

SCOTT A. HODES, ATTORNEY AT LAW

POST OFFICE BOX 42002
WASHINGTON, DC 20015
WWW.INFOPRIVACYLAW.COM

MEMBER DC AND MD BARS

INFOPRIVACYLAW@YAHOO.COM

(301) 404-0502

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Office of General Counsel (OGC/024)
810 Vermont Avenue, N.W.
Washington, D.C. 20420

Via Email (ogcfoiaappeals@va.gov)

FOIA Appeal – OS&LE letter of February 22, 2012

Dear Appeals Officer:

This is an appeal of the February 22, 2012 response of my Freedom of Information Act ("FOIA") request made to the Department of Veteran Affairs Office of Security and Law Enforcement ("OS&LE") and Law Enforcement Training Center on December 5, 2012.

By letter dated December 5, 2012, I submitted a FOIA request to Tanya Al-Khateeb requesting:

[A]ll standards, qualifications and certifications that VA OSLE and LETC Special Agents, Criminal Investigators, Inspectors and/or Instructors must possess to either be appointed to their position or to maintain their position.

I also specifically sought:

- 1.) Position descriptions of personnel designated Special Agent, Criminal Investigators, Inspector, and/or Instructor assigned to the OSLE and LETC;
- 2.) OSLE and LETC organizational charts for FY2009-2011 include functional relationships;
- 3.) All documents within FY2009-2011 submitted to the US Marshal Service ("USMS") providing justification for OSLE and LETC Special Agents, Criminal Investigators, Inspectors, and/or Instructors to be deputized, including all documentation regarding OSLE and LETC compliance with USMS deputation standards;
- 4.) Applicable regulatory guidance and requirements pertaining to OSLE and LETC qualification, training requirements, medical standards, and

continuation training, and certification and qualification requirements for OSLE and LETC Special Agents, Criminal Investigators, Inspectors and/or Instructors;

- 5.) Annual training plan for OSLE and LETC personnel FY2009-2011;
- 6.) Any records that concern oversight to OSLE and LETC operations and functions assessing or inspecting assigned personnel training records, training compliance, certifications, qualifications, etc... Provide review results FY2006-2011 of any corrective action plans and best practices done in response to this oversight; and
- 7.) FY2009-2011 documentation that OSLE and LETC Special Agents, Criminal Investigators, Inspectors, Instructors have been cleared medically to carry VA weapons and perform law enforcement duties.

By letter dated February 22, 2012, Tanya Al-Khateeb released certain records to me.

I appreciate Ms. Al-Khateeb's efforts. However, I appeal the actions of the OS&LE. Initially, I believe this document was inappropriately redacted. While I am not interested in the applicant's name, date of birth and social security number, I believe that there is no privacy interest in the employer, employer address, job title, job series and applicant responses. Thus, I do not believe that Exemption 6 applies to that material and should be released. Further, redacted?

Additionally, I appeal the scope of the documents located. I believe that there should be a document for each application/applicant, not just the two pages located. This would provide information encompassed in the original request "3.) All documents within FY2009-2011 submitted to the US Marshal Service ("USMS") providing justification for OSLE and LETC Special Agents, Criminal Investigators, Inspectors, and/or Instructors to be deputized, including all documentation regarding OSLE and LETC compliance with USMS deputation standards;" which would in turn encompass providing training documentation regarding firearm qualifications. Also included would be the response to the question on the first page regarding "one year of basic law enforcement experience to include general arrest authority" and if no such authority exists, they should have provided the applicable "letter explaining" what authority was or is held.

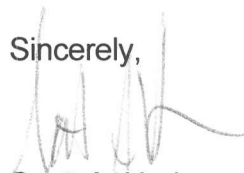
The Deputation application is originally submitted as a package; I requested all documentation in this regard. Thus, I should have been provided along with "the deadly force policy of either the agency or the DOJ", "a copy of the employer's authorization letter stating that they concur with my participation and that the applicant has no internal investigations pending within the organization," and the "Memorandum of Understanding (MOU) between the USMS and the applicant's employer" as taken from the two page release.

Thus, I appeal and request the search for and processing of all submitted applications, properly redacted concerning the applicant's agency documents referenced to or utilized for the USMS Deputation application, each applicant's certifications and certificates, again request oversight documentation for this and other OSLE and LETC activities and program compliance(s), and a full release of all documents concerning the "standards, qualifications, and certifications that VA OSLE and LETC Special Agents, Criminal Investigators, Inspectors and/or Instructors must possess to either be appointed to their position or to maintain their position" as initially requested by the December 5, 2011 FOIA request.

Thus, I ask that you remand this request to the OS&LE and LETC for further searches and the release of responsive records.

If you have any questions concerning this matter, feel free to contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott A. Hodes". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Scott A. Hodes