities it serves on the policies and practices affecting them by widely disseminating information on them obtained through FOIA.

Since its inception, CLEAR has conducted hundreds of Know Your Rights presentations to communities across the New York City metropolitan area, including trainings on an individual's rights while traveling, and on interactions with law enforcement officers. *See* <https://www.cunyclear.org/resources>. CLEAR regularly updates the content of these presentations, and their accompanying materials, to incorporate information obtained from the government through the FOIA over time to include, for example, information on the authority CBP claims to search electronic devices, watchlisting, and information related to the Controlled Application Review and Resolution Program ("CARRP"). *See id.* CLEAR publishes and widely distributes materials incorporating this information.²¹ For maximum reach, CLEAR has also created videos incorporating this information for wide dissemination online.²²

In order to document and raise awareness on the impact of policies on communities with whom CLEAR works, CLEAR publishes reports examining and commenting on information obtained from the government and law enforcement entities.²³ CLEAR frequently serves as a resource for the news media on these issues as well.²⁴

The records requested are not sought for commercial use and the ACLU and CLEAR plan to analyze, publish, and disseminate the information disclosed as a result of this Request to the public at no cost.

²¹ *See, e.g.* CLEAR Project, "What to Do in Interactions with Law Enforcement", <https://static1.squarespace.com/static/59134566e58c623970f2cd48/t/5c526b0cb8a045df091a58f4/1548905230279/ENGLISH+WHAT+TO+DO+IN+INTERACTION+WITH+LAW+ENFORCEMENT.pdf>; CLEAR Project, "Flying While Muslim", <https://static1.squarespace.com/static/59134566e58c623970f2cd48/t/5c526bcf8a922d94b7b728bb/1548905424463/ENGLISH+FLYING+WHILE+MUSLIM.pdf>.

²² *See, e.g.* CLEAR Project, "Flying While Muslim: Your Rights at U.S. Airports & Borders," available at <https://youtu.be/Qv3C9V731Ns>.

²³ *See, e.g.* CUNY CLEAR et al., *Mapping Muslims: NYPD Spying and Its Impact on American Muslims* (2013).

²⁴ Cora Courrier, *Hidden Loopholes Allow FBI Agents to Infiltrate Political and Religious Groups*, *The Intercept*, Jan. 31, 2017, <https://theintercept.com/2017/01/31/hidden-loopholes-allow-fbi-agents-to-infiltrate-political-and-religious-groups/>; Alleen Brown et al., *Standing Rock Documents Expose Inner Workings of "Surveillance-Industrial Complex"*, *The Intercept*, June 3, 2017, <https://theintercept.com/2017/06/03/standing-rock-documents-expose-inner-workings-of-surveillance-industrial-complex/>; Cora Courrier, *Revealed: The FBI's Secret Methods for Recruiting Informants at the Border*, *The Intercept*, Oct. 5, 2016, <https://theintercept.com/2016/10/05/fbi-secret-methods-for-recruiting-informants-at-the-border/>.

B. *The records sought are urgently needed to inform the public about actual or alleged government activity.*

These records are urgently needed to inform the public about actual or alleged government activity. *See* 5 U.S.C. § 552(a)(6)(E)(v)(II).²⁵ Specifically, they pertain to TTRTs, through which CBP targets U.S. citizens and non-citizen travelers with valid admission documents who have previously not been identified as security risks and subjects them to additional scrutiny at the border. As discussed in Part I, *supra*, targeting of these individuals by TTRTs raises serious constitutional concerns, but little information is available to the public regarding the nature, extent, and consequences of TTRT activities. The ACLU and CLEAR have therefore satisfied the requirements for expedited processing of this Request.

IV. Application for Waiver or Limitation of Fees

The ACLU and CLEAR request a waiver of document search, review, and duplication fees on the grounds that disclosure of the requested records is in the public interest and because disclosure is “likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii).²⁶ The ACLU and CLEAR also request a waiver of search fees on the grounds that each organization qualifies as a “representative of the news media” and neither organization seeks the records for commercial use. 5 U.S.C. § 552(a)(4)(A)(ii)(II).

A. *The Request is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the ACLU and CLEAR.*

As discussed above, little information is publicly available regarding TTRTs. The records sought are therefore certain to contribute significantly to the public’s understanding of TTRTs, their effectiveness, and their consequences, including how their activities affect individual privacy and liberty.

Neither the ACLU nor CLEAR is filing this Request to further its respective commercial interest. As described above, any information disclosed by the ACLU and CLEAR as a result of this FOIA Request will be made available to the public at no cost. Thus, a fee waiver would fulfill Congress’s legislative intent in amending FOIA. *See Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003) (“Congress amended FOIA to ensure that it be liberally construed in favor of waivers for noncommercial requesters.” (quotation marks omitted)).

B. *The ACLU and CLEAR are representatives of the news media and the records are not sought for commercial use.*

The ACLU and CLEAR also request a waiver of search fees on the basis that the ACLU and CLEAR each qualify as a “representative of the news media” and neither organization seeks

²⁵ *See also* 6 C.F.R. § 5.5(e)(1)(ii).

²⁶ *See also* 6 C.F.R. § 5.11(k)(1).

the records for commercial use. 5 U.S.C. § 552(a)(4)(A)(ii)(II).²⁷ The ACLU and CLEAR respectively meet the statutory and regulatory definitions of a “representative of the news media” because each is an “entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience.” 5 U.S.C. § 552(a)(4)(A)(ii)(III)²⁸; *see also Nat’l Sec. Archive v. Dep’t of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989) (finding that an organization that gathers information, exercises editorial discretion in selecting and organizing documents, “devises indices and finding aids,” and “distributes the resulting work to the public” is a “representative of the news media” for purposes of the FOIA); *Serv. Women’s Action Network v. Dep’t of Defense*, 888 F. Supp. 2d 282 (D. Conn. 2012) (requesters, including ACLU, were representatives of the news media and thus qualified for fee waivers for FOIA requests to the Department of Defense and Department of Veterans Affairs); *ACLU of Wash. v. Dep’t of Justice*, No. C09–0642RSL, 2011 WL 887731, at *10 (W.D. Wash. Mar. 10, 2011) (finding that the ACLU of Washington is an entity that “gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience”); *ACLU*, 321 F. Supp. 2d at 30 n.5 (finding non-profit public interest group to be “primarily engaged in disseminating information”). The ACLU and CLEAR are therefore each a “representative of the news media” for the same reasons that they are “primarily engaged in the dissemination of information.”

Furthermore, courts have found other organizations whose mission, function, publishing, and public education activities are similar in kind to the ACLU and CLEAR’s to be “representatives of the news media” as well. *See, e.g., Cause of Action v. IRS*, 125 F. Supp. 3d 145 (D.C. Cir. 2015); *Elec. Privacy Info. Ctr.*, 241 F. Supp. 2d at 10–15 (finding non-profit public interest group that disseminated an electronic newsletter and published books was a “representative of the news media” for purposes of the FOIA); *Nat’l Sec. Archive*, 880 F.2d at 1387; *Judicial Watch, Inc. v. Dep’t of Justice*, 133 F. Supp. 2d 52, 53–54 (D.D.C. 2000) (finding Judicial Watch, self-described as a “public interest law firm,” to be a news media requester).²⁹ As was true in those instances, the ACLU and CLEAR meet the requirements for a fee waiver here.

* * *

Pursuant to applicable statutes and regulations, the ACLU and CLEAR expect a determination regarding expedited processing within 10 days. *See* 5 U.S.C. § 552(a)(6)(E)(ii); 6 C.F.R. § 5.5(e)(4).

If the Request is denied in whole or in part, the ACLU and CLEAR ask that you justify all denials by reference to specific exemptions to FOIA. The ACLU and CLEAR expect the

²⁷ *See also* 6 C.F.R. § 5.11(k)(2)(iii).

²⁸ *See also* 6 C.F.R. § 5.11(b)(6).

²⁹ Courts have found these organizations to be “representatives of the news media” even though they engage in litigation and lobbying activities beyond their dissemination of information and public education activities. *See, e.g., Elec. Privacy Info. Ctr.*, 241 F. Supp. 2d 5; *Nat’l Sec. Archive*, 880 F.2d at 1387; *see also Leadership Conference on Civil Rights*, 404 F. Supp. 2d at 260; *Judicial Watch, Inc.*, 133 F. Supp. 2d at 53–54.

release of all segregable portions of otherwise exempt material. The ACLU and CLEAR reserve the right to appeal a decision to withhold any information or deny a waiver of fees.

Thank you for your prompt attention to this matter. Please furnish the applicable records to:

Scarlet Kim
American Civil Liberties Union
125 Broad Street, 18th Floor
New York, New York 10004
T: 212.549.2500
scarletk@aclu.org

We affirm that the information provided supporting the request for expedited processing is true and correct to the best of our knowledge and belief. *See* 5 U.S.C. § 552(a)(6)(E)(vi).

Sincerely,



Scarlet Kim
American Civil Liberties Union
Foundation
125 Broad Street, 18th Floor
New York, New York 10004
T: 212.549.2500
scarletk@aclu.org

Tarek Z. Ismail
CLEAR Project
CUNY School of Law
2 Court Square
Long Island City, NY 11101
T: 718.340.4141
tarek.ismail@law.cuny.edu

Scarlet Kim

125 Broad Street
18th Floor
New York , NY, 10004

11/14/2019

CBP-2020-012037

Dear Scarlet Kim:

This notice acknowledges receipt of your Freedom of Information Act (FOIA) request to U.S. Customs and Border Protection (CBP) received on 11/13/2019. Please use the following unique FOIA tracking number CBP-2020-012037 to track the status of your request. If you have not already done so, you must create a FOIAonline account at <https://foiaonline.gov>. This is the only method available to check the status of your pending FOIA request.

Provisions of the Act allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS FOIA regulations outlined on the DHS website, <https://www.federalregister.gov/documents/2016/11/22/2016-28095/freedom-of-information-act-regulations>. By submitting your request, you have agreed to pay up to \$25.00 in applicable processing fees, if any fees associated with your request exceed this amount, CBP shall contact you; however, the first 100 pages are free.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Consistent with 6 C.F.R. Part 5 §5.5(a) of the DHS FOIA regulations, CBP processes FOIA requests according to their order of receipt. Although CBP's goal is to respond within 20 business days of receipt of your request, FOIA does permit a 10-day extension of this time period in certain circumstances pursuant to 6 C.F.R. Part 5 §5.5(c).

CBP's FOIA Division is working hard to reduce the amount of time necessary to respond to FOIA requests. Currently, the average time to process a FOIA request related to "travel/border incidents" is a minimum of 3-6 months. We truly appreciate your continued patience.

For additional information please consult CBP FOIA website please click on [FOIA Act Resources](#) or visit <http://www.cbp.gov/site-policy-notices/foia>.

Sincerely,

U.S. Customs and Border Protection

March 13, 2020

Scarlet Kim
American Civil Liberties Union
125 Broad Street, 18th Floor
New York, NY 10004

Re: CBP-2020-012037

Dear Ms. Kim:

This is an initial response to your Freedom of Information Act (FOIA) request to U.S. Customs and Border Protection (CBP) on November 13, 2019. You requested the following records:

1. Formal or informal policies, guidance, procedures, bulletins, memoranda, and/or legal opinions pertaining to TTRTs, including but not limited to, records concerning:
 - a. How travelers are screened and/or targeted for interviews or inspection by TTRTs;
 - b. Profiling based on race, religion, ethnicity, and/or national origin and their proxies, such as name or appearance;
 - c. Whether and how a watchlist nomination may result from TTRT interviews or inspection;
 - d. The retention, storage, sharing, and/or deletion of information about travelers subject to TTRT interviews or inspection;.
2. Training and/or course materials for TTRT officers, whether developed by CBP or by other agencies, including but not limited to materials related to reliance on race, religion, ethnicity, and/or national origin and their proxies;
3. Formal or informal reports, evaluations, audits, or analyses concerning the effectiveness of TTRTs;
4. Records sufficient to show, since January 1, 2017:
 - a. The number of individuals denied entry as a result of TTRT activities and their immigration status and/or basis for application for admission;
 - b. The races, ethnicities, and/or national origins of the individuals denied entry as a result of TTRT activities;
5. Records sufficient to show, since January 1, 2017:
 - a. The number of individuals targeted for interview or inspection by TTRTs and their immigration status and/or basis for application for admission;

- b. The races, ethnicities, and/or national origins of the individuals targeted for interview or inspection by TTRTs;
 - c. The number of individuals targeted for interview or inspection by TTRTs for the purpose of gathering information about third parties, including watchlisted persons;
6. Records sufficient to show the number of individuals nominated to a watchlist by TTRTs since January 1, 2017;
7. Records sufficient to show, since January 1, 2017:
 - a. The number of individuals targeted for interview or inspection by TTRTs who were asked to but declined to sign Form 1-275, "Withdrawal of Application for Admission";
 - b. The number of individuals targeted for interview or inspection by TTRTs who signed Form 1-275;
 - c. The number of individuals targeted for interview or inspection by TTRTs for whom Forms 1-867 A, which contains a record of the basis for CBP's determination that an individual is subject to Expedited Removal, and/or 1- 867B, which consists of questions designed to assess whether a traveler has a fear of returning to his or her country, were prepared;
 - d. The number of individuals targeted for interview or inspection by TTRTs for whom Form 1-870, "Notice and Order of Expedited Removal," was prepared;
8. Records concerning complaints, grievances, and/or concerns raised by CBP officers or other government officials related to TTRTs;
9. Records concerning investigations of and/or disciplinary action related to TTRT officers;
10. All records created, sent, received, referenced, and/or used in fulfilling and/or responding to this Request.

For this release, CBP FOIA has reviewed 36 pages of records and made the following determinations:

- 16 pages of records that are partially released pursuant to Title 5 U.S.C. § 552 (b)(6), (B)(7)(C), and (B)(7)(E).
- 10 pages of records that are released in full with no redactions.
- Nine pages of records that were determined to be public documents.

Additional information regarding the applicable exemptions and response can be found at the following link: <https://www.cbp.gov/document/guidance/exemption-definitions>.

Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

As this matter is currently in litigation, if you need further assistance or would like to discuss any aspect of this response, please contact Frank Amanat, Assistant United States Attorney.

Sincerely,

Patrick Howard

Patrick Howard
Branch Chief
U.S. Customs and Border Protection, FOIA Division
Privacy and Diversity Office



U.S. Customs and
Border Protection

U.S. Customs and Border Protection

NATIONAL TARGETING CENTER
Tactical Terrorism Response Team

CBP
BORDER PATROL
FEDERAL AGENT

CBP
FIELD OPERATIONS
FEDERAL OFFICER

VIGILANCE ★ SERVICE ★ INTEGRITY



Oath of Office

I, (Name), do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic;

That I will bear true faith and allegiance to the same;

That I take this obligation freely, without any mental reservation or purpose of evasion;

And that I will well and faithfully discharge the duties of the office on which I am about to enter.

So help me God.



Housekeeping

- Turn phones to silent mode
- Return from breaks promptly
- Materials are "For Official Use Only"
- Facilities
- High Level Visitors
- Gov. Credit Card Limits





Welcome and Introductions

- Instructor Introductions
- Participant Introductions
 - Introduce self
 - What port are you from?
 - Identify something about the TTRT roles and process that you hope to learn





Activity

- Do NOT write your name on the card
- Do NOT discuss what you wrote with anyone in the class
- Write 3 interesting facts about yourself – For Example:
 - I have been to all 7 continents
 - I have 4 dogs, 3 cats, and a pot belly pig
 - I speak 4 languages
 - My favorite ice cream flavor is Moose Tracks
 - I have been skydiving
 - I am friends with Brad Pitt
 - I have lived in 8 states
 - I am an avid Rock Climber
 - I have 10 children
 - I have never left the U.S



The Threat is Real and Ongoing...

Boston Marathon

Jihad

Al Qaeda

Hezbollah

Explosives

Hamas

Underwear Bomber

ISIS

Boko Haram

Al-Shabaab

Foreign Fighters

Times Square Bomber

9/11

Lone Wolf

Suicide Bomber

Terrorism

Cyber Attacks

Hijacker

Homegrown Violent Extremist

Martyr



Course Goals

- Describe the roles and responsibilities of TTRT
- Identify the procedures that TTRT will follow
- Gain a better understanding of how important your role is in the counterterrorism mission



(b) (7)(E)



Tactical Terrorism Response Team Training Class Schedule Session - 19-05 August 13, 2019 - August 16, 2019		
Day 1 - August 13, 2019		
Time	Topic	Presenter
0800-0930	Welcome <ul style="list-style-type: none"> Housekeeping Agenda Opening Remarks Oath of Office Introductions Interviewing Exercise: Each participant will write 3-4 sentences on an index card that describe themselves and return to the Instructor 	(b) (6), (b) (7)(C), (b) (7)(E)
0930-0945	Break	
0945-1045	(b) (7)(E) & TTRT 101	
1045-1100	Break	
1100-1200	Historical Context to the Current Threat <ul style="list-style-type: none"> Modern Middle East History Saudi-Iranian Cold War Q & A 	
1200-1300	Lunch	
1300-1430	Courtroom Testimony <ul style="list-style-type: none"> Overview of Legal System Courtroom Testimony Do's and Don'ts Report Writing 	
1430-1445	Break	
1445-1700	(b) (7)(E)	
1700	Close Out	

(b) (7)(E)



National Targeting Center

(b) (7)(E)

Ronald Reagan Building
1300 Pennsylvania Ave. NW (b) (7)(E)
Washington, DC 20004

Email:

(b) (7)(E)



U.S. Customs and
Border Protection

PORT	EVENT_DSPOSTN_CAT	TTRT_ENCOUNTER_COUNT
(b) (7)(E)	REFUSED	1105
	REFUSED	639
	REFUSED	542
	REFUSED	500
	REFUSED	416
	REFUSED	336
	REFUSED	330
	REFUSED	274
	REFUSED	263
	REFUSED	225
	REFUSED	220
	REFUSED	215
	REFUSED	203
	REFUSED	193
	REFUSED	182
	REFUSED	170
	REFUSED	164
	REFUSED	150
	REFUSED	146
	REFUSED	139
	REFUSED	135
	REFUSED	134
	REFUSED	123
	REFUSED	104
	REFUSED	103
	REFUSED	99
	REFUSED	94
	REFUSED	88
	REFUSED	80
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	REFUSED	66
	REFUSED	66
	REFUSED	56
	REFUSED	54
	REFUSED	44
	REFUSED	44
	REFUSED	43
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REFUSED	12	
REFUSED	11	
REFUSED	9	
REFUSED	9	
REFUSED	8	

PORT

TTRT_ENCOUNTER_COUNT

(b) (7)(E)

79735
55755
52762
50333
40926
37171
26669
23360
22069
16844
16046
12790
12778
10377
9770
8811
8620
7813
7547
7405
6798
6275
6121
5608
5447
5366
5073
4946
4162
4038
4012
3341
3252
3045
2776
2502
2139
2117
1584
1576
1172
1039
949
937
822
717

(b) (7)(E)

710
694
657
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622
492
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300
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(b) (7)(E)

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CTZNSHP_CTRY	EVENT_DSPOSTN_CAT	TTRT_ENCOUNTER_COUNT
CA - CANADA	REFUSED	1846
IR - IRAN	REFUSED	1347
VE - VENEZUELA	REFUSED	475
PK - PAKISTAN	REFUSED	334
SA - SAUDI ARABIA	REFUSED	278
GB - UNITED KINGDOM	REFUSED	254
SY - SYRIA	REFUSED	236
JO - JORDAN	REFUSED	164
LB - LEBANON	REFUSED	164
FR - FRANCE	REFUSED	147
DE - GERMANY	REFUSED	127
IN - INDIA	REFUSED	123
MX - MEXICO	REFUSED	122
EG - EGYPT	REFUSED	109
ER - ERITREA	REFUSED	106
TR - TURKEY	REFUSED	97
NG - NIGERIA	REFUSED	93
UZ - UZBEKISTAN	REFUSED	83
AU - AUSTRALIA	REFUSED	79
NL - NETHERLANDS	REFUSED	77
IQ - IRAQ	REFUSED	76
PS - PALESTINE	REFUSED	76
RU - RUSSIA	REFUSED	67
CO - COLOMBIA	REFUSED	65
CN - CHINA (MAINLAND)	REFUSED	63
DZ - ALGERIA	REFUSED	62
AF - AFGHANISTAN	REFUSED	62
SE - SWEDEN	REFUSED	60
KW - KUWAIT	REFUSED	58
TN - TUNISIA	REFUSED	52
BD - BANGLADESH	REFUSED	49
IT - ITALY	REFUSED	47
ES - SPAIN	REFUSED	45
TT - TRINIDAD AND TOBAGO	REFUSED	44
MA - MOROCCO	REFUSED	43
LY - LIBYA	REFUSED	43
CM - CAMEROON	REFUSED	38
AL - ALBANIA	REFUSED	37
BR - BRAZIL	REFUSED	35
ZA - REPUBLIC OF SOUTH AFRICA	REFUSED	34
BE - BELGIUM	REFUSED	30
UA - UKRAINE	REFUSED	28
YE - YEMEN	REFUSED	28
KR - SOUTH KOREA	REFUSED	27
CL - CHILE	REFUSED	27
AE - UNITED ARAB EMIRATES	REFUSED	26
UG - UGANDA	REFUSED	24
SD - SUDAN	REFUSED	24
SO - SOMALIA	REFUSED	24

QA - QATAR	REFUSED	24
GE - GEORGIA	REFUSED	23
CD - DEMOCRATIC REPUBLIC OF CONGO (ZAIRE)	REFUSED	20
GT - GUATEMALA	REFUSED	20
GN - GUINEA	REFUSED	18
HN - HONDURAS	REFUSED	18
KZ - KAZAKHSTAN	REFUSED	18
CU - CUBA	REFUSED	17
KE - KENYA	REFUSED	17
IE - IRELAND	REFUSED	17
CR - COSTA RICA	REFUSED	17
PH - PHILIPPINES	REFUSED	17
NI - NICARAGUA	REFUSED	17
LK - SRI LANKA	REFUSED	16
NO - NORWAY	REFUSED	15
NZ - NEW ZEALAND	REFUSED	15
XB	REFUSED	15
GR - GREECE	REFUSED	14
US - UNITED STATES OF AMERICA	REFUSED	14
CH - SWITZERLAND	REFUSED	14
AT - AUSTRIA	REFUSED	14
EC - ECUADOR	REFUSED	14
PA - PANAMA	REFUSED	13
IL - ISRAEL	REFUSED	13
ML - MALI	REFUSED	11
DO - DOMINICAN REPUBLIC	REFUSED	11
ET - ETHIOPIA	REFUSED	11
AR - ARGENTINA	REFUSED	11
XX - UNKNOWN	REFUSED	11
TW - CHINA(TAIWAN)	REFUSED	9
TJ - TAJIKISTAN	REFUSED	9
TD - CHAD	REFUSED	9
PT - PORTUGAL	REFUSED	9
FI - FINLAND	REFUSED	9
RO - ROMANIA	REFUSED	9
GH - GHANA	REFUSED	8
DK - DENMARK	REFUSED	8
TH - THAILAND	REFUSED	8
GY - GUYANA	REFUSED	8
JM - JAMAICA	REFUSED	7
SV - EL SALVADOR	REFUSED	7
BH - BAHRAIN	REFUSED	7
SN - SENEGAL	REFUSED	7
GF - FRENCH GUIANA	REFUSED	6
ID - INDONESIA	REFUSED	6
PE - PERU	REFUSED	6
AM - ARMENIA	REFUSED	5
JP - JAPAN	REFUSED	5
PL - POLAND	REFUSED	5
VN - VIETNAM	REFUSED	4

KG - KYRGYZSTAN	REFUSED	4
BZ - BELIZE	REFUSED	4
XC	REFUSED	4
AZ - AZERBAIJAN	REFUSED	4
RW - RWANDA	REFUSED	4
DJ - DJIBOUTI	REFUSED	4
MY - MALAYSIA	REFUSED	4
BF - BURKINA FASO (UPPER VOLTA)	REFUSED	4
TZ - TANZANIA, UNITED REPUBLIC OF	REFUSED	4
OM - OMAN	REFUSED	4
MW - MALAWI	REFUSED	3
GM - GAMBIA	REFUSED	3
TX	REFUSED	3
SL - SIERRA LEONE	REFUSED	3
HU - HUNGARY	REFUSED	3
CZ - CZECH REPUBLIC	REFUSED	3
PY - PARAGUAY	REFUSED	3
DM - DOMINICA	REFUSED	3
MM - MYANMAR (BURMA)	REFUSED	3
HT - HAITI	REFUSED	3
MD - MOLDOVA	REFUSED	3
GA - GABON	REFUSED	3
SG - SINGAPORE	REFUSED	3
KV - KOSOVO	REFUSED	3
RS - SERBIA	REFUSED	2
GG - GEORGIA (DO NOT USE, SEE GE)	REFUSED	2
ZW - ZIMBABWE	REFUSED	2
BY - BELARUS	REFUSED	2
BO - BOLIVIA	REFUSED	2
IS - ICELAND	REFUSED	2
SI - SLOVENIA	REFUSED	2
ME - MONTENEGRO	REFUSED	2
	REFUSED	2
NP - NEPAL	REFUSED	2
BB - BARBADOS	REFUSED	2
FJ - FIJI	REFUSED	2
AO - ANGOLA	REFUSED	2
GG - GUERNSEY	REFUSED	2
MU - MAURITIUS	REFUSED	1
LV - LATVIA	REFUSED	1
LH	REFUSED	1
CG - CONGO (BRAZZAVILLE)	REFUSED	1
GW - GUINEA-BISSAU	REFUSED	1
SK - SLOVAKIA	REFUSED	1
KN - ST. KITTS-NEVIS ISLANDS	REFUSED	1
HK - HONG KONG	REFUSED	1
UY - URUGUAY	REFUSED	1
SS - SOUTH SUDAN	REFUSED	1
BG - BULGARIA	REFUSED	1
MV - MALDIVE ISLANDS	REFUSED	1

EE - ESTONIA	REFUSED	1
MN - MONGOLIA	REFUSED	1
CY - CYPRUS	REFUSED	1
BA - BOSNIA-HERZEGOVINA	REFUSED	1
CG - REPUBLIC OF CONGO (BRAZZAVILLE)	REFUSED	1
MT - MALTA AND GOZO	REFUSED	1
CV - CAPE VERDE, REPUBLIC OF	REFUSED	1
		8290

CTZNSHP_CTRY	TTRT_ENCOUNTER_COUNT
US - UNITED STATES OF AMERICA	183851
CA - CANADA	58121
MX - MEXICO	56976
PK - PAKISTAN	29657
SA - SAUDI ARABIA	16839
IN - INDIA	15463
FR - FRANCE	15308
GB - UNITED KINGDOM	13977
DE - GERMANY	9310
IQ - IRAQ	8653
AF - AFGHANISTAN	7949
ES - SPAIN	7626
CN - CHINA (MAINLAND)	7424
EG - EGYPT	7253
IR - IRAN	7181
YE - YEMEN	6894
LB - LEBANON	6351
SV - EL SALVADOR	5799
XX - UNKNOWN	5679
CO - COLOMBIA	5659
JO - JORDAN	5490
TT - TRINIDAD AND TOBAGO	5209
NL - NETHERLANDS	4753
TR - TURKEY	4705
BR - BRAZIL	4170
SY - SYRIA	4142
KW - KUWAIT	3851
AU - AUSTRALIA	3840
BD - BANGLADESH	3553
VE - VENEZUELA	3494
IT - ITALY	3230
TN - TUNISIA	2865
SD - SUDAN	2835
BE - BELGIUM	2808
SE - SWEDEN	2760
SO - SOMALIA	2665
RU - RUSSIA	2444
AE - UNITED ARAB EMIRATES	2351
GT - GUATEMALA	2208
PS - PALESTINE	2178
PH - PHILIPPINES	2069
MY - MALAYSIA	2035
AT - AUSTRIA	2032
HN - HONDURAS	1926
CR - COSTA RICA	1873
DK - DENMARK	1843

DO - DOMINICAN REPUBLIC	1731
NG - NIGERIA	1701
MA - MOROCCO	1666
UZ - UZBEKISTAN	1488
DZ - ALGERIA	1459
KR - SOUTH KOREA	1445
PE - PERU	1298
LY - LIBYA	1197
EC - ECUADOR	1180
ID - INDONESIA	1154
UA - UKRAINE	1137
AR - ARGENTINA	1132
CL - CHILE	1129
ZA - REPUBLIC OF SOUTH AFRICA	1125
QA - QATAR	1102
ET - ETHIOPIA	1054
KE - KENYA	964
PT - PORTUGAL	902
IL - ISRAEL	897
SG - SINGAPORE	806
PA - PANAMA	801
NO - NORWAY	682
JP - JAPAN	678
LK - SRI LANKA	627
CH - SWITZERLAND	616
KZ - KAZAKHSTAN	588
OM - OMAN	579
CU - CUBA	575
ER - ERITREA	561
NI - NICARAGUA	516
IE - IRELAND	507
BH - BAHRAIN	501
AZ - AZERBAIJAN	501
GR - GREECE	451
	422
NZ - NEW ZEALAND	420
TW - CHINA(TAIWAN)	410
GH - GHANA	346
RO - ROMANIA	345
BO - BOLIVIA	343
JM - JAMAICA	334
MM - MYANMAR (BURMA)	325
VN - VIETNAM	321
CD - DEMOCRATIC REPUBLIC OF CONGO (ZAIRE)	320
KV - KOSOVO	315
TJ - TAJIKISTAN	298
CM - CAMEROON	290

TD - CHAD	290
NP - NEPAL	276
PL - POLAND	267
AL - ALBANIA	258
FI - FINLAND	248
HU - HUNGARY	247
XB	244
MV - MALDIVE ISLANDS	236
HT - HAITI	233
MR - MAURITANIA	222
MK - MACEDONIA (SKOPJE)	222
CZ - CZECH REPUBLIC	221
GY - GUYANA	217
BA - BOSNIA-HERZEGOVINA	212
KG - KYRGYZSTAN	203
BG - BULGARIA	194
DJ - DJIBOUTI	187
AM - ARMENIA	183
GN - GUINEA	179
SN - SENEGAL	176
TZ - TANZANIA, UNITED REPUBLIC OF	171
ML - MALI	168
TH - THAILAND	167
UG - UGANDA	166
GE - GEORGIA	155
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KI - KIRIBATI	2
GI - GIBRALTAR	2
VG - BRITISH VIRGIN ISLANDS	2
TV - TUVALU	2
LG	2
TK - TOKELAU ISLANDS	2
CC - COCOS (KEELING) ISLANDS	2
JT - JOHNSTON ISLAND	1
TL - EAST TIMOR (TIMOR-LESTE)	1
WF - WALLIS AND FUTUNA	1
CS - CZECHOSLOVAKIA	1
GS - SOUTH GEORGIA AND THE SOUTH SANDWICH ISLANDS	1
EH - WESTERN SAHARA	1
BU - BURMA	1
PW - PALAU	1
SX - SINT MAARTEN (DUTCH PART)	1
YT - MAYOTTE	1


SB - SOLOMON ISLANDS	1
WS - SAMOA	1
FO - FAROE ISLANDS	1
VI - VIRGIN ISLANDS OF THE U.S.	1
PG - PAPUA NEW GUINEA	1
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WK - WAKE ISLAND	1
YY	1
IO - BRITISH INDIAN OCEAN TERRITORY	1
	604177



Homeland Security

May 17, 2019

MEMORANDUM FOR: All DHS Employees

FROM: Kevin K. McAleenan
Acting Secretary 

SUBJECT: Information Regarding First Amendment Protected Activities

I am proud of the work you do every day to protect our Homeland. You serve as America's Frontline and your commitment to the highest ethical and moral principles is a testament to each of you, the founding values of our Department, and our nation. It is in this spirit that I write to you today to emphasize – as you all know – that the privilege of administering and enforcing federal laws carries with it the responsibility for upholding the principles of professionalism, impartiality, courtesy, and respect for civil rights and civil liberties.

DHS does not profile, target, or discriminate against any individual for exercising his or her First Amendment rights.¹ Under the Privacy Act of 1974, all DHS personnel² are prohibited from maintaining records that describe how a U.S. citizen (USC) or alien lawfully admitted for permanent residence (LPR)³ exercises his or her First Amendment rights, “unless expressly authorized by statute or by the individual about whom the record is maintained or unless pertinent to and within the scope of an authorized law enforcement activity.”⁴

Information, in any form, regarding how an individual exercises First Amendment rights shall include (among other things):

1. Information about an individual's religious beliefs and practices;
2. Information about an individual's political or personal beliefs or associations, academic or scientific inquiries, or the expressions thereof;

¹ The First Amendment provides that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” U.S. Const. amend. I.

² For purposes of this memorandum, “DHS personnel” includes all DHS employees, including those who are law enforcement agents and officers and those in the intelligence community, as well as those performing work on behalf of DHS employees, such as contractors.

³ To the extent that a person's status is unknown or unclear, for the purposes of this policy that person shall be treated as an “individual” covered by the Privacy Act. 5 U.S.C. § 552a(a)(2).

⁴ 5 U.S.C. § 552a(e)(7).

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3. Information about an individual's (including journalists, attorneys, academics, representatives of non-governmental organizations, etc.) reporting activities and documentation; or,
4. Information about an individual's associations with others for lawful purposes, including participation in protests or other non-violent demonstrations against government policy or actions.

Individuals' First Amendment rights are protected regardless of the medium of their communications. These principles apply to communications such as oral or written speech (both in paper and electronic form); non-verbal communications such as art works; and, in some instances, to commercial speech and gestures (such as physical rituals associated with prayer).

With those First Amendment rights in mind, I direct that DHS personnel shall not collect, maintain in DHS systems, or use information protected by the First Amendment *unless* (a) an individual has expressly granted their consent for DHS to collect, maintain, and use that information; (b) maintaining the record is expressly authorized by a federal statute; or (c) that information is relevant to a criminal, civil, or administrative activity relating to a law DHS enforces or administers. In addition, DHS personnel should not pursue by questioning, research or other means, information relating to how an individual exercises his or her First Amendment rights unless one or more of the same conditions applies.

Express Statutory Authorization

DHS agencies may collect and maintain records regarding First Amendment activity when doing so is *expressly authorized by statute*. As explained in longstanding guidance from the Office of Management and Budget (OMB), a statute need not specifically address the maintenance of records of First Amendment activities if it references activities that are relevant to a determination concerning an individual.⁵ Thus, for example, DHS personnel may collect information on First Amendment protected activity when that activity is relevant to the granting or denial of a pending application.

Consent of the Individual

Records on First Amendment activity may be maintained if the individual voluntarily provides it, thereby consenting to its use by DHS. For example, "if an individual volunteers information on civic or religious activities in order to enhance his chances of receiving a benefit, such as

⁵ Privacy Act Implementation, Guidelines and Responsibilities, 40 Fed. Reg. 28,948, 28,965 (July 9, 1975) (hereinafter OMB Guidelines). The Guidelines specifically cite to the Immigration and Nationality Act (INA) as an example: "[S]ince the Immigration and Nationality Act makes the possibility of religious or political persecution relevant to a stay of deportation, the information on these subjects may be admitted in evidence, and therefore would not be prohibited by [subsection (e)(7)]." OMB Guidelines, at 28,965. Many other INA provisions potentially involve consideration of First Amendment activity. *E.g.*, 8 U.S.C. 1101(a)(43) (definition of refugee, for purpose of refugee and asylum eligibility determinations, includes persecution based on membership in social group, religion, or political opinion); 8 U.S.C. 1182(a)(3)(B) (inadmissibility of any alien who, inter alia, "endorses or espouses terrorist activity or persuades others to endorse or espouse terrorist activity or support a terrorist organization"); 8 U.S.C. 1182(a)(3)(D) (ground of inadmissibility for membership or affiliation with the Communist or other totalitarian party); 8 U.S.C. 1182(a)(3)(F) (ground of inadmissibility for association with terrorist organizations); 8 U.S.C. 1227(a)(4)(B) (deportability of aliens admitted to the United States if described in terrorism-related grounds of inadmissibility); 8 U.S.C. 1424 (prohibition upon the naturalization of persons opposed to government or law, or who favor totalitarian forms of government).

executive clemency, the agency may consider information thus volunteered.”⁶ As applied to DHS, individuals may voluntarily provide consent in submitting their associations and beliefs when applying for naturalization pursuant to filing USCIS Form N-400⁷ or may proactively provide information in written materials, including correspondence, or during an inspection or encounter.

Relevant to Law Enforcement Activity

If the use of information regarding First Amendment protected activities is not otherwise covered by one or both of the exceptions discussed above (explicit statutory authority and consent), DHS personnel may include such information in DHS systems if the information is pertinent to and within the scope of an authorized criminal, civil, or administrative law enforcement activity.⁸

For example, information about First Amendment protected activities is pertinent to and within the scope of DHS’s administration or enforcement of a statute, regulation, or executive order when all DHS personnel:

1. Document questions and responses relating to an individual’s occupation, purpose for international travel, or any merchandise the individual seeks to bring across the border;
2. Document questions, responses, or other information to validate information supplied by an individual or determine whether potential criminal, civil, or administrative violations exist relating to the laws that DHS enforces or administers;
3. Document journalistic or scientific research, academic inquiry, and/or analysis or questions and responses relating to information regarding an individual indicating a potential violation of a law DHS enforces or administers, or a threat to border security, national security, officer safety, or public safety;
4. Document research and/or analysis relating to activities protected by the First Amendment to the extent that it may facilitate an individual’s travel by, for example, verifying information provided by the individual —(e.g., validating a visa based on a religious purpose); or,
5. Take into account information regarding religion in order to identify whether a reasonable accommodation for an individual’s religious beliefs would be appropriate. This may include subsequent documentation of relevant information in DHS records regarding the action (for example, noting that a certain action was undertaken as an accommodation or noting that an accommodation was requested or deemed appropriate).

Each of us is called to do an extraordinarily important job for our nation. In executing this mission, it is my job to ensure that you are empowered to do so in accordance with our highest moral, ethical, and legal obligations. To this end, I have tasked the DHS Office for Civil Rights and Civil Liberties and the DHS Privacy Office to review existing guidance and develop new

⁶ OMB Guidelines, at 28965.

⁷ It must be noted that DHS/USCIS may also collect this information pursuant to its statutory authority in determining whether the applicant comes under section 313 of the INA’s (8 U.S.C. 1424) prohibition upon the naturalization of persons opposed to government or law, or who favor totalitarian forms of government. Thus, collecting and maintaining this information is lawful both because of express statutory authorization as described above, and because the applicant consented to providing it by signing and filing the application.

⁸ DHS may still maintain records consistent with 552a(e)(7) even if there is no ongoing or current law enforcement investigation.

guidance, where appropriate, to assist the operational components in implementing this memorandum.⁹

As you execute your mission each day, our Privacy and Civil Rights and Civil Liberties colleagues stand by to assist with any further questions or concerns you may have on this topic. Please contact Jonathan R. Cantor, Acting Chief Privacy Officer and Peter Mina, CRCL Deputy Officer for Programs and Compliance, and their staffs with those questions. Please contact your Component Counsel Offices with any legal questions.

⁹ Nothing in this policy memorandum or tasking otherwise impairs the statutory or delegated authorities and responsibilities of the Privacy Office or the Office for Civil Rights and Civil Liberties, including the authority to “investigate complaints and information indicating possible abuses of civil rights or civil liberties” under 6 U.S.C. § 345 or investigate noncompliance DHS privacy policies under 6 U.S.C. § 142.

Secretary


U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

April 26, 2013

MEMORANDUM FOR COMPONENT HEADS

FROM: Secretary Napolitano 

Subject: The Department of Homeland Security's Commitment to
Nondiscriminatory Law Enforcement and Screening Activities

The Department of Homeland Security's mission is to ensure that the Nation remains a safe, secure, resilient place where the American way of life can thrive. As former Secretary Ridge explained in the predecessor to this policy, "In all we do to secure America, our strategies and our actions must be consistent with the individual rights and civil liberties protected by the Constitution and the rule of law."

The Department of Homeland Security's policy is to prohibit the consideration of race or ethnicity in our investigation, screening, and enforcement activities in all but the most exceptional instances. The following is the Department's official policy on this issue:

"Racial profiling" is the invidious use of race or ethnicity as a criterion in conducting stops, searches, and other law enforcement, investigation, or screening activities. It is premised on the erroneous assumption that any particular individual of one race or ethnicity is more likely to engage in misconduct than any particular individual of another race or ethnicity. The Department of Homeland Security (DHS) has explicitly adopted the Department of Justice's "Guidance Regarding the Use of Race by Federal Law Enforcement Agencies," issued in June 2003. It is the policy of DHS to prohibit the consideration of race or ethnicity in our daily law enforcement and screening activities in all but the most exceptional instances, as defined in the DOJ Guidance. DHS personnel may use race or ethnicity only when a compelling governmental interest is present, and only in a way narrowly tailored to meet that compelling interest. Of course, race- or ethnicity-based information that is specific to particular suspects or incidents, or ongoing criminal activities, schemes or enterprises, may be considered, as stated in the DOJ Guidance.

Except as noted below, it is DHS policy, although not required by the Constitution, that tools, policies, directives, and rules in law enforcement and security settings that consider, as an investigative or screening criterion, an individual's simple connection to a particular country, by birth or citizenship, should be reserved for situations in which such consideration is based on an assessment of intelligence and risk, and in which alternatives do not meet security needs, and

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such consideration should remain in place only as long as necessary. These self-imposed limits, however, do not apply to antiterrorism, immigration, or customs activities in which nationality is expressly relevant to the administration or enforcement of a statute, regulation, or executive order, or in individualized discretionary use of nationality as a screening, investigation, or enforcement factor).

All Components should include the DHS policy stated above in all manuals, policies, directives, and guidelines regarding any activity in which the use of race, ethnicity, or nationality may arise as a security screening, enforcement, or investigative criterion. Each Component, in coordination with the Department's Office for Civil Rights and Civil Liberties, should implement Component-specific policy and procedures to implement this guidance for law enforcement, investigation, and security activities. Moreover, all Components should ensure that all law enforcement personnel, including supervisors and managers, are trained to the standards set forth in the DOJ Guidance and the DHS policy stated above, and are held accountable for meeting those standards.




**U.S. Customs and
Border Protection**

Commissioner

FEB 06 2014

MEMORANDUM FOR: All CBP Employees

FROM: Thomas S. Winkowski 
Acting Commissioner

SUBJECT: CBP Policy on Nondiscrimination in Law Enforcement Activities
and all other Administered Programs

It is the policy of U.S. Customs and Border Protection (CBP) to prohibit the consideration of race or ethnicity in law enforcement, investigation, and screening activities, in all but the most exceptional circumstances. As such, I want to affirm CBP's commitment to the fair, impartial and respectful treatment of all members of the trade and traveling public.

On April 26, 2013, the Secretary of the Department of Homeland Security (DHS) issued the attached policy on "Nondiscriminatory Law Enforcement and Screening Activities." The DHS policy defines "racial profiling" as the invidious use of race or ethnicity as a criterion in conducting stops, searches, and other law enforcement, investigation, or screening activities. The policy notes "racial profiling is premised on the erroneous assumption that any particular individual of one race or ethnicity is more likely to engage in misconduct than any particular individual of another race or ethnicity."

Consistent with the DHS policy, CBP personnel may use race or ethnicity when a compelling governmental interest is present and its use is narrowly tailored to that interest. National security is *per se* a compelling interest, but use of race and ethnicity to serve compelling interest must still be narrowly tailored. Race or ethnicity-based information that is specific to particular suspects or incidents or ongoing criminal activities, schemes, or enterprises may be considered. These standards are designed to ensure that racial and ethnic stereotypes will not be used in conducting stops, searches and other law enforcement activities, but that law enforcement officers rely on specific and trustworthy information to make law enforcement decisions.

Those principles relate to the consideration of *race* or *ethnicity*, which is distinguished from the consideration of *nationality*. Using nationality for antiterrorism, customs, or immigration activities in which nationality is *expressly relevant* to the administration or enforcement of a statute, regulation, or executive order to trigger screening, inspection, or investigative steps is entirely appropriate and needs no further justification.

In addition, this policy does not in any way limit the individualized discretionary use of nationality as a screening, investigation, or enforcement factor. Therefore, the use of nationality is appropriate for the vast majority of situations encountered by front-line CBP personnel and those supporting them in their day to day operations.

In circumstances outside the context of front-line CBP operations and work in support thereof, if nationality is not expressly relevant, DHS and CBP policy is to use nationality as an investigative or screening criterion only in situations where such consideration is based on an assessment of intelligence and risk and in which alternatives do not meet security needs and only as long as necessary.

The use of race and ethnicity information in violation of this policy may subject CBP employees to discipline under the Standards of Conduct. All employees are reminded of their obligation to report misconduct, including discriminatory treatment toward members of the public in the conduct of official duties and unlawful profiling by:

- Calling the toll-free Joint Intake Center Hotline at 1-877-2INTAKE or sending a fax to (202) 344-3390;
- Sending an e-mail message to Joint.Intake@dhs.gov;
- Contacting your servicing CBP Internal Affairs (IA) Office;
- Contacting an ICE Office of Professional Responsibility (OPR);
- Writing to P.O. Box 14475, 1200 Pennsylvania Avenue, NW, Washington, DC 20044;
- Calling the Office of Inspector General at 1-800-323-8603;
- Sending an e-mail message to DHSOIGHOTLINE@dhs.gov; or
- Writing to Department of Homeland Security, Washington, DC 20528, Attn: Office of Inspector General, Hotline.

For additional information on CBP's civil rights and civil liberties program, please visit the Privacy and Diversity Office website at www.cbp.gov/eo.

Attachment

Secretary


U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

April 26, 2013

MEMORANDUM FOR COMPONENT HEADS

FROM: Secretary Napolitano 

Subject: The Department of Homeland Security's Commitment to Nondiscriminatory Law Enforcement and Screening Activities

The Department of Homeland Security's mission is to ensure that the Nation remains a safe, secure, resilient place where the American way of life can thrive. As former Secretary Ridge explained in the predecessor to this policy, "In all we do to secure America, our strategies and our actions must be consistent with the individual rights and civil liberties protected by the Constitution and the rule of law."

The Department of Homeland Security's policy is to prohibit the consideration of race or ethnicity in our investigation, screening, and enforcement activities in all but the most exceptional instances. The following is the Department's official policy on this issue:

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Except as noted below, it is DHS policy, although not required by the Constitution, that tools, policies, directives, and rules in law enforcement and security settings that consider, as an investigative or screening criterion, an individual's simple connection to a particular country, by birth or citizenship, should be reserved for situations in which such consideration is based on an assessment of intelligence and risk, and in which alternatives do not meet security needs, and

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such consideration should remain in place only as long as necessary. These self-imposed limits, however, do not apply to antiterrorism, immigration, or customs activities in which nationality is expressly relevant to the administration or enforcement of a statute, regulation, or executive order, or in individualized discretionary use of nationality as a screening, investigation, or enforcement factor).

All Components should include the DHS policy stated above in all manuals, policies, directives, and guidelines regarding any activity in which the use of race, ethnicity, or nationality may arise as a security screening, enforcement, or investigative criterion. Each Component, in coordination with the Department's Office for Civil Rights and Civil Liberties, should implement Component-specific policy and procedures to implement this guidance for law enforcement, investigation, and security activities. Moreover, all Components should ensure that all law enforcement personnel, including supervisors and managers, are trained to the standards set forth in the DOJ Guidance and the DHS policy stated above, and are held accountable for meeting those standards.

April 10, 2020

Scarlet Kim
American Civil Liberties Union
125 Broad Street, 18th Floor
New York, NY 10004

Re: CBP-2020-012037

Dear Ms. Kim:

This is a second response to your Freedom of Information Act (FOIA) request to U.S. Customs and Border Protection (CBP) on November 13, 2019. You requested the following records:

1. Formal or informal policies, guidance, procedures, bulletins, memoranda, and/or legal opinions pertaining to TTRTs, including but not limited to, records concerning:
 - a. How travelers are screened and/or targeted for interviews or inspection by TTRTs;
 - b. Profiling based on race, religion, ethnicity, and/or national origin and their proxies, such as name or appearance;
 - c. Whether and how a watchlist nomination may result from TTRT interviews or inspection;
 - d. The retention, storage, sharing, and/or deletion of information about travelers subject to TTRT interviews or inspection;.
2. Training and/or course materials for TTRT officers, whether developed by CBP or by other agencies, including but not limited to materials related to reliance on race, religion, ethnicity, and/or national origin and their proxies;
3. Formal or informal reports, evaluations, audits, or analyses concerning the effectiveness of TTRTs;
4. Records sufficient to show, since January 1, 2017:
 - a. The number of individuals denied entry as a result of TTRT activities and their immigration status and/or basis for application for admission;
 - b. The races, ethnicities, and/or national origins of the individuals denied entry as a result of TTRT activities;
5. Records sufficient to show, since January 1, 2017:
 - a. The number of individuals targeted for interview or inspection by TTRTs and their immigration status and/or basis for application for admission;

- b. The races, ethnicities, and/or national origins of the individuals targeted for interview or inspection by TTRTs;
 - c. The number of individuals targeted for interview or inspection by TTRTs for the purpose of gathering information about third parties, including watchlisted persons;
6. Records sufficient to show the number of individuals nominated to a watchlist by TTRTs since January 1, 2017;
7. Records sufficient to show, since January 1, 2017:
 - a. The number of individuals targeted for interview or inspection by TTRTs who were asked to but declined to sign Form 1-275, "Withdrawal of Application for Admission";
 - b. The number of individuals targeted for interview or inspection by TTRTs who signed Form 1-275;
 - c. The number of individuals targeted for interview or inspection by TTRTs for whom Forms 1-867 A, which contains a record of the basis for CBP's determination that an individual is subject to Expedited Removal, and/or 1- 867B, which consists of questions designed to assess whether a traveler has a fear of returning to his or her country, were prepared;
 - d. The number of individuals targeted for interview or inspection by TTRTs for whom Form 1-870, "Notice and Order of Expedited Removal," was prepared;
8. Records concerning complaints, grievances, and/or concerns raised by CBP officers or other government officials related to TTRTs;
9. Records concerning investigations of and/or disciplinary action related to TTRT officers;
10. All records created, sent, received, referenced, and/or used in fulfilling and/or responding to this Request.

For this release, CBP FOIA has reviewed 39 pages of records and made the following determinations:

- 34 pages of records that are partially released pursuant to Title 5 U.S.C. § 552 (b)(6), (B)(7)(C), and (B)(7)(E).
- Five pages of records that were determined to be withheld in full pursuant to Title 5 U.S.C. § 552 (B)(7)(E).

Additional information regarding the applicable exemptions and response can be found at the following link: <https://www.cbp.gov/document/guidance/exemption-definitions>.

Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

As this matter is currently in litigation, if you need further assistance or would like to discuss any aspect of this response, please contact Frank Amanat, Assistant United States Attorney.

Sincerely,

Patrick Howard

Patrick Howard
Branch Chief
U.S. Customs and Border Protection, FOIA Division
Privacy and Diversity Office

CLASS OF ADMSN

TTRT ENCOUNTER COUNT

WT - Visa Waiver Visitor For Pleasure/Tourism
B1 - Temporary Visitor For Business
WD2 - Withdrawal - Application Terminated Without Prejudice
R1 - Member Of A Religious Organization
FX1 - Spouse Of Lpr (Married > 2 Years)
H4 - Spouse Or Child Of H1, H2 Or H3
E22 - Spouse Of E21
N2 - Other Nato Representative
P3 - Artist Or Entertainer Coming To Perform, Teach, Or Coach Under A Commercial Or Noncommercial Program That Is Culturally Unique.
F41 - Brother/Sister Of Usc
C3 - Foreign Government Official, Immediate Family, And Personal Attendants Or Servants In Transit (To A Foreign Country)
F23 - Child Of F21 And F22
V15 - Parent Us Cit Admit Vi6 Vi7 Pi-271
E21 - Professional Holding Advanced Degree Or Person Of Exceptional Ability
U3 - Child Of U1
V1 - Spouse Of An Lpr Who Is The Beneficiary Of A Form I-130 Application
SA - S Class Ninimigrant - Referred For Limited Asylum Hearing
FP1
H1C - Rn - Special Health Need Areas
HF
G3 - Representative Of A Non-Member Government To An International Organization
VRA
DRF
SG1 - Former Employees Of The Us Government In The Panama Canal Zone
C1 - Alien In Transit (To A Foreign Country)
DA - Advance Parole-District Authorized
O1 - Alien With Extraordinary Ability In The Sciences, Arts, Education, Business, Or Athletics, Or Who Has Attained Extraordinary Achievements In The Motion Picture Or Television Industry
F43 - Child Of F41
(b) (7)(E)
F11 - Unmarried Son/Daughter Of Usc
F31 - Married Son/Daughter Of Usc
B12 - Child Of B11
T51 - Employment Creation In Targeted Rural/High Unemployment Area
(b) (7)(E)
DT - Parolee (District/Poe Authorized)
AS2 - Approved Spouse Asylee
IW1 - Widow/Widower Of Usc (Married > 2 Years)
B22 - Self-Petitioning Child Of Lawful Permanent Res
B21 - Self-Petitioning Spouse Of Lawful Permanent Res
CPL
OP - Parolee-Overseas Or Suboffice Auth
E11 - Alien With Extraordinary Ability
F25 - Child Of F24
I53 - Invest Pilot Target Child - Conditional Entrant
N3 - Nato Clerical Staff To N1 Or N2
N6 - Nato Civilian Component
BX3 - Child Of Bx1 Or Bx2 (Exempt From Country Limit)
B2 - Temporary Visitor For Pleasure/Tourism
WB - Visa Waiver Visitor For Business
ERR - Expedited Removal-Removed
C4 - Transit Without A Visa
FX2 - Child Of Lpr
FX3 - Child Of Fx1 And Fx2
EW1 - Entered Without Completing Inspection At Poe
T53 - Child Of T51 Or T52
ERP - Expedited Removal - Referred For Other Than Credible Fear Interview
I51 - Investor Pilot Program, Targeted Area
I52 - Invest Pilot Target Spouse - Conditional Entrant
VR
VD
IR4 - Orphan To Be Adopted In Us By Usc
PAL - Palau
VDA
PR - Parolee
T3 - Child Of T1
SG2 - Spouse Or Child Of Sg1
VWF
C21 - Spouse Of Lpr (Married < 2 Years)
F1 - Academic Or Language Students
WD - Application Withdrawn
L1 - Intra-Company Transferee
999 - Unknown Results
N1 - Princial Nato Representative
E1 - Treaty Trader And Immediate Family Members
H2B - Temporary Skilled Workers

(b) (7)(E)

E31 - Skilled Worker
G2 - Temporary Representative Of A Foreign Government To An International Organization
BE - Bering Strait (Russian) Indigenous Tribe Visitor
SE3 - Accom Child Alien Class Se1 Se6
P2 - Artist Or Entertainer Or Essential Support Personnel In A Reciprocal Exchange Program Between An Organization In The U.s. And An Organization In One Or More Foreign Countries

DAS
(b) (7)(E)

V3 - Child Of V1 Or V2
U1 - Victim Of Criminal Activity
B32 - Spouse Of B31
IR3 - Orphan Adopted Abroad By USC
E15 - Child Of E11, E12, Or E13
RAD
M2 - Spouse Or Child Of M1
IB2
FSM - Federated States Of Micronesia
FP
USC - Us Citizen
CR1 - Spouse Of USC (Married <2 Years)
D1 - Crewmember Who Will Arrive/Depart The Same Vessel/Airline
M1 - Vocational Student
I1 - Rep Of For Info Media And Fa
K1 - Fiance Or Fiancee Of USC
G4 - Staff Member Of An International Organization
LTR - Legal Temporary Resident
F22 - Child Of Lpr
DE - Deferred Inspection
E3D - Spouse And Children Of E-3 Principals
B11 - Self Petition Unmarried Son/Daughter Of Us Citizen
BX1 - Self Petition Spouse Of Lpr (Exempt Ctry Limit)
V2 - Eligible Child Of Lpr Who Is The Beneficiary Of A Form I-130 Application
F12 - Child Of F11
E12 - Outstanding Professor Or Researcher
E34 - Spouse Of E31 Or E32
B23 - Child Of B11, B22
T1A - Temporarily Inadmissible- Section 235(C) Of Ina - Refrd Fpr Limited Asy
SU6
L1A - Intra-Company Transferee
VWR
E3R
T2 - Spouse Of T1
E51 - Employment-Non Targeted Area,sec 203(B)(5)(A)-Targeted Area,sec 203(B)(
DAR
EXR
IW2
H1B - Alien Workers In Specialty Occupations (Professionals)
WR - Visa Waiver Refused
RE - Refugee
AR - Admission Refused
ERF - Expedited Removal-Cred Fear
A1 - Career Diplomats, Heads Of State And Immediate Family Member Thereof
F32 - Spouse Of F31
SQ2 - Spouse Of Sq1
CM
DV2 - Spouse Of Dv1
S3 - Child Of Si1
K3 - Spouse Of USC Who Is The Beneficiary Of Form I-130 Application
EW4 - Spouse Of Ew3
A3 - Attendants Or Servants Of A1 And A2 Aliens
O3 - Spouse Or Child Of O1 Or O2
E23 - Child Of E21 Or E22
NA3 - Child Of Lpr, Born Abroad
MIS - Marshall Islands
B24 - Self Petition Unmarried Son/Daughter Of Lpr
K2 - Child Of K1
T1 - Victim Of Severe Form Of Trafficking
EWS - Child Of Ew3 Or Ew4
XB3 - Lawfully Admitted For Perm Res
L1B - Manager Or Specialized Skill Of An International Company
NAI
LPR - Lawful Permanent Resident
A2 - Other Foreign Officials And Their Families
AS - Asylee - Not Adjusted To Permanent Resident Status
IR2 - Child Of USC
IR5 - Parent Of >21 Year Old USC
SQ1 - Iraqi Employed By Or On Behalf Of The Usg - Principal
O2 - Accompanying Or Assisting An O1

(b) (7)(E)

(b) (7)(E)

DV1 - Diversity Visa
EXC - Removal Proceeding Initiated Under Sec 240 Of The Ina
E3 - Australian Free Trade Agreement - Raps
F21 - Spouse Of Lpr (Married > 2 Years)
I - Foreign News Organization Correspondent
F42 - Spouse Of F41
F24 - Unmarried Son/Daughter Of Lpr
H3 - Trainees
SQ3 - Child Of Sq1
G5 - Personal Attendant Or Servant Of G1, G2, G3 Or G4
DX - Crew Arrg/Detained Onboard Ship
SD1 - Minister Of Religion
B25 - Child Of B24
N4 - Nato Officials
E13 - Multinational Executive Or Manager
IB3
WRR
XN3 - Child Born Abroad, Sect 211(A) -Parent Is Not In One Of The Above Cate
J1 - Exchange Visitor
L2 - Spouse Or Child Of L1a Or L1b
E2 - Treaty Investor And Immediate Family Members
DV3 - Child Of Dv1
J2 - Spouse Or Child Of J1
F2 - Spouse And Children Of F1
TN - Trade Nafta. Profession Workers From Canada Or Mexico Governed By The North American Free Trade Act
IR1 - Spouse Of USC
TD - Dependent Spouse Or Child Of Tn
H2A - Temporary Agricultural Workers
P1 - Internationally Recognized Athlete Or Entertainment Group Or Essential Support Personnel
(b) (7)(E)
G1 - Resident Representative Of A Foreign Government To An International Organization
R2 - Spouse Or Child Of R1
CR2 - Child Of Cr1
F33 - Child Of F31 Or C32
SB1 - Returning Lpr W/Sb1 Immigrant Visa
E35 - Child Of E31, E32, Or E34
E14 - Spouse Of E11, E12, Or E13
SI1 - Certain Nationals Of Afghanistan And Iraqi Employed By The Usg As Tran
P4 - Spouse Or Child Of P1, P2 Or P3
SE1 - Employees And Former Employees Of Us Government Abroad
SE2 - Spouse Of Se1
D2 - Crewmember Who Will Arrive/Depart Different Vessels/Airlines
AS3 - Approved Child Asylee
EW3 - Unskilled Worker
U5 - Unmarried Sibling Under Age 18 Of U1 Under 21
Q1 - Aliens Coming To Take Part In An International Cultural Exchange Program Approved By The Attorney General For The Purpose Of Providing Practical Training, Employment, And The Sharing Of The History, Culture, Traditions Of The Aliens Country (Disney Epcot)
C2 - Alien In Transit To The United Nations Headquarters District
E32 - Professional Holding Baccalaureate Degree
S13 - American Indian Born In Canada
WA - Visa Waiver - Referred For Limited Asylum Hearing
DXR
T4 - Parent Of T1
ERA
DXF

PORT	EVENT_DSPOSTN_SUB_CAT	TTRT_ENCOUNTER_COUNT
(b) (7)(E)	WITHDRAWAL (WD)	4
	WITHDRAWAL (WD2)	2
	WITHDRAWAL (WD)	2
	WD IN LIEU OF ER	11
	WD IN LIEU OF ER	2
	WD IN LIEU OF ER	8
	WITHDRAWAL (WD2)	2
	WITHDRAWAL (WD)	2
	WD IN LIEU OF NTA	1
	WITHDRAWAL (WD)	22
	WITHDRAWAL (WD2)	10
	WD IN LIEU OF NTA	1
	WITHDRAWAL (WD2)	59
	WITHDRAWAL (WD)	25
	WD IN LIEU OF ER	12
	WITHDRAWAL (WD)	28
	WITHDRAWAL (WD2)	28
	WD IN LIEU OF ER	7
	WITHDRAWAL (WD)	1
	WITHDRAWAL (WD2)	86
	WITHDRAWAL (WD)	72
	WD IN LIEU OF NTA	27
	WD IN LIEU OF ER	23
	WITHDRAWAL (WD2)	198
	WITHDRAWAL (WD)	168
	WD IN LIEU OF ER	90
	WD IN LIEU OF NTA	5
	WITHDRAWAL (WD)	2
	WITHDRAWAL (WD2)	1
	WITHDRAWAL (WD)	6
	WITHDRAWAL (WD2)	4
	WD IN LIEU OF ER	3
	WD IN LIEU OF ER	4
	WD IN LIEU OF NTA	1
	WITHDRAWAL (WD2)	1
	WITHDRAWAL (WD2)	9
	WD IN LIEU OF ER	73
	WITHDRAWAL (WD2)	63
	WITHDRAWAL (WD)	46
	WD IN LIEU OF NTA	7
	WD IN LIEU OF ER	119
	WITHDRAWAL (WD)	100
WITHDRAWAL (WD2)	44	
WD IN LIEU OF NTA	14	
WITHDRAWAL (WD)	335	
WITHDRAWAL (WD2)	310	
WD IN LIEU OF ER	290	
WD IN LIEU OF NTA	51	
WITHDRAWAL (WD)	1	
WITHDRAWAL (WD2)	8	
WITHDRAWAL (WD)	4	
WD IN LIEU OF ER	3	
WITHDRAWAL (WD2)	1	
WITHDRAWAL (WD2)	4	
WITHDRAWAL (WD)	4	
WD IN LIEU OF ER	3	
WITHDRAWAL (WD)	1	
WITHDRAWAL (WD)	1	
WITHDRAWAL (WD)	1	
WD IN LIEU OF ER	1	

(b) (7)(E)

WITHDRAWAL (WD2)	1
WD IN LIEU OF ER	2
WITHDRAWAL (WD)	1
WITHDRAWAL (WD2)	123
WD IN LIEU OF ER	49
WITHDRAWAL (WD)	46
WD IN LIEU OF NTA	15
WITHDRAWAL (WD2)	107
WD IN LIEU OF ER	25
WITHDRAWAL (WD)	23
WD IN LIEU OF NTA	19
WD IN LIEU OF ER	2
WITHDRAWAL (WD2)	11
WD IN LIEU OF NTA	5
WITHDRAWAL (WD)	5
WD IN LIEU OF ER	2
WITHDRAWAL (WD2)	34
WITHDRAWAL (WD)	7
WD IN LIEU OF NTA	1
WD IN LIEU OF ER	1
WITHDRAWAL (WD)	11
WITHDRAWAL (WD2)	4
WD IN LIEU OF ER	1
WITHDRAWAL (WD2)	7
WD IN LIEU OF ER	3
WD IN LIEU OF NTA	2
WITHDRAWAL (WD2)	1
WITHDRAWAL (WD2)	20
WD IN LIEU OF ER	7
WD IN LIEU OF NTA	3
WD IN LIEU OF ER	2
WD IN LIEU OF NTA	2
WITHDRAWAL (WD2)	85
WITHDRAWAL (WD)	36
WD IN LIEU OF ER	1
WD IN LIEU OF NTA	1
WITHDRAWAL (WD2)	82
WITHDRAWAL (WD)	40
WD IN LIEU OF ER	3
WITHDRAWAL (WD2)	18
WITHDRAWAL (WD)	10
WD IN LIEU OF ER	1
WD IN LIEU OF ER	82
WITHDRAWAL (WD2)	52
WITHDRAWAL (WD)	42
WD IN LIEU OF NTA	21
WD IN LIEU OF ER	1
WITHDRAWAL (WD)	12
WD IN LIEU OF ER	3
WITHDRAWAL (WD2)	1
WITHDRAWAL (WD)	137
WD IN LIEU OF ER	43
WITHDRAWAL (WD2)	19
WD IN LIEU OF ER	34
WITHDRAWAL (WD)	13
WITHDRAWAL (WD2)	5
WD IN LIEU OF NTA	1
WD IN LIEU OF ER	1
WITHDRAWAL (WD)	3
WD IN LIEU OF NTA	1
WD IN LIEU OF ER	60

(b) (7)(E)

WITHDRAWAL (WD)	38
WITHDRAWAL (WD2)	1
WITHDRAWAL (WD)	5
WITHDRAWAL (WD)	12
WD IN LIEU OF ER	9
WITHDRAWAL (WD2)	1
WITHDRAWAL (WD)	36
WD IN LIEU OF ER	25
WITHDRAWAL (WD2)	12
WITHDRAWAL (WD)	12
WD IN LIEU OF ER	11
WD IN LIEU OF NTA	4
WITHDRAWAL (WD)	6
WD IN LIEU OF ER	3
WD IN LIEU OF NTA	2
WD IN LIEU OF ER	139
WITHDRAWAL (WD)	116
WITHDRAWAL (WD2)	12
WD IN LIEU OF ER	5
WD IN LIEU OF ER	118
WITHDRAWAL (WD)	59
WD IN LIEU OF NTA	5
WITHDRAWAL (WD2)	4
WITHDRAWAL (WD)	7
WD IN LIEU OF ER	1
WITHDRAWAL (WD)	8
WD IN LIEU OF ER	5
WITHDRAWAL (WD2)	1
WITHDRAWAL (WD)	10
WD IN LIEU OF ER	2
WD IN LIEU OF ER	1
WITHDRAWAL (WD)	55
WD IN LIEU OF ER	34
WITHDRAWAL (WD2)	2
WITHDRAWAL (WD)	7
WITHDRAWAL (WD2)	1
WD IN LIEU OF ER	1
WD IN LIEU OF ER	3
WITHDRAWAL (WD)	2
WITHDRAWAL (WD2)	1
WD IN LIEU OF ER	1
WITHDRAWAL (WD)	9
WD IN LIEU OF ER	9
WD IN LIEU OF NTA	2
WITHDRAWAL (WD)	23
WD IN LIEU OF ER	12
WITHDRAWAL (WD2)	1
WITHDRAWAL (WD)	6
WD IN LIEU OF ER	3
WD IN LIEU OF ER	3
WITHDRAWAL (WD)	1
WITHDRAWAL (WD)	1
WITHDRAWAL (WD)	56
WD IN LIEU OF ER	23
WITHDRAWAL (WD2)	16
WITHDRAWAL (WD)	13
WITHDRAWAL (WD)	1
WITHDRAWAL (WD)	27
WITHDRAWAL (WD2)	7
WD IN LIEU OF ER	5
WD IN LIEU OF NTA	4

(b) (7)(E)

WITHDRAWAL (WD)
WITHDRAWAL (WD2)
WD IN LIEU OF ER
WD IN LIEU OF NTA

230
138
18
1
5147

**Tactical Terrorism Response Team
Training Class Schedule
Session - 19-05
August 13, 2019 - August 16, 2019**

Day 1 - August 13, 2019

Time	Topic	Presenter
0800-0930	Welcome <ul style="list-style-type: none"> • Housekeeping • Agenda • Opening Remarks • Oath of Office • Introductions • Interviewing Exercise: Each participant will write 3-4 sentences on an index card that describe themselves and return to the Instructor 	(b) (6), (b) (7)(C)
0930-0945	Break	
0945-1045	Counterterrorism Division & TTRT 101 <ul style="list-style-type: none"> • CTD Overview (b) (7)(E)	CTD
1045-1100	Break	
1100-1200	Historical Context to the Current Threat <ul style="list-style-type: none"> • Modern Middle East History • Saudi-Iranian Cold War • Q & A 	(b) (6), (b) (7)(C)
1200-1300	Lunch	
1300-1430	Courtroom Testimony <ul style="list-style-type: none"> • Overview of Legal System • Courtroom Testimony Do's and Don'ts • Report Writing 	(b) (6), (b) (7)(C)
1430-1445	Break	
1445-1700	(b) (7)(E)	(b) (6), (b) (7)(C)
1700	Close Out	

**Tactical Terrorism Response Team
Training Class Schedule
Session - 19-05
August 13, 2019 - August 16, 2019**

Day 2 - August 14, 2019

Time	Topic	Presenter
0800-0900	NTC 101 • NTC Operational overview / Capabilities	(b) (6), (b) (7)(C)
0900-1000	Counter Network Division (CND) <div style="background-color: black; color: white; text-align: center; padding: 5px;">(b) (7)(E)</div>	Counter Network Division Staff
1000-1015	Break	
1015-1100	Counter Network Division (CND) <div style="background-color: black; color: white; text-align: center; padding: 5px;">(b) (7)(E)</div>	Counter Network Division Staff
1100-1200	<div style="background-color: black; color: white; text-align: center; padding: 5px;">(b) (7)(E)</div>	(b) (6), (b) (7)(C)
1200-1300	Lunch	
1300-1500	<div style="background-color: black; color: white; text-align: center; padding: 5px;">(b) (7)(E)</div>	
1500-1515	Break	
1515-1700	<div style="background-color: black; color: white; text-align: center; padding: 5px;">(b) (7)(E)</div>	
1700	Close out	

**Tactical Terrorism Response Team
 Training Class Schedule
 Session - 19-05
 August 13, 2019 - August 16, 2019**

Day 3 - August 15, 2019

Time	Topic	Presenter
0800-0900	Derivative Classification Training (b) (7)(E)	(b) (6), (b) (7)(C)
0900-0915	Break	
0915-1015	Derivative Classification Training • <i>Continued</i>	
1015-1030	Break	
1030-1200	(b) (7)(E)	
1200-1300	Lunch	
1300-1400	(b) (7)(E)	
1400-1410	Break	
1410-1700	(b) (7)(E)	
1700	Close Out	

**Tactical Terrorism Response Team
Basis Training Class Schedule
Session - 19-05
August 13, 2019 - August 16, 2019**

Day 4 - August 16, 2019

Time	Topic	Presenter
0800-1000	<p style="text-align: center;">(b) (7)(E)</p> <ul style="list-style-type: none"> • Practical Exercise 	(b) (6), (b) (7)(C)
1000-1015	Break	
1015-1200	<p style="text-align: center;">(b) (7)(E)</p> <ul style="list-style-type: none"> • <i>Continued</i> 	
1200-1300	Lunch	
1300-1400	<p>Immigration Advisory Program</p> <ul style="list-style-type: none"> • Policy • International Opportunities • Program Overview 	
1400-1415	Break	
1415-1500	(b) (7)(E)	
1500-1545	(b) (7)(E)	
1545-1630	<p>Program Wrap Up / End of Session Debrief</p> <ul style="list-style-type: none"> • Debrief / Q&A • Complete Program Surveys • OJT Overview and Instructions • Certificate Presentation 	
1700	Close out	



Introductions

- What are your experiences?
- Challenges?
- Share what you know

Trial

- Legal proceeding to resolve questions of law and fact
- Formal rules of procedure and evidence apply
- Judge rules on question of law
- Jury – when available – rules on questions of fact

Trial (continued)

- Attorneys present case to the court via witnesses and evidence
- Jury is usually present, but not always, some trials are bench trials
- Witnesses offer testimony about what they experienced, saw, or found

The slide features a dark blue background with a lighter blue diagonal line. The word "Evidence" is written in white, slanted text along this line. To the right of the line, there is a bulleted list of three main points, with the third point having two sub-points labeled (a) and (b).

- Rules and legal principles that govern the proof of facts in a legal proceeding
- Federal Rules of Evidence guide all federal matters
- Must be relevant and material
 - (a) it has any tendency to make a fact more or less probable than it would be without the evidence;
 - (b) the fact is of consequence in determining the action.

FRE 401 Probative – tending to prove the value or fact (Jury determined)

*Evidence
(continued)*

- The court may exclude relevant evidence if its probative value is substantially outweighed by a danger of one or more of the following:

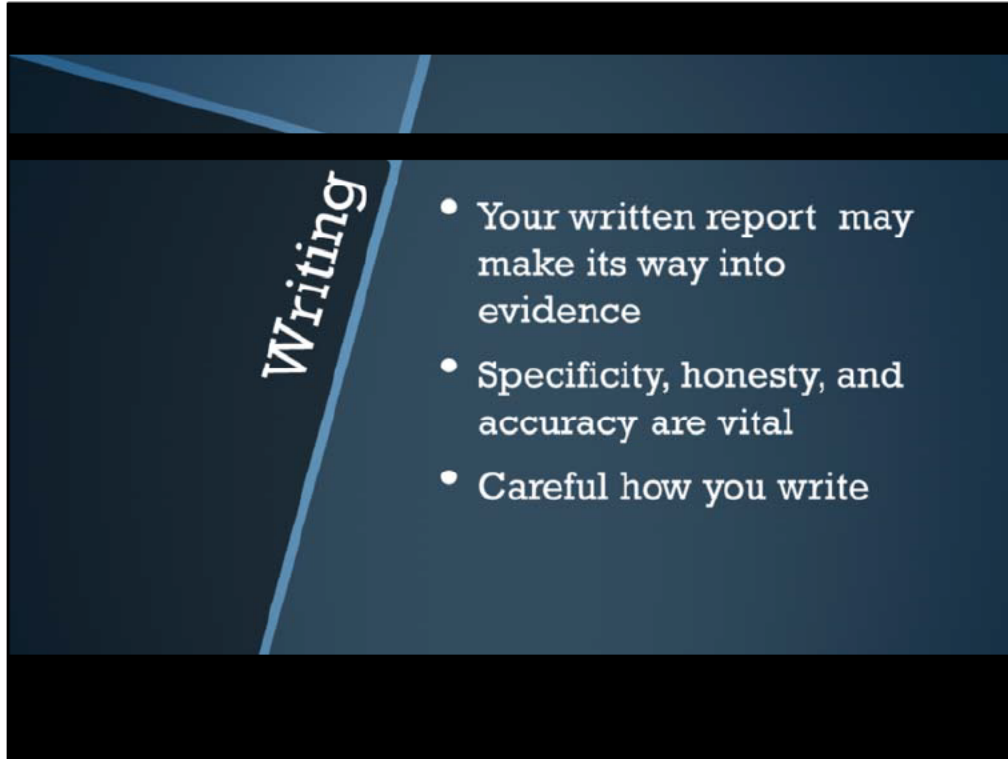
Unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence...and sometimes hearsay.

*Evidence
(continued)*

- Exculpatory Evidence is evidence, such as a statement, tending to excuse, justify, or absolve the alleged fault or guilt of a defendant.
- Inculpatory evidence is evidence that establishes the guilt of an accused.

Brady Rule

- The Brady Rule, named for [Brady v. Maryland](#), 373 U.S. 83 (1963), requires prosecutors to disclose materially exculpatory evidence in the government's possession to the defense. "Brady material" or evidence the prosecutor is required to disclose under this rule includes any evidence favorable to the accused--evidence that goes towards negating a defendant's guilt, that would reduce a defendant's potential sentence, or evidence going to the credibility of a witness.... In other words, play nice/play fair.



From my perspective, poor writing is one of our biggest challenges. Writing accurate and proficient remarks and capturing the narrative is essential. We need the officers to stick to the facts, write as if a professor will be reviewing it, and keep the focus on the interview experience and the derog.

We review (b) (7)(E) and then scour through highlighted cases even more deeply. Two main issues arise: 1). Writing that is rushed or quickly drafted is found often. We understand that you are constantly on the run and busy inputting and interviewing, but please take the time to reread, copy edit, and even have an extra set of eyes review. There's a reason why professionals pay editors so much money to review their work; 2). Keep the content focused and the narrative accurate. (b) (7)(E)

(b) (7)(E)

*Writing
(continued)*

- Tell the story
- Do not use jargon or big words
- Be sure to include firsthand statements
- Include exculpatory evidence

(b) (7) (E)

(b) (7) (E)

Proofreading Exercise

On 02/08/2017 at approximately 1515 hours I was dispatched to 1212 Hope St. in reference to a battery, upon arrival I was advised by the home owner, John Smith, that his neighbor Ron Brown had broke his door. Ron also pounded on the screened window, and marred the door frame. Ron had complained about Johns barking dog.

The got into an argument about the noise. Leading to the broken door. A wittness said she heard the noise and called the police. I took a Digital Photograph of the door, the door frame, and the window. Its been entered into evidence. Nothing farther to report at this time.

<http://wps.prenhall.com/wps/media/objects/5547/5681092/Newsletters/Spring2008.pdf>

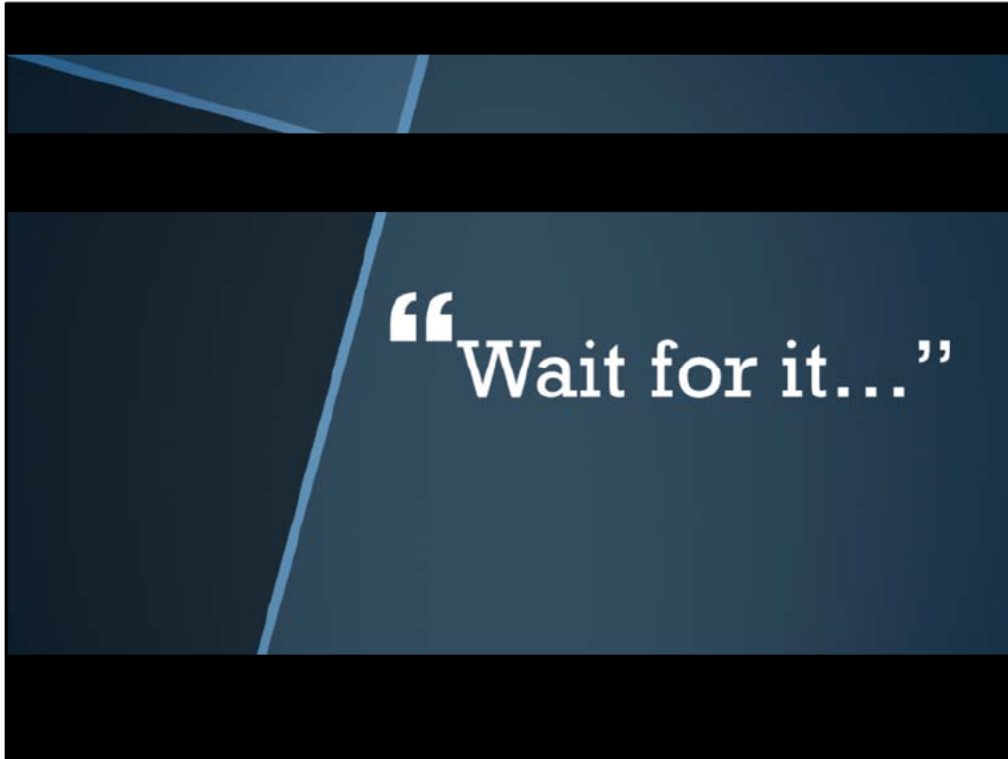
Proofreading Exercise

On 02/08/2017 at approximately 1515 hours, I was dispatched to 1212 Hope St. in reference to a possible battery. Upon arrival I was advised by the home owner, John Smith, that his neighbor, Ron Brown, had broken his door. Ron also, allegedly, pounded on the screened window, and marred the door frame. Ron had complained about John's barking dog. [Clarify. Did Ron complain previously, or to you at the scene?]

They got into an argument about the noise. Leading to the broken door. A witness [who?] said she heard the noise and called the police. I took a digital photograph of the door, the door frame, and the window. It's been entered into evidence. Nothing further to report at this time.

This slide should be the cue for someone (not in uniform) to enter the room. Not say anything. Walk in front of the room as if they are looking for something. Go to the sides and back, not say a word initially. Then say something along the lines of "I'm sorry to disturb, I'll be as quiet and quick as possible" – as they spend no more than 2 minutes walking the frame of the room – there inspiration should be something like searching for a power outlet, but keep walking around until they go the entire class room.

As you are lecturing, this should all be going on. So the officers are not just waiting quietly, looking for something to happen.




Pregnant pause. By now the volunteer should be out of the room.

Now, task them. Explain that the person who was in here is a fugitive from the law, or at a minimum a witness and we need their help finding him. We need each of them to take five minutes and write down a clear description and an accurate narrative of what happened.

Afterwards, read some examples. See if they were accurate. See if anyone mentions attire, descriptors, accents, appearance, the time of day, quote any statements made accurately, and so on.

Explain (or if possible expose) examples where students had varying narratives of what actually took place and what the person looked like. This is a vital lesson in ensuring and training one's self to write well and capture an accurate picture of a situation.



Purpose	Examples
Sequence	first, second, next, last, following, later, after, then, while
Cause and Effect	because, since, thus, therefore, due to this, as a result of, consequently, in order to
Example	Example for instance, for example, another
Adding a point	next, in addition, besides, not only . . . but also, similarly
Contrasting	but, instead, yet, however, on the other hand, in contrast, whereas, still
Summarizing	to summarize, therefore, in summary, to sum up, consequently, therefore

<http://wps.prenhall.com/wps/media/objects/5547/5681092/Newsletters/Spring2008.pdf>

Direct/Cross Examination

- Direct Examination:
Narrative, background, what happened
- Cross Examination:
Limited to questions asked under Direct. Can be leading questions. Aim is to question the credibility of witness or testimony.
- Stay calm and professional.
- If you forget or don't know, say so.

Pay attention

"All your responses must be oral, ok?
What school did you go to?"
"Oral."

"Prosecutor: Do you see the defendant in court today?"

"Witness: Yes, I do."

"Prosecutor: How is he dressed?"

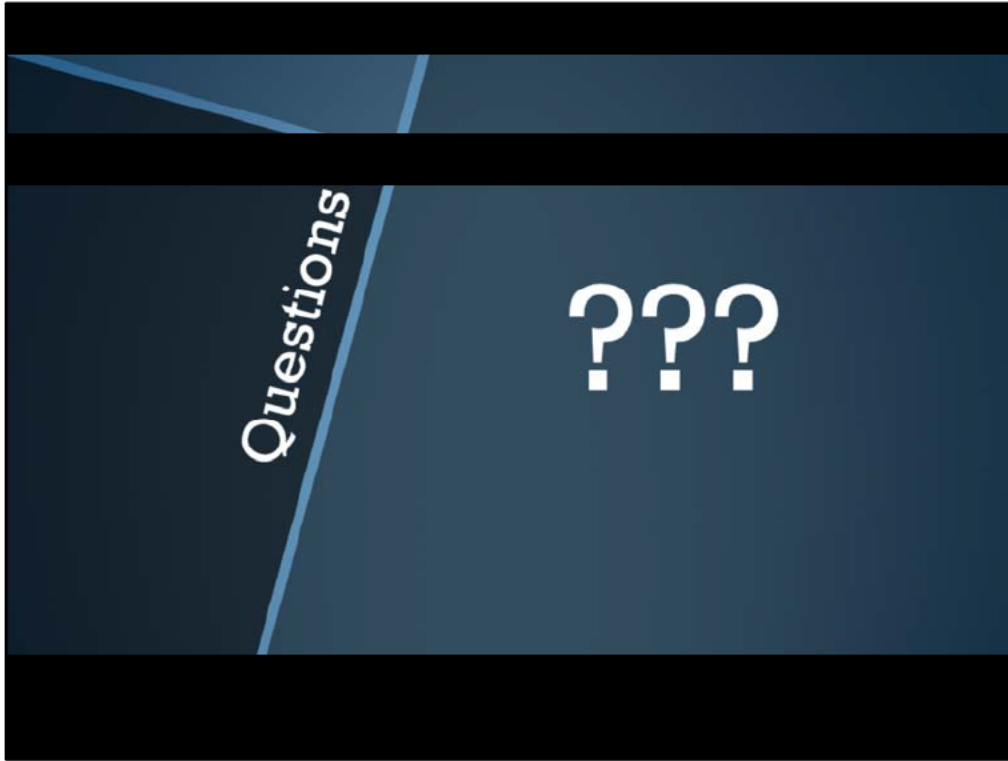
"Witness: He looks pretty sharp."

"Counsel (to witness): Are you telling the truth?"

"Prosecutor: Objection; irrelevant."

Preparation

- Meet with Prosecutor – they can help prep
- Understand scope of case and what you bring to the story
- Show up
- Tell the truth
- Remain calm
- Stick to the facts, unless asked for your opinion
- Don't use "gov speak" acronyms



FEB 03 2016

1300 Pennsylvania Avenue NW
Washington, DC 20229



**U.S. Customs and
Border Protection**

MEMORANDUM FOR: Executive Directors
Directors, Field Operations
Director, Preclearance

FROM: Executive Director (b) (6), (b) (7)(C)
National Targeting Center (b) (6), (b) (7)(C)

SUBJECT: Tactical Terrorism Response Team System Reporting

The purpose of this memorandum is to provide guidance to Tactical Terrorism Response Teams (TTRT) regarding the recording of secondary inspection results in their respective database(s).

On October 18, 2015, Tactical Terrorism Response Teams (TTRTs) were established in ten (10) Custom and Border Protection (CBP) Ports of Entry (POE) locations, to include two (2) Pre-Clearance locations; with an additional nineteen (19) POE locations anticipated fully operational by May 29, 2016.

(b) (7)(E)

(b) (7)(E)

Muster 2016-01

Week of Muster: Upon Receipt

Headquarters POC: Operations, Counter Terrorism Division

Subject: Tactical Terrorism Response Team System Reporting

The purpose of this memorandum is to provide guidance to Tactical Terrorism Response Teams (TTRT) regarding the recording of secondary inspection results in their respective database(s).

On October 18, 2015, Tactical Terrorism Response Teams (TTRTs) were established in ten (10) Custom and Border Protection (CBP) Ports of Entry (POE) locations, to include two (2) Pre-Clearance locations; with an additional nineteen (19) POE locations anticipated fully operational by May 29, 2016.

(b) (7) (E)

(b) (7) (E)

May 29, 2020

Scarlet Kim
American Civil Liberties Union
125 Broad Street, 18th Floor
New York, NY 10004

Re: CBP-2020-012037

Dear Ms. Kim:

This is a third response to your Freedom of Information Act (FOIA) request to U.S. Customs and Border Protection (CBP) on November 13, 2019. You requested the following records:

1. Formal or informal policies, guidance, procedures, bulletins, memoranda, and/or legal opinions pertaining to TTRTs, including but not limited to, records concerning:
 - a. How travelers are screened and/or targeted for interviews or inspection by TTRTs;
 - b. Profiling based on race, religion, ethnicity, and/or national origin and their proxies, such as name or appearance;
 - c. Whether and how a watchlist nomination may result from TTRT interviews or inspection;
 - d. The retention, storage, sharing, and/or deletion of information about travelers subject to TTRT interviews or inspection;.
2. Training and/or course materials for TTRT officers, whether developed by CBP or by other agencies, including but not limited to materials related to reliance on race, religion, ethnicity, and/or national origin and their proxies;
3. Formal or informal reports, evaluations, audits, or analyses concerning the effectiveness of TTRTs;
4. Records sufficient to show, since January 1, 2017:
 - a. The number of individuals denied entry as a result of TTRT activities and their immigration status and/or basis for application for admission;
 - b. The races, ethnicities, and/or national origins of the individuals denied entry as a result of TTRT activities;
5. Records sufficient to show, since January 1, 2017:
 - a. The number of individuals targeted for interview or inspection by TTRTs and their immigration status and/or basis for application for admission;

- b. The races, ethnicities, and/or national origins of the individuals targeted for interview or inspection by TTRTs;
 - c. The number of individuals targeted for interview or inspection by TTRTs for the purpose of gathering information about third parties, including watchlisted persons;
6. Records sufficient to show the number of individuals nominated to a watchlist by TTRTs since January 1, 2017;
7. Records sufficient to show, since January 1, 2017:
 - a. The number of individuals targeted for interview or inspection by TTRTs who were asked to but declined to sign Form 1-275, "Withdrawal of Application for Admission";
 - b. The number of individuals targeted for interview or inspection by TTRTs who signed Form 1-275;
 - c. The number of individuals targeted for interview or inspection by TTRTs for whom Forms 1-867 A, which contains a record of the basis for CBP's determination that an individual is subject to Expedited Removal, and/or 1- 867B, which consists of questions designed to assess whether a traveler has a fear of returning to his or her country, were prepared;
 - d. The number of individuals targeted for interview or inspection by TTRTs for whom Form 1-870, "Notice and Order of Expedited Removal," was prepared;
8. Records concerning complaints, grievances, and/or concerns raised by CBP officers or other government officials related to TTRTs;
9. Records concerning investigations of and/or disciplinary action related to TTRT officers;
10. All records created, sent, received, referenced, and/or used in fulfilling and/or responding to this Request.

For this release, CBP FOIA has reviewed 985 pages of records and made the following determinations:

- 135 pages of records that are partially released pursuant to Title 5 U.S.C. § 552 (b)(3), (b)(5), (b)(6), (B)(7)(C), and (B)(7)(E).
- 846 pages of records that were determined to be withheld in full pursuant to Title 5 U.S.C. § 552 (B)(7)(E).
- Four pages of records determined to be publicly available, available at the following: https://www.dhs.gov/sites/default/files/publications/info_regarding_first_amendment_protected_activities_as1_signed_05.17.2019.pdf

Additional information regarding the applicable exemptions and response can be found at the following link: <https://www.cbp.gov/document/guidance/exemption-definitions>.

Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

As this matter is currently in litigation, if you need further assistance or would like to discuss any aspect of this response, please contact Frank Amanat, Assistant United States Attorney.

Sincerely,

Patrick Howard

Patrick Howard
Branch Chief
U.S. Customs and Border Protection, FOIA Division
Privacy and Diversity Office