
From: admin@foiaonline.gov <admin@foiaonline.gov>

Sent: Tuesday, December 17, 2019 1:43 PM

To: David Bier <DBier@cato.org>

Subject: FOIA Request CBP-2020-020423 Submitted

This message is to confirm your request submission to the FOIAonline application: [View Request](#). Request information is as follows:

- Tracking Number: CBP-2020-020423
- Requester Name: Mr. David Bier
- Date Submitted: 12/17/2019
- Request Status: Submitted
- Description: Please provide records indicating the following information (attached) regarding every individual employee who was employed at any point by Customs and Border Protection from fiscal years 2003 to 2020.

Exhibit 1

Please provide records indicating the following information (attached) regarding every individual employee who was employed at any point by Customs and Border Protection from fiscal years 2003 to 2020:

1. Date of hire
2. Agency of employment (Border Patrol, Office of Field Operation, etc.)
3. Location of employment (Border Patrol sector/Field Office/etc)
4. Current employment status (e.g. employed, not employed)
5. Date of separation
6. Reason for separation
7. Whether the employee was previously employed in law enforcement
8. Whether the employee was previously employed in the armed services
9. Termination for "disciplinary or performance issues" (Y/N)

DISCIPLINARY CASES NUMBERS

10. Number of
 - a. disciplinary cases opened
 - b. unsubstantiated allegations
 - c. required counseling
 - d. written reprimands
 - e. disciplinary suspensions (14 days or less)
 - f. memoranda of instruction
 - g. suspensions plus days in abeyance
 - h. probationary terminations
 - i. leave restrictions
 - j. last chance agreements
 - k. indefinite suspensions
 - l. adverse suspensions
 - m. "entire suspensions in abeyance"
 - n. demotions
 - o. written reprimand plus days in abeyance
 - p. reassignments
 - q. non-disciplinary settlements
 - r. deaths prior to decision
 - s. entire demotion and suspensions in abeyance
11. Number of disciplinary cases opened in
 - a. 2003
 - b. 2004
 - c. 2005
 - d. 2006
 - e. 2007
 - f. 2008
 - g. 2009

- h. 2010
- i. 2011
- j. 2012
- k. 2013
- l. 2014
- m. 2015
- n. 2016
- o. 2017
- p. 2018
- q. 2019
- r. 2020

ARREST NUMBERS

- 12. Prior to the employee's CBP employment, number of
 - a. criminal arrests of the employee
 - b. criminal convictions of the employee
- 13. During the employee's CBP employment, number of
 - a. criminal arrests of the employee
 - b. criminal convictions of the employee
 - c. felony criminal arrests of the employee
 - d. felony criminal convictions of the employee
 - e. Drug/Alcohol-Related Misconduct arrests of the employee
 - f. Domestic/Family Misconduct arrests of the employee
 - g. Assault arrests of the employee
 - h. Corruption arrests of the employee
 - i. Impeding the Criminal Justice System arrests of the employee
 - j. Property Crimes arrests of the employee
 - k. Traffic/Driving Misconduct arrests of the employee
 - l. Crimes Involving Children arrests of the employee
 - m. Threatening Behavior arrests of the employee
 - n. Weapons Violations arrests of the employee
 - o. White Collar Crime arrests of the employee
 - p. Sexual Misconduct Crime arrests of the employee
 - q. Rape arrests of the employee
 - r. violent crime arrests of the employee
 - s. mission-related misconduct arrests of the employee
 - t. homicide arrests of the employee
 - u. Number of criminal arrests of the employee in
 - i. 2003
 - ii. 2004
 - iii. 2005
 - iv. 2006
 - v. 2007
 - vi. 2008

- vii. 2009
- viii. 2010
- ix. 2012
- x. 2013
- xi. 2014
- xii. 2015
- xiii. 2016
- xiv. 2017
- xv. 2018
- xvi. 2019
- xvii. 2020

USE OF FORCE NUMBERS

14. Number of

- a. uses of force
- b. uses of firearms
- c. lethal uses of force
- d. allegations of excessive use of force
- e. allegations of civil rights abuses

COMPLAINTS

15. Number of complaints (regardless of type)

DRUG USE

16. Number of

- a. positive tests for drugs
- b. positive tests of marijuana

CBP publishes aggregate annual statistics containing much of the requested information but not individualized anonymized records. The linked report below, for instance, provides statistics on disciplinary cases, arrests, and uses of force. This report demonstrates that the agency does maintain these records in format amenable to aggregation and analysis

<https://www.cbp.gov/sites/default/files/assets/documents/2018-Oct/CBP-FY16-17-Public-Discipline-Report-508.pdf>

This request doesn't require any personally identifying information about CBP employees.

This request may be filled by an excel spreadsheet where the rows are each CBP employee employed by the agency, and the columns are each of the items on the list above.

Mr. David Bier

December 22, 2019

CBP-2020-020423

Dear Mr. David Bier:

This notice acknowledges receipt of your Freedom of Information Act (FOIA) request to U.S. Customs and Border Protection (CBP) received on 12/17/2019. Please use the following unique FOIA tracking number CBP-2020-020423 to track the status of your request. If you have not already done so, you must create a FOIAonline account at <https://foiaonline.gov>. This is the only method available to check the status of your pending FOIA request.

Provisions of the Act allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS FOIA regulations outlined on the DHS website, <https://www.federalregister.gov/documents/2016/11/22/2016-28095/freedom-of-information-act-regulations>. By submitting your request, you have agreed to pay up to \$25.00 in applicable processing fees, if any fees associated with your request exceed this amount, CBP shall contact you; however, the first 100 pages are free.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Consistent with 6 C.F.R. Part 5 §5.5(a) of the DHS FOIA regulations, CBP processes FOIA requests according to their order of receipt. Although CBP's goal is to respond within 20 business days of receipt of your request, FOIA does permit a 10-day extension of this time period in certain circumstances pursuant to 6 C.F.R. Part 5 §5.5(c).

CBP's FOIA Division is working hard to reduce the amount of time necessary to respond to FOIA requests. Currently, the average time to process a FOIA request related to "travel/border incidents" is a minimum of 3-6 months. We truly appreciate your continued patience.

For additional information please consult CBP FOIA website please click on [FOIA Act Resources](#) or visit <http://www.cbp.gov/site-policy-notice/foia>.

Sincerely,

U.S. Customs and Border Protection

From: David Bier
Sent: Thursday, August 24, 2023 3:13 PM
To: cbpfoiapublicliaison@cbp.dhs.gov
Subject: CBP-2020-020423

Can you please provide an estimated completion date for this FOIA request that is nearing its 4-year anniversary? Thank you.

David Bier
Associate Director
Immigration Studies
Cato Institute

CBP-2020-020423 Request Details

Request Details | Correspondence | Financing | Released Records | Appeals

Submitted | Evaluation | Assignment | Processing | Closed

Contact Information

Full Name	Mr. David Bier	Mailing Address Location	United States/US Territories
Organization		Address Line 1	
Email Address	dbier@cato.org	Address Line 2	
Phone Number		City	Washington
Fax Number		State/Province	DC
		Zip Code/Postal Code	20001

Request Information

Agency	U.S. Customs and Border Protection	Fee Category	Other
Will Pay Up To	\$0.01	Request Track	Complex
Date Submitted	12/17/2019	Request Phase	Processing
Estimated Date of Completion	01/23/2020	Final Disposition	Undetermined

Additional Information

Type of Records Requested	Media
On Behalf Of First	N/A
On Behalf Of Middle	N/A
On Behalf Of Last	N/A
Date of Birth	N/A

CBP-2020-020423 Request Details

Request Details | Correspondence | Financing | Released Records | Appeals

Submitted | Evaluation | Assignment | Processing | Closed

Released Records

Records released online have a hyperlink to open the record. When no hyperlink is provided, please contact the agency directly.

Showing 0 to 0 of 0 entries Show entries

Download	Title	Size (MB)	File Type	Release Date	Released As
No records have been released.					

Download Selected Download All Previous Next

From: no-reply@foiaonline.gov <no-reply@foiaonline.gov>
Sent: Tuesday, April 6, 2021 4:41 PM
To: David Bier <DBier@cato.org>
Subject: FOIA Request CBP-2021-050123 Submitted

CAUTION: External Email

This message is to confirm your request submission to the FOIAonline application: [View Request](#). Request information is as follows:

- Tracking Number: CBP-2021-050123
- Requester Name: Mr. David Bier
- Date Submitted: 04/06/2021
- Request Status: Submitted
- Description: Please provide records or documents for each case of an individual arrested, apprehended, or encountered by Customs and Border Protection who was:
 1. a "special interest alien";
 2. known or suspected terrorist; or
 3. Identified to be on any terrorist watch list or no fly list from FY 2009 to FY 2022:
 - Arresting agency (Either Office of Field Operations or Border Patrol)
 - Date and time of apprehension, arrest, or encounter
 - Date and time of release
 - Disposition of case (expedited removal, credible fear, etc)
 - Referred for prosecution to DOJ
 - Grounds for referring for prosecution
 - Sector or field office
 - Citizenship
 - Demographic
 - Juvenile or adult
 - Whether the alien has any criminal convictions
 - Whether the alien has a prior terrorism conviction
 - Whether the alien was a known or suspected terrorist
 - Whether the alien was a special interest alien
 - Whether the alien was on the FBI's Terrorist Watch List
 - Whether the alien was on the No Fly List
 - Whether the database match was a biometric or biographic match

This press release states that Border Patrol has records related to aliens identified on terrorist watch lists and can make locations, ages, dates, times, nationalities, and types of databases public.

<https://web.archive.org/web/20210405205825/https://www.cbp.gov/newsroom/local-media-release/two-yemeni-men-arrested-border-patrol-identified-fbi-s-terrorism-0>

This press release gives statistics on this phenomenon and states that "we stop on average 10 individuals on the terrorist watchlist per day from traveling to or entering the United States—and more than 3,700 in Fiscal Year 2017. ...DHS encountered more than 3,000 "special interest aliens."

<https://www.dhs.gov/news/2019/01/07/mythfact-known-and-suspected-terrorists-special-interest-aliens>

CBP maintains data on arrests of criminal aliens by type of offense:

<https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics/criminal-alien-statistics>

Exhibit 2

Mr. David Bier

04/07/2021

CBP-2021-050123

Dear Mr. David Bier:

This notice acknowledges receipt of your Freedom of Information Act (FOIA) request to U.S. Customs and Border Protection (CBP) received on 04/06/2021. Please use the following unique FOIA tracking number CBP-2021-050123 to track the status of your request. If you have not already done so, you must create a FOIAonline account at <https://foiaonline.gov>. This is the only method available to check the status of your pending FOIA request.

Provisions of the Act allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS FOIA regulations outlined on the DHS website, <https://www.federalregister.gov/documents/2016/11/22/2016-28095/freedom-of-information-act-regulations>. By submitting your request, you have agreed to pay up to \$25.00 in applicable processing fees, if any fees associated with your request exceed this amount, CBP shall contact you; however, the first 100 pages are free.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Consistent with 6 C.F.R. Part 5 §5.5(a) of the DHS FOIA regulations, CBP processes FOIA requests according to their order of receipt. Although CBP's goal is to respond within 20 business days of receipt of your request, FOIA does permit a 10-day extension of this time period in certain circumstances pursuant to 6 C.F.R. Part 5 §5.5(c). [As your request seeks documents that will require a thorough and wide-ranging search, CBP will invoke a 10-day extension for your request pursuant to 6 C.F.R. Part 5 §5.5(c). If you would like to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner.] **OR** [As your request seeks a voluminous amount of separate and distinct records, CBP will invoke a 10-day extension for your request pursuant to 6 C.F.R. Part 5 §5.5(c). If you would like to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner.] **OR** [As the subject matter of your request is of substantial interest to two or more components of CBP or of substantial interest to another agency, we will need to consult with those entities before we issue a final response. Due to these unusual circumstances, CBP will invoke a 10-day extension for your request pursuant to 6 C.F.R. Part 5 §5.5(c). If you would like to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner.]

CBP's FOIA Division is working hard to reduce the amount of time necessary to respond to FOIA requests. We truly appreciate your continued patience.

For additional information please consult CBP FOIA website please click on [FOIA Act Resources](#) or visit <http://www.cbp.gov/site-policy-notice/foia>.

Sincerely,

U.S. Customs and Border Protection

From: no-reply@foiaonline.gov <no-reply@foiaonline.gov>
Sent: Wednesday, April 7, 2021 10:20 AM
To: David Bier <DBier@cato.org>
Subject: FOIA 2021-050123

CAUTION: External Email

Mr. David Bier

04/07/2021

CBP-2021-050123

Dear Mr. David Bier:

This notice acknowledges receipt of your Freedom of Information Act (FOIA) request to U.S. Customs and Border Protection (CBP) received on 04/06/2021. Please use the following unique FOIA tracking number CBP-2021-050123 to track the status of your request. If you have not already done so, you must create a FOIAonline account at <https://foiaonline.gov>. This is the only method available to check the status of your pending FOIA request.

Provisions of the Act allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS FOIA regulations outlined on the DHS website, <https://www.federalregister.gov/documents/2016/11/22/2016-28095/freedom-of-information-act-regulations>. By submitting your request, you have agreed to pay up to \$25.00 in applicable processing fees, if any fees associated with your request exceed this amount, CBP

shall contact you; however, the first 100 pages are free.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Consistent with 6 C.F.R. Part 5 § 5.5(a) of the DHS FOIA regulations, CBP processes FOIA requests according to their order of receipt. Although CBP's goal is to respond within 20 business days of receipt of your request, FOIA does permit a 10-day extension of this time period in certain circumstances pursuant to 6 C.F.R. Part 5 § 5.5(c). [As your request seeks documents that will require a thorough and wide-ranging search, CBP will invoke a 10-day extension for your request pursuant to 6 C.F.R. Part 5 § 5.5(c). If you would like to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner.] **OR** [As your request seeks a voluminous amount of separate and distinct records, CBP will invoke a 10-day extension for your request pursuant to 6 C.F.R. Part 5 § 5.5(c). If you would like to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner.] **OR** [As the subject matter of your request is of substantial interest to two or more components of CBP or of substantial interest to another agency, we will need to consult with those entities before we issue a final response. Due to these unusual circumstances, CBP will invoke a 10-day extension for your request pursuant to 6 C.F.R. Part 5 § 5.5(c). If you would like to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner.]

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Sincerely,

U.S. Customs and Border Protection

Respectfully,

FOIA Division
U.S. Customs and Border Protection

From: David Bier <DBier@cato.org>
Sent: Friday, August 25, 2023 12:49 PM
To: CBP FOIA PUBLIC LIAISON <cbpfoiapublicliaison@cbp.dhs.gov>
Subject: FW: FOIA Tracking Number Change for request CBP-OFO-2021-050123 (to CBP-OC-2021-050123)

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. If you feel this is a suspicious-looking email, please report by using the Report Phish button option.

Can I get an estimated completion date for this request? Thanks!

David Bier
Associate Director
Immigration Studies
Cato Institute

From: no-reply@foiaonline.gov <no-reply@foiaonline.gov>
Sent: Wednesday, June 7, 2023 8:17 AM
To: David Bier <dbier@cato.org>
Subject: FOIA Tracking Number Change for request CBP-OFO-2021-050123 (to CBP-OC-2021-050123)

CAUTION: External Email

The FOIA request CBP-OFO-2021-050123 has had its Tracking Number changed to CBP-OC-2021-050123. This is normally due to the request being transferred to another agency (for example, EPA to Dept. of Commerce) or to a sub-agency to process it. Additional details for this request are as follows:

- Old Tracking Number: CBP-OFO-2021-050123
- New Tracking Number: CBP-OC-2021-050123
- Requester Name: Mr. David Bier
- Date Submitted: 04/06/2021
- Long Description: Please provide records or documents for each case of an individual arrested, apprehended, or encountered by Customs and Border Protection who was:
 1. a "special interest alien";
 2. known or suspected terrorist; or
 3. identified to be on any terrorist watch list or no fly list from FY 2009 to FY 2022:
 - Arresting agency (Either Office of Field Operations or Border Patrol)

- Date and time of apprehension, arrest, or encounter
- Date and time of release
- Disposition of case (expedited removal, credible fear, etc)
- Referred for prosecution to DOJ
- Grounds for referring for prosecution
- Sector or field office
- Citizenship
- Demographic
- Juvenile or adult
- Whether the alien has any criminal convictions
- Whether the alien has a prior terrorism conviction
- Whether the alien was a known or suspected terrorist
- Whether the alien was a special interest alien
- Whether the alien was on the FBI's Terrorist Watch List
- Whether the alien was on the No Fly List
- Whether the database match was a biometric or biographic match

This press release states that Border Patrol has records related to aliens identified on terrorist watch lists and can make locations, ages, dates, times, nationalities, and types of databases public.

https://url.avanan.click/v2/___https://web.archive.org/web/20210405205825/https://www.cbp.gov/newsroom/local-media-release/two-yemeni-men-arrested-border-patrol-identified-fbi-s-terrorism-0___YXAzOmNhdG9pbN0aXR1dGU6YTpvOjEwNTMxZGU1YzNiMjU5ODZjM2RmYTkxNGI0Y2NjZmVIOjY6NjUzYzpjYjAwMTdkOWJjNjFjOTUzMjkyOWI5NWEzNGU5Nzk4NjkzMzlyY2RlYjU0ODE4MTE4NTE1OGMwOWY5ODYyMWYzOnQ6VA

This press release gives statistics on this phenomenon and states that “we stop on average 10 individuals on the terrorist watchlist per day from traveling to or entering the United States—and more than 3,700 in Fiscal Year 2017. ..DHS encountered more than 3,000 “special interest aliens.”

https://url.avanan.click/v2/___https://www.dhs.gov/news/2019/01/07/mythfact-known-and-suspected-terroristsspecial-interest-aliens___YXAzOmNhdG9pbN0aXR1dGU6YTpvOjEwNTMxZGU1YzNiMjU5ODZjM2RmYTkxNGI0Y2NjZmVIOjY6NDI0Yzo0MTk5MjFIYmZkMmM3ZGE1M2ZkN2I4Yzg1Zjg1ODU4OWQ3NGNiNTJjNWRhZTBmN2RiN2UxYTA3ZWFiNGJkNjNkOnQ6VA

CBP maintains data on arrests of criminal aliens by type of offense:

https://url.avanan.click/v2/___https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics/criminal-alien-statistics___YXAzOmNhdG9pbN0aXR1dGU6YTpvOjEwNTMxZGU1YzNiMjU5ODZjM2RmYTkxNGI0Y2NjZmVIOjY6ZjNjMDoyYWM3MDBmYWNiNDFIMTg3MDUxODVkJkzMDYzNTY3MjVIZjM3ZTBIMDVjYWJmMGEzYTg4ODImNzUyZWMM2NThkOnQ6VA

From: CBP FOIA PUBLIC LIAISON <cbpfoiapublicliaison@cbp.dhs.gov>

Sent: Monday, August 28, 2023 11:50 AM

To: David Bier <DBier@cato.org>

Subject: RE: FOIA Tracking Number Change for request CBP-OFO-2021-050123 (to CBP-OC-2021-050123)

CAUTION: External Email

Thank you for your inquiry on the status of this request. Your request is currently in process, and we do not have a status update or timeline as of this email.

Current statistics that may be responsive to your request are located at: <https://www.cbp.gov/newsroom/stats>

You also have the option to submit a FOIA request other agencies that may collect the information you have requested. For example:

<https://www.ice.gov/investigations/terrorism-national-security-threats#:~:text=HSI%20International%20Operations%20oversees%20the,suspect%20individuals%20via%20mobile%20biometric>

Please note that FOIA is not a search mechanism. Records must be described in reasonably sufficient detail to enable government employees who are familiar with the subject area to locate records without placing an unreasonable burden upon the agency. For this reason, §5.3(b) of the DHS regulations, 6 C.F.R. Part 5, require that you describe the records you are seeking with as much information as possible to ensure that our search can locate them with a reasonable amount of effort.

The FOIA does not require an agency to create new records, answer questions posed by requesters, or attempt to interpret a request that does not identify specific records.

However, you may make requests for CBP statistics and summaries through the CBP Public Data Portal at: <https://www.cbp.gov/newsroom/stats/cbp-public-data-portal>

Respectfully,

FOIA Division
U.S. Customs and Border Protection