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7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 VICTORIA LAW,
11
12 Plaintiff,

13 v.

14 FEDERAL BUREAU OF PRISONS,
15 Defendant.

DECLARATION OF KARA CHRISTENSON

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18 I, Kara Christenson, declare as follows:

19 1. I am Supervisory Government Information Specialist, with an office at the Federal
20 Bureau of Prisons' Federal Medical Center Rochester. I am assigned to this FOIA case, although I am
21 assigned to a number of other FOIA cases in litigation. I am also assigned to FOIA matters that are not
22 in litigation, and other duties. I have personal knowledge of the facts herein, and if called upon to
23 testify, I could and would do so.

24 2. Counting this case, I have four FOIA cases in litigation. In the other three cases, there are
25 two cases where BOP is required to process 500 pages per month and one where BOP is required to produce
26 300 pages per month. There is a substantial difference between processing and producing records. By way
27 of example, there are approximately 80,000 pages of emails that BOP has gathered in response to Plaintiff's
28

1 FOIA Request No. 1. We expect that a substantial number of pages will be duplicates, nonresponsive
 2 documents, or exempt from disclosure, but BOP FOIA staff will have to review the pages to determine
 3 whether the emails are duplicates or not, are responsive or not, and are exempt from disclosure or not. BOP
 4 might have to process 4,000 pages of emails to find 1,000 pages that can be produced. For certain other
 5 categories of records, processing 1000 pages would result in up to 1000 pages produced.

6 3. BOP receives between 6,695 and 4,403 FOIA requests per fiscal year, as set forth below:

7 Fiscal Year	Number Received
8 FY 2024	5936
9 FY 2023	4403
10 FY 2022	6170
11 FY 2021	6865
12 FY 2020	7433
13 FY 2019	6695

14 4. BOP also created a process and implemented in 2020 after the COVID pandemic began,
 15 which improved attorneys' access to their clients' medical records. Attorneys who submit a request for their
 16 client's medical records in support of motions for compassionate release and requests for home confinement
 17 usually receive the inmate's past two years of medical records within twenty-four hours of requesting them.
 18 FOIA staff manage and respond to these requests, which are processed outside of FOIA and not included in
 19 BOP's FOIA statistics. Between May and December of 2020, FOIA staff spent in excess of 100 hours a
 20 week responding to these requests. By September 2021, staff was still spending approximately 50 hours a
 21 week performing these responsibilities. Currently, staff spend approximately 20 hours a week responding to
 22 requests from attorneys for medical records. Since May 2020, BOP has responded to well over 6,000
 23 requests for medical records and released in excess of 1,000,000 pages of records, none of which are
 24 included in BOP's annual FOIA numbers. BOP continues this process separate from FOIA to this day.

25 5. BOP currently has a total of twenty-two FOIA staff. On February 28, 2025, three FOIA staff
 26 are retiring including the FOIA Chief. Of the remaining nineteen staff, nine (one supervisor and eight
 27 Government Information Specialists ("GIS")) are assigned to the Administrative and Intake Team ("AIT").
 28 Two staff on the AIT are new hires and in training and one is retiring in May 2025. The AIT is responsible

1 for receiving and evaluating all FOIA requests sent to BOP to determine appropriate courses of action, e.g.,
2 perfected request ready for data entry or unperfected request requiring more information from the requester.
3 For perfected requests, the AIT is responsible for creating the entry in the FOIAXpress database. The AIT
4 sends acknowledgment letters to requesters which provide the tracking number assigned to their request and
5 contact information should they have any questions. The AIT also identifies the records custodian for each
6 request and sends requests for responsive records to each custodian. Upon return of responsive records, the
7 AIT reviews the records ensuring all aspects of the request have been addressed. If records pertaining to
8 some aspects of the request were not provided, the AIT follows up with the records custodian to ensure
9 complete and thorough searches are accomplished. AIT also uploads all documents responsive to a request
10 into the FOIAXpress database. The AIT is also responsible for responding to status inquiries received via
11 email or on BOP's FOIA public telephone number. Finally, the AIT is responsible for managing the requests
12 processed outside of FOIA described in paragraph 4. As such, AIT rarely processes FOIA requests as that is
13 not their main area of responsibility. Of the remaining ten staff, eight are assigned to the Processing and
14 Litigation Team ("PLT"), which I supervise. Of the seven GISs, three are new hires and in training. The
15 PLT is responsible for the actual processing of all records responsive to BOP FOIA requests. Processing
16 includes page by page, line by line reviews of every document. When information is identified as exempt
17 from release, the PLT applies the appropriate exemption(s) and upon review of all records, prepares a
18 determination letter which identifies the scope of the records, status of the records (number released in full,
19 etc.), any exemptions applied and appeal rights to the Office of Information Policy of the Department of
20 Justice. Thereafter, the request is sent to a supervisor or attorney for final review prior to release. After the
21 final review process is complete, the PLT makes the production of the records and the determination letter to
22 the requester. The PLT provides litigation support to agency attorneys for all lawsuits regardless of
23 circumstances leading to the filing of litigation. For example, if the AIT determined a requester failed to
24 submit appropriate consent to release information and the requester filed a lawsuit regarding that decisions,
25 the PLT is responsible for assisting the agency attorney. Assistance also includes meeting court ordered
26 production schedules and assisting in drafting declarations and *Vaughn* indexes. As of March 1, 2025, in
27 addition to my supervisory duties of the PLT, I will be the Acting FOIA Chief for an indefinite period of
28 time. The remaining two staff are attorneys responsible for reviewing processed FOIA requests and are

1 agency counsel for FOIA litigation. Because of the hiring freeze impacting all Executive Branch agencies,
2 BOP will be unable to replace the recently retired staff in the near future. In a year with 5,000 FOIA
3 requests, that would average 625 requests per each of the eight staff members of the PLT.

4 6. I understand that Plaintiff wants BOP to release 5000 deduplicated pages per month. As
5 of February 19, 2025, BOP has over 6300 open requests with 6099 currently backlogged. Plaintiff's
6 request is 5028 out of the 6395 open requests. In order to reach the 5000 deduplicated pages per month
7 Plaintiff is requesting, the 5027 requests older than Plaintiff's request would have to be placed on an
8 indefinite hold as the majority of the Processing and Litigation Team's limited resources would have to
9 be devoted to processing records to meet Plaintiff's 5000 deduplicated page production request. While it
10 would strain resources, BOP could *process* 1000 pages each month. As noted above, processing 1000
11 pages does not necessarily equate to production of 1000 pages.

12 7. I understand that Plaintiff seeks an order requiring the production of responsive records
13 "in its native format, retaining its unique file characteristics, name and metadata in the past productions,
14 and future productions." BOP's release of 568 pages of records on December 20, 2024 was provided in
15 native format, as these documents were downloaded from PDFs on National Archives website. BOP's
16 second release had a cover letter identifying the applicable codes, and included print outs from various
17 databases and released the documents together as it is easy to see which record is which, and the
18 redactions are clearly marked on the pages with redactions. The second release was also made in native
19 format, as the Sentry database results automatically convert to PDFs upon downloading so results
20 cannot be produced in any other manner.¹ When responsive records are located and uploaded into the
21 FOIAXpress database for processing, the system automatically combines documents into one large file,
22 even if each document was initially uploaded individually. The only way to ensure individuality of
23 records is to create a folder in the database for each document and upload the document to its respective
24 folder one at a time. Even if an individual folder was created for each document, the only way to ensure
25 separation of each document for production is to also download and save it individually. To be clear,
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27 ¹ SENTRY is the Bureau's national database which tracks various data regarding an inmate's
28 confinement, including, but not limited to, an inmate's institutional history, sentencing information, participation
in programs, administrative remedies/grievances, and discipline history.

1 different categories of responsive records are separated into individual folders in the database for
2 organization. However, creating separate folders, downloading and saving separate folders for each and
3 every individual record would increase processing time tenfold.

4 8. The categories of documents requested by Plaintiff include immigration, health, and
5 mental health records, which BOP will have to redact to protect the privacy of former inmates who
6 presumably would not want their immigration, health, and mental health records made public. Many
7 other requests seek information that would have the names of inmates and/or non-forward facing BOP
8 staff that would be redacted to protect privacy. Unlike litigation where there can be a protective order or
9 an ability to seal records, records released under FOIA become fully public documents.

10 9. I understand Plaintiff is seeking an order requiring the filing of monthly status reports
11 about what is released and what is withheld, and on what basis. I also understand Plaintiff is seeking an
12 order requiring the preparation of a *Vaughn* index. Each document production includes a determination
13 letter identifying the portion of the request the records are responsive to; the total number of pages
14 processed, released in full, released in part, withheld in full, identified as duplicative; and the
15 exemptions applied. While perhaps not as detailed as a *Vaughn* index, each determination letter provides
16 Plaintiff a general accounting and status of the records sufficient to track progression of production so
17 BOP can focus its limited resources on continued gathering, processing and producing documents.

18 I declare under penalty of perjury that the foregoing is true and correct. Executed this 21st day
19 of February, 2025 at Rochester, Minnesota.

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21 
22 KARA CHRISTENSON