

# **Exhibit 1**



December 22, 2022

**VIA PRIORITY MAIL**

FOIA Officer  
U.S. Customs and Border Protection  
90 K Street, NE MS 1181  
FOIA Division  
Washington, DC 20229

**RE: Freedom of Information Act Request**

To Whom it May Concern:

This letter is written pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. §552. We make this FOIA request on behalf of our client, Raul Gutierrez. At all times relevant to the processing of this request, Mr. Gutierrez should be considered as the FOIA requester. Mr. Gutierrez's date of birth is October 7, 1984, and holds Arizona Driver's License no.: D00988376.

FOIA requires federal agencies to make requested records promptly available to any person as long as the request reasonably describes the records and complies with the agency's published rules. *See* 5 U.S.C. § 552(a)(3)(A). A request reasonably describes the records sought "if it enables a professional agency employee familiar with the subject area to locate the record with 'a reasonable amount of effort.'" FREEDOM OF INFORMATION AND PRIVACY ACT OVERVIEW, Office of Information and Privacy, U.S. Department of Justice, page 20 (1995); *see also* DOD FREEDOM OF INFORMATION ACT HANDBOOK, page 3.

The term 'Agency' as used below refers to U.S. Customs and Border Protection, its bureaus, employees, agents, representatives, sub-agencies and all persons acting on its behalf, including Customs & Border Protection, Border Patrol, and any and all Internal Affairs and Office of Professional Responsibility components of the same.

On July 23, 2022, United States Border Patrol agents performed a traffic stop on a 2021 red Chevrolet Silverado, Arizona license plate ROM301, VIN No.: 3GPYCEF0MG131100, being driven by Raul Gutierrez.

Specifically, United States Border Patrol Agent Soule performed a traffic stop on Mr. Gutierrez's vehicle Near Avenue B and the border road in Yuma County, which is within the United States Border Patrol's Yuma Sector. The GPS coordinates for the traffic stop are approximately 32.4451215, -114.6481936. Upon information and belief, Agent Soule is assigned to the Wellton Station.

Within a minute or two, four other Border Patrol agents arrived at the traffic stop, one of which was a K9 agent. During the traffic stop, Border Patrol Agents searched Mr. Gutierrez's vehicle, and accused Mr. Gutierrez of picking up an undocumented person in his truck.

On July 25, 2022, Hank Williams, who is Mr. Gutierrez's supervisor, contacted Wellton Station Supervisory Border Patrol Agent (SBPA) Casey Roloff regarding Agent Soule's traffic stop. SBPA Roloff told Mr. Williams that he was aware of the traffic stop.

On August 2, 2022, Mr. Gutierrez learned that his Senti Trusted Traveler Pass, PASSID:158399587, had been revoked. In communication with the Department of Homeland Security, which administers the Senti program, Mr. Gutierrez was informed that his Senti pass was revoked because of "a report of possible involvement in human trafficking."

In accordance with the FOIA statute, Mr. Gutierrez requests copies of the following documents and materials:

1. All I-44 reports regarding or referencing Mr. Gutierrez generated as a result of Border Patrol's traffic stop and investigation on July 23, 2022.
2. All I-94 or I-94W forms regarding or referencing Mr. Gutierrez generated as a result of Border Patrol's traffic stop and investigation on July 23, 2022.
3. All Intelligence Information Reports (IIRs), Significant Incident Reports (SIRs), or any other general intelligence form or brief prepared by any Agency employee regarding Mr. Gutierrez and/or the July 23, 2022, traffic stop and investigation referenced above.
4. All audio and/or video recordings, including Body Worn Camera footage, of the July 23, 2022, traffic stop and investigation referenced above.
5. All Remote Video Surveillance System (RVSS) or Integrated Fixed Tower (IFT) video of the July 23, 2022, traffic stop and investigation referenced above.
6. All RVSS or IFT video which led to or caused Agent Soules to initiate the July 23, 2022, traffic stop and investigation referenced above.
7. Any Agency employee email communications regarding the July 23, 2022, traffic stop and investigation referenced above.
8. Any memorandum prepared by any Agency employee regarding the July 23, 2022, traffic stop and investigation referenced above.

9. Radio dispatch recordings and/or written dispatch logs regarding the July 23, 2022, traffic stop and investigation referenced above.

10. Any recordings, notes, or summaries of any telephone or radio communications, or telephonic communications, including cell phone or dispatch logs to or between the Border Patrol Agents concerning or regarding the July 23, 2022, traffic stop and investigation referenced above.

11. Produce any Treasury Enforcement Communication System (TECS) records, entries, or alerts for Mr. Gutierrez from July 23, 2022 to December 20, 2022.

12. Produce any Treasury Enforcement Communication System (TECS) records, entries, or alerts for a 2021 red Chevrolet Silverado, Arizona license plate ROM301, VIN No.: 3GPYCEF0MG131100 from July 23, 2022, to December 20, 2022.

13. Produce any Arizona Criminal Justice Information System (ACJIS) records, entries, or alerts for Mr. Gutierrez from July 23, 2022, to December 20, 2022.

14. Produce any Arizona Criminal Justice Information System (ACJIS) records, entries, or alerts for a 2021 red Chevrolet Silverado, Arizona license plate ROM301, VIN No.: 3GPYCEF0MG131100 from July 23, 2022, to December 20, 2022.

15. Any records, entries, or alerts from any Agency database used by employees at the Ports of Entry including, but not limited to, Simplified Arrival or Unified Secondary (USEC), regarding Mr. Gutierrez.

To the extent it would expedite the processing of the request, please omit duplicate emails. Mr. Gutierrez also asks that you process only the “final” iteration of a given email thread. For instance, if each email thread contains 10 individual emails, we are only seeking the fully expanded last email of that thread (or conversation) that would show the entire conversation or email correspondence that have led up to the final email within the thread.

FOIA sets out the required records an agency must make available for public inspection and copying. *See* 5 U.S.C. § 552(a)(2)(A)-(E). These records include final opinions and orders made in the adjudication of cases; statements of policy and interpretations adopted by the agency; administrative staff manuals and instructions to staff that affect the public; and copies and a general index (unless the copies are offered for sale) of all records that have been released to another requesting party and that the agency determines are or are likely to become a subject of subsequent requests. *Id.*

Please reply to this request within 20 working days, or as required by statute. 5 U.S.C. § 552(a)(6)(A)(i).

If the agency fails to provide the requested documents that are neither exempted nor excluded under § 552(b) or § 552(c), the requester is deemed to have exhausted his

administrative remedies with respect to his request and may file a complaint with the United States District Court. *See* 5 U.S.C. § 552(a)(4)(B), (6)(C)(i). The District Court has jurisdiction to enjoin the agency from withholding records and to order the agency to produce such records improperly withheld. *Id.* The statute places the burden on the agency to sustain its failure to provide the requester with the records. *Id.* If the requesting party prevails, the court may assess against the agency any attorney fees and costs that were reasonably incurred. *See* 5 U.S.C. § 552(a)(4)(C).

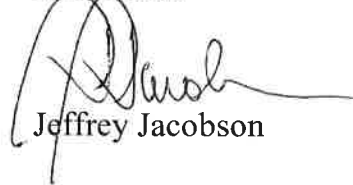
Please contact me if you need any clarification on the records requested. If you have an electronic means of providing this information, that would be acceptable. If copying is required, we will pay **reasonable** copying costs up to \$500. If you expect copying costs will exceed that amount, please contact me first.

Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government. Mr. Gutierrez is not seeking these records for commercial purposes.

Finally, if these records are not in your custody or control, please notify me as soon as possible and also state, in detail and to the best of your knowledge and belief, the reason for the absence of the records from your custody or control, the location of the records, and the identity of the person(s) now having custody or control of the records.

Very truly yours,

**JACOBSON LAW FIRM**



Jeffrey Jacobson

cc: Raul Gutierrez