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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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17  
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 nineteen FOIA staff. Prior to February 28, 2025, BOP had a  
 26 total of twenty-three FOIA staff. On February 28, 2025, four FOIA staff retired including the FOIA Chief.  
 27 Of the remaining nineteen staff, nine (one supervisor and eight Government Information Specialists ("GIS"))  
 28 are assigned to the Administrative and Intake Team ("AIT"). Two staff on the AIT are new hires (hired

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

1 duties of the PLT, I am the Acting FOIA Chief for an indefinite period of time. The remaining two staff are  
2 attorneys responsible for reviewing processed FOIA requests and are agency counsel for FOIA litigation.  
3 Because of the hiring freeze impacting all Executive Branch agencies, BOP will be unable to replace the  
4 recently retired staff in the near future. In a year with 5,000 FOIA requests, that would average 625 requests  
5 per each of the eight staff members of the PLT.

6 6. I understand that Plaintiff wants BOP to release 5000 deduplicated pages per month. As  
7 of February 19, 2025, BOP has over 6800 open requests with 6369 currently backlogged. Plaintiff's  
8 request is 4996 out of the 6837 open requests. In order to reach the 5000 deduplicated pages per month  
9 Plaintiff is requesting, the 4995 requests older than Plaintiff's request would have to be placed on an  
10 indefinite hold as the majority of the Processing and Litigation Team's limited resources would have to  
11 be devoted to processing records to meet Plaintiff's 5000 deduplicated page production request. While it  
12 would strain resources, BOP could *process* 1000 pages each month. As noted above, processing 1000  
13 pages does not necessarily equate to production of 1000 pages.

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

1 folder one at a time. Even if an individual folder was created for each document, the only way to ensure  
2 separation of each document for production is to also download and save it individually. To be clear,  
3 different categories of responsive records are separated into individual folders in the database for  
4 organization. However, creating separate folders, downloading and saving separate folders for each and  
5 every individual record would increase processing time tenfold. I understand Plaintiff is concerned about  
6 the manner of production of property claims not being produced in native format as individual  
7 documents where not separated and produced individually by claim. To manage all aspects of every  
8 administrative tort claim, including property claims, received BOP utilizes a case management database  
9 known as Content Manager-Administrative Tort (CM-AT). When a tort claim is received by BOP, it is  
10 entered into CM-AT, which is the official BOP system of record for all tort claims received. Any and all  
11 documents related to the tort claim, including the tort claim itself and attachments, investigation  
12 documentation, recommendations and final response letter to the claimant, are scanned into CM-ATC in  
13 pdf format and maintained therein. To retrieve an entire tort claim packet, the case documents are  
14 downloaded as a .zip file. When the documents contained in the .zip file are extracted, they extract as a  
15 pdf file. As noted above, to download each item individually from CM-AT, then upload each item  
16 individually into FOIAXpress, process the records, and download them individually from FOIAXpress  
17 for production would take an unreasonable amount of time. In addition, the first page of each tort claim  
18 package is a letter acknowledging BOP's receipt of the claim. The acknowledgement letter identifies  
19 specifically the date the claim was received. Even though claims have varying numbers of pages of  
20 documents, every claim has an acknowledgement letter containing a received date. To determine the  
21 first page of the next claim, simply identifying the received date allows Plaintiff to differentiate one  
22 claim from another.

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

