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January 16, 2013

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

Via email ([ogcfoiaappeals@va.gov](mailto:ogcfoiaappeals@va.gov))

FOIA Request of October 18, 2012

Dear FOIA Appeals Officer:

This is an appeal of the November 27, 2012 response of Tanya Al-Khateeb on the above-captioned FOIA request. Ms. Al-Khateeb did not caption the FOIA request number assigned to this FOIA request in her letter, but the FOIA Office has assigned both Request Numbers 13-00420-F and 13-01267-F to my requests of October 18, 2012. I am unsure what request number the November 27, 2012 letter responded to.

By letter dated October 18, 2012, I requested all 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 FY2012 including functional relationships;
- 3.) All documents within FY2012 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.) Any applicable regulatory guidance and requirements other than VAH 0730 or any new guidance, directive, handbook, etc enacted after September 30, 2011 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 (the positions on their organizational chart);

5.) Annual training plan for OSLE and LETC personnel FY2012, specifically but not limited to training plan(s) relating to law enforcement, continuing education/training, investigator, weapon (firearm), use of force, and arrest authority;

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 FY2012 of any corrective action plans and best practices done in response to this oversight; and

7.) FY2012 documentation that OSLE and LETC Special Agents, Criminal Investigators, Inspectors, Instructors have successfully completed and/or maintained and appropriately recorded all VA requirements to be armed (per VAH0730 or other guidance indicated in paragraph 4 of this request) including medical clearance oversight validation to carry VA weapons and perform law enforcement duties.

By letter dated November 27, 2012, Tanya Al-Khateeb released certain information to me. However, Ms. Al-Khateeb withheld certain material pursuant to FOIA Exemptions 6, 7(E), and 7(F). Even though I appeal all of these withholdings, I provide further information as to certain of the withholdings below.

In a previous release, I was provided the 2007 position description 24093A in unredacted form. However, the latest release included a 2012 updated version of the same position description that was heavily redacted. I do not believe that the position description would be modified in such a way that there would be fifteen 7(E) redactions and six 7(F) redactions.

Next, I appeal all redactions relating to weapons to include batons and OC pepperspray. It is publicized at [http://www.nebraska.va.gov/Police\\_Service.asp](http://www.nebraska.va.gov/Police_Service.asp) that VA Police carry, "*SIG Sauer P229 DAK Version (uniformed officers) and SIG Sauer P239 DAK Version (plain clothed officials/investigators) chambered in 9 mm. The agency is transitioning from the PR-24 Side-handle baton to the Monadnock AutoLock expandable straight baton.*" and as VA Handbook 0720 states that only OSLE can approve type of firearm and that only the issued firearm will be used, it is easily determined that weapons used by VA Police (including OSLE and LETC) are the Sig Sauer P229 DAK or P239 DAK, Monadnock baton, and OC pepperspray (as described in VA Handbook 0730).

I also appeal the redaction of the November 27, 2012 Application for Special Deputations regarding dates or law enforcement experience, the description of firearm and the qualification date and the date of the completion of the protection services training programs.

I appeal the redactions of organization charts and note they were released without redaction in a release to me of January 2012.

Further, I appeal the redaction of the released document dated January 6, 2012; From: DAS/Director Office of Security and Law Enforcement (OS&LE); Subject: Standard Operating Procedures (SOP)-Physical Exam and Psychological Assessments; To: All Credentialed OS&LE Special Agents.

I appeal the lack of completed Individual Training Record/Plan (LETC Form 602-4). Completed forms for all OSLE and LETC Special Agents, Criminal Investigators, Inspectors, and/or Instructors demonstrating that they have individually timely maintained training and qualifications. This material falls within the scope of this FOIA requests. Personal information may be redacted to meet privacy requirements, but the division, fiscal year, date completed, notes, and the training titles should not be redacted.

Next, I appeal the lack of complete continuing in-service training schedule subject list form for OSLE. Completed forms for all OSLE and LETC Special Agents, Criminal Investigators, Inspectors, and/or Instructors demonstrating that they have individually timely maintained training and qualifications falls within the scope of this request. Personal information may be redacted to meet privacy requirements, but the division, fiscal year, date completed, notes, and the training titles should not be redacted.

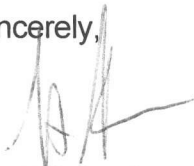
I appeal redaction of the released Training Unit 18.

I appeal the organization's withholding of the USMS cover memoranda and applications forms.

I appeal withholding the Standard Operations Procedure of OSLE and Department issued weapons dated October 6, 2011.

If you need any further information pertaining to this request, please contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read 'SAH', with a long horizontal flourish extending to the right.

Scott A. Hodes