

EXHIBIT 12



June 1, 2020

Bobak Talebian
Director, Office of Information Policy
U.S. Department of Justice
441 G St. NW, 6th Floor
Washington, DC 20530
Submitted through OIP FOIA STAR portal

Dear Director Talebian:

This is an appeal of the denial of a FOIA request submitted to the Bureau of Prisons by the Indiana Federal Community Defenders (IFCD), Request No. 2020-02562.

Request No. 2020-02562 seeks records pertaining to any attempted or completed escape(s) from MDC Los Angeles reported or discovered between January 1, 2001 and December 31, 2007. In a letter dated March 4, 2020, Regional Counsel Dennis Wong indicated that the BOP was unable to identify records responsive to this request.

However, IFCD is aware that an escape attempt was reported or discovered on March 7, 2003; that it was investigated under Incident Report Number 1109924; and that on July 18, 2003, a hearing officer found that an attempted escape was committed. Moreover, individuals were federally prosecuted for this escape attempt. Two individuals prosecuted for this escape attempt, Juri Kadamovas and Iouri Mikhel, received the death penalty for crimes tried as part of the same federal trial as the escape attempt. The convictions did not become final until October 7, 2019. Consequently, IFCD believes there are potentially still records in the BOP's possession related to this escape attempt, which would be responsive to its request.

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And because there are potentially records in the BOP's possession related to that particular escape attempt, IFCD believes there may be other records responsive to its request, and that the BOP's search for records was inadequate.

Moreover, even if some records that would have been responsive to this request may have been destroyed pursuant to the BOP Retention and Information Disposition Schedule (RIDS), it seems likely that some records responsive to this request would have been needed for investigative purposes or legal evidence more recently, and would not have been destroyed. This further leads the IFCD to believe that the BOP's search was inadequate.

Sincerely,

s/ F. Italia Patti

Italia Patti

Assistant Federal Defender

Indiana Federal Community Defenders

Attachments:

FOIA Request from IFCD

FOIA Denial Letter from BOP