UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

VICTORIA LAW,

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS,

Defendant.

Case No. 3:24-CV-06628-AGT

DECLARATION OF KARA CHRISTENSON

I, Kara Christenson, declare as follows:

1. I am employed by the United States Department of Justice, Federal Bureau of Prisons ("BOP" or "Bureau"), as a Supervisory Government Information Specialist ("SGIS") for the BOP's Central Office in Washington, D.C. I am assigned to this FOIA case, as well as several other FOIA cases currently in litigation. I am also assigned to FOIA matters not in litigation, and have numerous other duties within the BOP's FOIA and Privacy Act section, including, but not limited to, serving as the database application administrator, a second level FOIA request reviewer, the contracting officer representative for database migration and related services procurement, BOP's FOIA Public Liaison, Office of Government Information Services Contact; supervising 16 staff; meeting annual and quarterly reporting requirements; and responding to GAO and OIG audit inquiries. I have personal knowledge of the facts herein, and, if called upon to testify, I could and would do so.

2. Counting this case, I have eleven FOIA cases in litigation. The cases I am currently responsible for processing and providing litigation support for wherein the BOP is subject to monthly production orders are as follows:

- *Jefferis v. BOP*, Civil Action No. 4:24-cv-30620-JMD (D. Neb.), 300 produced pages/month

- *Office of the Federal Public Defender, Middle District of Tennessee v. United States Department of Justice, et al.*, Civil Action No. 1:23-cv-035000-AHA (D.D.C.), 500 pages reviewed/month
- *Human Rights Defense Center v. BOP*, Civil Action No. 1:25-cv-02495-JMC (D.D.C.), 500 pages reviewed/month
- *Democracy Defenders Fund v. U.S. Department of Justice*, Civil Action No. 1:25-cv-02791-CKK, (D.D.C.) monthly production to begin shortly – 500 pages reviewed/month
- *ACLU of Pennsylvania v. United States Immigration and Customs Enforcement, Federal Bureau of Prisons*, Civil Action No. 2:26-cv-02690-MRP (E.D. Pa.), 500 pages reviewed/month
- *National Association of Criminal Lawyers v. Federal Bureau of Prisons, et al.*, Civil Action No. 1:18-cv-02399-JMC (D.D.C.), 50 pages produced/month – technical manual involving high value asset requiring multiple review levels and approvals

Additionally, I am responsible for processing and providing litigation support in the following cases.

- *Louisiana Capital Assistance Center v. Federal Bureau of Prisons*, Civil Action No. 1:20-cv-02086-TSC (D.D.C.) monthly production rate varies
- *Leopold v. U.S. Department of Justice, et al.*, Civil Action No. 1:25-cv-04398-CKK (D.D.C.)
- *Indiana Federal Community Defenders* v. U.S. Department of Justice, et al., Civil Action No. 1:22-00994-LAU (D.D.C.)
- *Indiana Federal Community* Defenders v. U.S. Department of Justice, et al., Civil Action No. 1:22-00997-RC (D.D.C.)

There is a substantial difference between processing and producing records. By way of example, there are approximately 80,000 pages of emails that BOP has gathered in response to Plaintiff's FOIA Request No. 1. After deduplication, that number has been reduced to 49,000 pages. The 49,000 pages still contain near duplicate pages, however. We expect that a substantial number of the remaining pages will be either near duplicate pages, nonresponsive records, or records that are exempt from disclosure. Nevertheless, I must review each page to determine, first, whether the emails are near duplicate pages and, if not, whether

they are responsive or not, and, if so, are exempt from disclosure or not. Through this process, I might process 4,000 pages of emails to find 1,000 produceable pages. For certain other categories of records, processing 1000 pages would result in up to 1000 pages produced.

3. BOP receives between 8,729 and 4,403 FOIA requests per fiscal year, and closes between 8576 and 4231 requests per fiscal year, as set forth below:

Fiscal Year	Number Received	Number Closed
FY 2026	8729	8576
FY 2025	8097	6655
FY 2024	5936	6324
FY 2023	4403	4231
FY 2022	6170	5361
FY 2021	6865	6292
FY 2020	7433	6077
FY 2019	6695	5629

4. In 2020, BOP created and implemented a process after the COVID pandemic began, which improved attorneys' access to their clients' medical records. Attorneys who submit a request for their client's medical records in support of motions for compassionate release and requests for home confinement usually receive the inmate's past two years of medical records within twenty-four hours of requesting them. FOIA staff manage and respond to these requests, which are processed outside of FOIA and are not included in BOP FOIA statistics. Between May and December of 2020, FOIA staff spent in excess of 100 hours a week responding to these requests. By September 2021, staff were still spending approximately 50 hours a week performing these responsibilities. Currently, staff spend approximately 40 hours a week responding to requests from attorneys for medical records. Since May 2020, BOP has responded to well over 10,000 requests for medical records and released in excess of 2,000,000 pages of records. Between May 2020 and March 2025, attorney requests for medical records were not included in BOP's annual FOIA numbers.

5. BOP currently has a total of twenty-one FOIA staff consisting of two Supervisory Government

Information Specialists ("GIS"); one Supervisory Attorney; 16 GISs; and three staff attorneys. Of the 16 GISs, two are new hires in the last 90 days and five are new hires in the last 18 months. Of the three staff attorneys, two are new hires. Seven full time equivalent GISs are assigned to the Administrative and Intake Team ("AIT"). The AIT is responsible for receiving and evaluating all FOIA requests sent to BOP to determine appropriate courses of action, e.g., perfected request for data entry or unperfected request requiring more information from the requester. For perfected request, the AIT is responsible for creating the entry in the FOIAXpress database. The AIT sends acknowledgment letters to requesters which provide the tracking number assigned to their request and contact information should they have any questions.

6. The AIT also identifies the records custodian for each request and sends requests for responsive records to each custodian. Upon return of responsive records, the AIT reviews the records ensuring all aspects of the request have been addressed. If records pertaining to some aspects of the request were not provided, the AIT follows up with the records custodian to ensure complete and thorough searches are accomplished. AIT also uploads all documents responsive to a request into the FOIAXpress database. The AIT is also responsible for responding to status inquiries received via email or on BOP's FOIA public telephone number. Finally, the AIT is responsible for managing the medical records requests as described in paragraph 4. Outside of attorney medical records requests, the AIT processes limited FOIA requests as that is not their main area of responsibility. I provide adjunct supervision for the AIT.

7. The remaining nine GISs are assigned to the Processing and Litigation Team ("PLT"), which I directly supervise. The PLT staff is responsible for the actual processing of all records responsive to BOP FOIA requests. Processing includes page by page, line by line reviews of every document. When information is identified as exempt from release, the PLT applies the appropriate exemption(s) and, upon review of all records, prepares a determination letter which identifies the scope of the records, status of the records (number of released in full, etc.), any exemptions applied and appeal rights to the Office of Information Policy of the Department of Justice. Thereafter, the request is sent to a supervisor or attorney for final review prior to release. After the final review process is complete, the PLT makes the production of the records and sends the determination letter to the requester. The PLT provides litigation support to agency attorneys for all lawsuits regardless of circumstances leading to the filing of litigation. For example, if the AIT determined a requester failed to submit appropriate consent to release information

and the requester filed a lawsuit regarding that decision, the PLT is responsible for assisting the agency attorney. Assistance also includes meeting court ordered production schedules and assisting in drafting declarations and *Vaughn* indexes. As of March 1, 2025, in addition to my supervisory duties of the PLT, I am the Acting FOIA Chief for an indefinite period of time. The remaining four staff are attorneys responsible for reviewing processed FOIA requests and serving as agency counsel assisting the various United States Attorneys' Offices in responding to FOIA litigation involving BOP FOIA requests. The average number of requests closed between 2019 and 2026 is 6672, which results in an average individual GIS processing rate of 607[1] requests per fiscal year. This number does not include any monthly production requirement that a GIS may have for FOIA litigation that they are assigned to.

8. I understand that Plaintiff wants BOP to process records in this case at a rate greater than the 1,000 pages per month Ordered by this Court. As of October 14, 2026, BOP has over 7,6000 open FOIA requests with 7,068 FOIA requests currently backlogged. Plaintiff's FOIA request that is the subject of the instant FOIA appeal is 3,318 out of the 7,625 open FOIA requests. Implementing a page review requirement in excess of 1,000 pages per month processed as previously Ordered by this Court would result in diverting a disproportionate share of agency resources from responding to a myriad of other FOIA requests, many of which were submitted months if not years earlier than Plaintiff's, to a single FOIA requester.

9. As noted above, during Fiscal Year 2025 alone, BOP received over 8,000 new FOIA requests. Unfortunately, Fiscal Year 2025 also contained a lengthy government shutdown. BOP's FOIA and Privacy Act section is still recovering from the backlog created by that shutdown. At midnight on September 30, 2025, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. Myself, along with the rest of BOP's entire FOIA staff were furloughed due to the lapse of appropriations and, thus, were unable to work on any FOIA matters without violating the Anti-Deficiency Act. Appropriations for the Department of Justice were not restored until the night of November 12, 2025, and the first day back at work for me and the entire FOIA staff was November 13, 2025. Upon returning to the office, BOP had received more than 1,900 emails during the

[1] To account for the overwhelming majority of processed requests, including attorney medical records, 11 full-time equivalent GISs were used to determine the average number of requests per GIS processor.

lapse in appropriations, requiring all FOIA staff to assist in reviewing and taking appropriate action on those emails. As of the date of this declaration, the impact of that 43-day government shutdown, which shutdown FOIA completely, remains felt.

10. In addition to the demands of processing new and backlogged FOIA requests, BOP has experienced a steady increase in FOIA litigation. Presently, BOP has 68 active litigation cases.

11. Currently, I am the only GIS assigned to process records in this case. That is the normal practice in our agency's FOIA and Privacy Act section. One GIS is assigned to each litigation matter. This is done first and foremost because we simply do not have the staffing to assign more than one GIS to any one litigation matter. There is another important reason for having only one GIS assigned to any one litigation matter, however, and that is consistency in how the records are processed and any exemptions are applied.

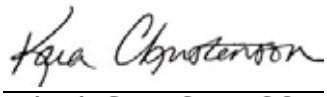
12. In this particular case, consistency in processing of the records released and application of the exemptions applied is particularly important. There is ongoing litigation – both civil and criminal – related to FCI Dublin. Although I am not a part of the litigation team in either the criminal or civil litigation, I would assume that there either is or will be discovery in those cases. Records released in this case without the proper protection provided by FOIA and the Privacy Act could potentially have very negative impacts on any ongoing criminal and civil litigation related to events that transpired at FCI Dublin during the time period implicated by Plaintiff's FOIA request.

13. While I am currently the only GIS assigned to process records in this case, BOP's Privacy and FOIA Act section was able to hire one new staff member who will be assigned to assist me in processing records in this case starting in early 2027. In my view, having another GIS processing records simultaneously with me in a case where the records are also implicated by ongoing criminal and civil litigation is far from optimal. Nevertheless, given the insistence that the records responsive to Plaintiff's very broad FOIA request be produced in a far shorter time than would normally be the case for such a broad request and given my other court-ordered monthly requirements and other responsibilities within the FOIA section, there is no way that I can consistently maintain the 1m000 page per month review schedule established by the Court herein without assistance.

14. I understand that Plaintiff is also seeking an order requiring the filing of monthly status reports

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

I declare under penalty of perjury that the foregoing is true and correct. Executed this 15th day of October, 2026 at Rochester, Minnesota.



KARA CHRISTENSON