



**U.S. Customs and
Border Protection**

JUN 26 2008

Shirin Sinnar, Staff Attorney
Asian Law Caucus
939 Market Street, Suite 201
San Francisco, CA 94103

**Re: FOIA Request H025725; Asian Law Caucus and the Electronic Frontier
Foundation; CBP Policies and Procedures on Questioning and Searches**

Dear Ms. Sinnar:

This is the first interim response to your Freedom of Information Act (FOIA) request to U.S. Customs and Border Protection (CBP), dated October 31, 2007, seeking policies and procedures on: 1) the questioning of travelers and 2) inspections and searches of travelers' property.

A search of CBP headquarters offices for documents responsive to your request initially produced sixteen documents consisting of a total of 190 pages. Additional documents have been located and are being processed. We will provide them to you as soon as possible.

Of those 190 pages, I have determined that 168 pages of the records are releasable in their entirety and 22 pages are releasable in part with redactions pursuant to Title 5 U.S.C. § 552 (b)(2)(high), (b)(2)(low) and (b)(7)(E) (FOIA Exemptions 2(high), 2(low) and b7(E)). No pages have been withheld in their entirety.

Specifically, the following documents are being released in their entirety: The Department of Homeland Security's Commitment to Race Neutrality in Law Enforcement Activities, Personal Search Handbook, CBP Directive 3340-006A Procedures for Examining Documents and Papers, CBP Directive 3340-006 Review, Copying and Seizure of Documents (superseded), CBP Directive 2210-001A Restrictions on Importation of Seditious Matters, CBP Directive 2210-001 Restrictions on Importation of Seditious Matters (superseded) and Sections 15 (r), 17.8, 17.18 and 18.6 of the Inspectors Field Manual (IFM).

Specifically, the following documents are being released with certain information redacted pursuant to Title 5 U.S.C. § 552 (b)(2) and (b)(7)(E): CBP Directive 3340-030A Secure Detention Procedures at Ports of Entry, CBP Officer Basic Training, CBP Directive 3340-021B Responding to Potential Terrorists Seeking Entry into the United States, CBP Directive 3340-021A Responding to Potential Terrorists Seeking Entry into the United States (superseded) and Section 17.15(d) and Appendix 15-9 of the IFM.

Enclosed are 190 pages with certain information withheld as described below.

FOIA Exemption 2 (high) protects information applicable to internal administrative and personnel matters, such as operating rules, guidelines, and manual of procedures of examiners or adjudicators, to the extent that disclosure would risk circumvention of an agency regulation or statute, impede the effectiveness of an agency's activities, or reveal sensitive information that may put the security and safety of an agency activity or employee at risk. Whether there is any public interest in disclosure is legally irrelevant. Rather, the concern under high 2 is that a FOIA disclosure should not benefit those attempting to violate the law and avoid detection.

FOIA Exemption 2(low) protects information applicable to internal administrative personnel matters to the extent that the information is of a relatively trivial nature and there is no public interest in the document.

Exemption 7(E) protects records compiled for law enforcement purposes, the release of which would disclose techniques and/or procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. I determined that disclosure of information including factors considered in making referrals for asylum hearings, law enforcement systems checks, locations of certain types of rooms, procedures relating to the supervision of detainees, procedures for the safeguarding of weapons, internal computer codes, list of items to be removed for an individual's safety, procedures regarding required approvals, procedures regarding internal coordination, techniques for identifying potential terrorist suspects, special teams activated in response to certain incidents, details regarding questioning techniques, and external coordination procedures and guidelines could reasonably be expected to risk circumvention of the law. Additionally, the techniques and procedures at issue are not well known to the public.

Although I am aware that your request is the subject of ongoing litigation and that appeals are not ordinarily acted on in such situations, I am required by statute and regulation to inform you of your right to file an administrative appeal. If you are not satisfied with my action on your request, you may administratively appeal from this partial denial by writing to the FOIA Appeals Officer, Regulations and Rulings, Office of International Trade, U.S. Customs and Border Protection, 1300 Pennsylvania Ave., NW, Mint Annex, Washington, D.C. 20229, within sixty (60) days after the date of this determination letter. The appeal must be in writing and signed; contain your name and address; date of the initial request; date and control number of the letter denying your

request; description of the records or information withheld; and reason(s) you believe that the records or information should be disclosed. Your appeal letter and mailing envelope should be marked "FOIA Appeal."

Sincerely,



Shari Suzuki, Chief

FOIA Appeals, Policy & Litigation Branch

Enclosure: Responsive Documents, 190 pages