

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THE NEW YORK TIMES COMPANY,

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS,

Defendant.

No. 20-CV-833 (PAE)

SUPPLEMENTAL DECLARATION OF KARA CHRISTENSON



1. I am employed by the United States Department of Justice, Federal Bureau of Prisons (“BOP”), as a Government Information Specialist (“GIS”) for Central Office, stationed at the Federal Medical Center in Rochester, Minnesota (“FMC Rochester”). My background and employment history with BOP are described in my declaration filed in this matter on August 5, 2020.

2. The statements made in this declaration are based upon my personal knowledge and information available to me in my official capacity and about which I have become knowledgeable.

3. I submit this supplemental declaration in further support of BOP’s motion for summary judgment in this case and in opposition to plaintiffs’ cross-motion for summary judgment.

4. Plaintiffs have raised the issue of whether BOP received FOIA requests for video footage before plaintiffs’ own request on August 12, 2020. BOP received a separate FOIA

request (not from plaintiffs) for Metropolitan Correctional Center video records dated August 10, 2019, the same day BOP turned over the video records to the Federal Bureau of Investigation, and this request was logged on August 12, 2019.

BOP's Productions Since August 5, 2020

5. On August 11, 2020, BOP produced 77 additional pages of records to plaintiffs, consisting of 5 pages released in full and 72 pages released in part. These pages included approximately 57 pages of various log books pertaining to Epstein, including approximately 51 pages of attorney log books showing attorney visits to Epstein. In connection with the BOP's releases of pages of log books, I need to make a correction to my declaration filed on August 5, 2020. In that declaration at Paragraph 22, I stated that BOP had located two pages of scanned visitor logs, which it was reviewing and intended to release in part. Instead, BOP located approximately 51 pages of copies of scanned attorney log books showing attorney visits to Epstein, which it released to plaintiffs with appropriate redactions.

6. Relatedly, at Paragraph 39 of my declaration filed on August 5, 2020, I inadvertently stated that BOP had located and produced with redactions a page from a log showing a visitor for Epstein on July 30, 2019. In fact, the page (copied onto two pages) that was produced to plaintiffs with redactions came from an Intake Screening Phone Log showing that Epstein made a phone call on July 30, 2019, not that he received a visit on that date. BOP did not produce the cover to this log because it does not refer to Epstein and is non-responsive. Because the log book showed a phone call, rather than a visit, Paragraph 36 of my declaration filed on August 5, 2020, should be modified to state that BOP also located one physical log book, the Intake Screening Phone Log, showing a call made by Epstein on July 30, 2019.

7. On August 31, 2020, BOP produced 351 additional pages of records to plaintiffs, consisting of 12 pages released in full and 339 pages released in part. These pages included the

approximately 51 pages of attorney log books, showing attorney visits to Epstein, as attachments to email records.

8. In October 2020, BOP reached an agreement with plaintiffs, through counsel, pursuant to which the Office of Inspector General of the United States Department of Justice (“OIG”) would produce back to BOP certain records BOP had produced to OIG in connection with investigations into Epstein’s death, and that BOP would review these records in response to plaintiffs’ FOIA request. BOP subsequently reached a further agreement with plaintiffs, through counsel, that it would not review emails records in OIG’s possession, except for emails to or from Epstein himself while he was at MCC. BOP has determined that Epstein did not send or receive any emails himself while he was at MCC. Specifically, any email sent or received by Epstein while he was at MCC would be logged in BOP’s Trulincs system, and Trulincs shows that Epstein did not send or receive any emails while he was at MCC. Accordingly, BOP did not review the email records in OIG’s possession.

9. BOP received approximately 7,475 pages of records back from OIG, not including emails. I reviewed these pages and determined that approximately 6,898 were non-responsive or duplicative of records previously reviewed by BOP. Of the remaining pages (the “Returned Records”), BOP withheld 387 pages in full, pursuant to Exemptions 6, 7(C), and/or 7(A). On January 8, 2021, BOP produced the remaining 190 pages of records to plaintiffs, consisting of 14 pages released in full and 176 pages released in part. These pages included 8 pages of records that BOP had previously withheld in full pursuant to Exemption 7(A), but that BOP has since determined in consultation with the United States Attorney’s Office for the Southern District of New York could be released with certain redactions.

BOP’s Updated Index

10. Attached as Exhibit 1 to this declaration is an updated index of records withheld in full by BOP in this case (the “Updated Index”). The Updated Index includes certain changes and additions to the Index submitted as Exhibit 8 to my declaration submitted on August 5, 2020 (the “Original Index”).

11. The Updated Index reduces the number of pages of count documents noted as withheld at Entry 24 by 18 pages. These 18 pages consist of an inmate census roster dated August 9, 2019, containing Epstein’s name and the names of other inmates held at MCC. Two of the 18 eighteen pages, including the page showing Epstein’s name, were released in part to plaintiffs.¹ The remaining 16 pages were withheld in full under Exemptions 6 and 7(C) and are now included at Entry 59 of the Updated Index, along with pages of other inmate census rosters for other dates.

12. The Updated Index omits two entries of the Original Index, Entries 34 and 37, consisting of records from the MCC’s Special Housing Unit (the “SHU”) that BOP determined could be released in part, with redactions pursuant to Exemptions 6, 7(A), and 7(C), instead of withheld in full pursuant to Exemption 7(A).² The Updated Index also omits Entry 54, consisting

¹ The first, cover page of this inmate census roster, as received from BOP, appears to have barely legible handwriting on it. BOP located a copy of this pages with the handwriting moderately more visible among its previously withheld records. BOP released the version returned by OIG with the barely legible handwriting and would have redacted the handwriting pursuant to Exemptions, 6, 7(C), 7(E), and/or 7(F) had it released the more legible version. This census inmate roster does not appear to specifically concern Epstein (apart from his appearance on one page of the roster, which was released in part), and the handwriting does not appear to relate to Epstein but instead appears to relate to counting of inmates.

² Of the three pages noted at Entry 37 of the Original Index, two pages were duplicates, with handwritten notes on one of the pages. Because those portions of the page were redacted, only one copy of these two pages were released in part to plaintiffs. The redacted portions and the handwritten portions do not appear to relate to Epstein. In addition, the four pages noted at Entry 34 of the Original Index had also been counted in the pages noted at Entry 22, and the page count noted at Entry 22 of the Updated Index has been reduced accordingly.

of emails withheld under Exemption 5 and the attorney-client privilege, because plaintiff is not challenging the withholding of these records.

13. Entry 19 of the Updated Index includes 12 pages of Epstein's medical records, withheld in full under Exemption 7(A), and in part under Exemption 6 and 7(C). On August 31, 2020, after I submitted my previous declaration, BOP produced 88 pages of Epstein's medical records, but withheld in full 12 pages for reasons explained at Paragraph 20 of the August 5, 2020, declaration of Counsel to the Acting United States Attorney Russell Capone.

14. The Updated Index corrects an inadvertent error that resulted in double counting of seventeen pages of emails listed at Entry 52 and twenty-nine pages of emails listed at Entry 53.

BOP's Assertions of Exemptions 5 and 7(E) Over Documents Previously Withheld in Full

15. The Updated Index clarifies that BOP is not asserting Exemptions 5 or 7(E) as a basis to withhold certain documents in full. BOP has conducted a further review of certain records that previously were withheld in full pursuant to Exemptions 5 and/or 7(E), in addition to Exemption 7(A). As a result of that further review, and as reflected on the Updated Index, BOP is withdrawing its assertion of Exemption 5 as a basis to withhold in full Entries 1, 2, and 12. BOP continues to assert Exemption 5 as a basis to withhold portions of Entries 2 and 12 for the reasons explained in my prior declaration, but not Entry 1, as reflected on the Updated Index. All of these documents are separately withheld in full pursuant to Exemption 7(A).

16. With respect to the responses to the psychological reconstruction prepared after Epstein's death, listed at Entry 12 on the Updated Index, the majority of the pages withheld are drafts, containing comments from various perspectives within BOP on versions of the document preceding its final version. Five pages of the responses to the psychological reconstruction

prepared after Epstein's death consist of a timeline of events, over which BOP is no longer asserting Exemption 5.

17. As a result of its further review, BOP is no longer asserting Exemption 7(E) to withhold any document in full. Specifically, and as reflected on the Updated Index, BOP is withdrawing its assertion of Exemption 7(E) as a basis to withhold in full Entries 2, 9, 10, 12, 13, 15, 17, 18, and 36. As reflected on the Updated Index, BOP continues to assert Exemption 7(E) as to non-public information in these documents that would reveal investigatory techniques and procedures or the specific application thereof, except for Entries 10 and 36, over which BOP no longer asserts Exemption 7(E). All of these documents are separately withheld in full pursuant to Exemption 7(A).

18. BOP is asserting Exemption 7(E) to protect information in the incident report, listed at Entry 1 on the Updated Index, which would reveal specific steps taken in responding to an inmate emergency in the Special Housing Unit. Releasing this type of information would allow inmates to learn the manner in which MCC staff are likely to respond to emergencies and potentially interfere with staff's ability to manage emergency situations.

19. BOP is asserting Exemption 7(E) to protect information in the psychological reconstruction of inmate death, listed at Entry 2 on the Updated Index, which would reveal particular sources of information that such investigations typically rely on or seek to rely on. Specifically, it discusses how the availability or lack thereof of specific sources of information affected an investigation, as well as typical sources routinely relied upon. Because of the specific constraints under which investigations must proceed in the correctional facility setting, identification of sources that are typically relied upon or that are unavailable or relied upon in a specific instance are part of BOP investigatory plans and response, and disclosure of sources that were unavailable or relied upon or typical sources relied upon could hamper BOP's ability to

conduct investigations in the future by alerting staff and/or inmates to such sources and allowing them to take steps to interfere with sources or evidence.

20. BOP is asserting Exemption 7(E) to protect information in the inmate investigative report, listed at Entry 9 on the Updated Index, regarding the use of Security Threat Group (“STG”) designations. STG is an enhanced monitoring technique used to maintain balanced prison populations in an effort to protect the safety and security of staff and inmates. Inmates are generally not aware of their placement in an STG, and only certain inmates are assigned an STG. Not every inmate has an STG assignment. BOP is also asserting Exemption 7(E) to protect information in the inmate investigative report concerning specific steps taken in responding to an inmate emergency in the Special Housing Unit. Releasing this type of information would provide an opportunity for inmates to learn the manner in which staff are likely to respond to emergencies and potentially interfere with staff’s ability to manage emergency situations.

21. BOP is asserting Exemption 7(E) to protect information in the responses to the psychological reconstruction prepared following Epstein’s death, listed at Entry 12 on the Updated Index, which would reveal specific steps taken in responding to an inmate emergency in the Special Housing Unit. Releasing this type of information would provide an opportunity for inmates to learn the manner in which staff are likely to respond to emergencies and potentially interfere with staff’s ability to manage emergency situations.

22. BOP is asserting Exemption 7(E) to protect information in an August 14, 2019, letter, listed at Entry 13 on the Updated Index, that would reveal details about how a BOP team investigating an incident, known as an After Action Review Team, conducts an investigation, and the access it requires to BOP facilities to complete its work. Release of these details would alert staff to systems and information reviewed as part of an investigation and could lead to

attempts to distort, delete, or otherwise manipulate details and data relevant to an investigation. Release of the names of members of the After Action Review Team, contained in the August 14, 2019 letter, would also disclose law enforcement techniques and procedures because the manner in which team members are selected, the positions they hold, and the locations from which they were chosen and deployed are critical considerations in the assembly of an After Action Review Team. Withholding the names of team members protects the investigative process by ensuring staff are not aware of who is deemed an appropriate team member and reducing the opportunity to attempt to influence the investigation of an event.

23. BOP is asserting Exemption 7(E) to protect information in a memorandum and report from Epstein's July 23, 2019 apparent suicide attempt (Form 583), listed at Entry 15 on the Updated Index, regarding the use of STG designations, for the reasons stated above with regard to the inmate investigation report. BOP is also asserting Exemption 7(E) to protect certain information in the memorandum and report from Epstein's July 23, 2019 attempt (Form 583) that was obtained from witnesses. In any investigation, identifying witnesses and how an interview is conducted, including questions and responses, are critical components of the investigatory techniques of security staff of the BOP, especially in a correctional setting where there are often multiple witnesses and the correctional setting poses a significant risk of contamination or influence of witness by other witnesses and/or other inmates. The investigative techniques involved include what witnesses to interview and what procedures must be undertaken to ensure the greatest cooperation by the witness during any interview. Witnesses to an event might influence each other if they are not separated before any interactions or conversations occur between them. In this sense, the investigative techniques, in a correctional setting, include strategic decisions that account for the secure and orderly operations of the correctional facilities to ensure inmate and staff safety is not put in jeopardy. Disclosure of this

information in the memorandum and report would reveal how the information was gathered and could provide an opportunity for inmates to manipulate victims or witnesses to an incident in an effort to improperly influence an investigation.

24. BOP is asserting Exemption 7(E) to protect information in a chain of custody form, listed at Entry 17 on the Updated Index, about where evidence is stored. Release of this information could provide an opportunity for staff to manipulate evidence or the staff responsible for controlling it.

25. BOP is asserting Exemption 7(E) to protect information in the reports of Epstein's July 23, 2019, apparent suicide attempt, listed at Entry 18 on the Updated Index, regarding specific procedures, including notification processes, used in an inmate emergency in the Special Housing Unit. Releasing this type of information would provide an opportunity for inmates to learn the manner in which staff are likely to respond to emergencies and potentially interfere with staff's ability to manage emergency situations.

Application of Exemptions to the Returned Records

26. The Updated Index identifies at Entries 55-61 the pages of the Returned Records withheld in full by BOP. All of the Returned Records withheld in full by BOP are withheld under FOIA Exemption 7(A), except for the 2 pages of records showing transferors of funds to Epstein noted at Entry 58 of the Updated Index and the 274 pages of inmate census rosters at Entry 59 of the Updated Index, which are withheld under Exemption 6 and 7(C) and discussed below. The basis for withholdings of Returned Records under Exemption 7(A) is explained in the accompanying supplemental declaration of Counsel to the Acting United States Attorney Russell Capone. In addition to the withholdings in full under Exemptions 6, 7(A), and 7(C), BOP has also withheld certain portions of Returned Records under Exemptions 6, 7(A), 7(C), 7(E), and 7(F).

Threshold Justification for Application of Exemption 7

27. As a threshold to applying Exemption 7, an agency has to demonstrate that the “records or information [were] compiled for law enforcement purposes.” 5 U.S.C. §552(b)(7).

28. As explained at Paragraphs 51-53 of my previous declaration, the BOP is a law enforcement agency.

29. All of the Returned Records were compiled for law enforcement purposes because they were compiled in the exercise of BOP’s statutory authority to detain certain individuals. All of these records relate to BOP’s operations and were compiled in order to carry out BOP’s responsibilities to protect the safety, security, and orderly operation of BOP facilities, specifically MCC New York, to protect the public, and/or to protect the safety and care of inmates at MCC New York, including Epstein. In addition, as with many of the records previously withheld in this matter, the Returned Records were gathered and provided to OIG in connection with a law enforcement investigation of Epstein’s death. The records at issue in this FOIA request meet the law enforcement threshold of Exemption (b)(7).

Records Withheld Pursuant to Exemptions 6 and 7(C)

30. 5 U.S.C. § 552(b)(6) (“FOIA Exemption 6”) protects from disclosure “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(6).

31. 5 U.S.C. § 552(b)(7)(C) (“Exemption 7(C)”) exempts from disclosure records or information compiled for law enforcement purposes where its disclosure “could reasonably be expected to constitute an unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(7)(C).

32. Some of the Returned Records withheld by BOP contain personal information withheld under Exemptions 6 and 7(C) (the “6 & 7(C) Returned Records”). The 6 & 7(C) Returned Records include personnel files within the meaning of Exemption 6, such as daily

assignment rosters for the MCC. The remainder of the 6 & 7(C) Returned Records are “similar files” within the meaning of Exemption 6 because they contain information about particular, identifiable individuals. This information includes personally identifying information, such as names and contact information, of various third-party individuals other than Epstein.

33. Exemptions 6 and 7(C) each require a balancing of the privacy interests implicated by disclosure of a record with the public interest in its disclosure. The privacy interests implicated by the 6 & 7(C) Returned Records include the privacy interests of BOP employees, BOP inmates other than Epstein, visitors or senders of funds to BOP inmates, and legal counsel for BOP inmates. The 6 & 7(C) Returned Records contain personally identifying information, such as names and contact information, for each of these categories of individuals and for some individuals detail their association with Epstein or their involvement in Epstein’s incarceration. Release of this information—particularly in light of the intense media interest in and public speculation concerning Epstein’s death—could reasonably be expected to expose these third parties to unwanted scrutiny, embarrassment, and even harassment or retaliation.

34. The sole public interest in disclosure to be weighed against these privacy interests under both Exemption 6 and 7(C) is the public’s understanding of BOP or other government operations. The personal information withheld from the 6 and 7(C) Records will not significantly contribute to the public’s understanding of the operation or activities of BOP or any other government agency. The withheld personal information does not provide significant insight into government activities or operations in connection with Epstein’s incarceration or the response of BOP or any other government agency to Epstein’s death.

35. The large volume of publicity and often unfounded speculation concerning the circumstances of Epstein’s death increase the likelihood that disclosure of the information

withheld under Exemptions 6 and 7(C) would cause an unwarranted invasion of personal privacy.

36. In light of this public and unfounded speculation about Epstein's death and the media coverage thereof, it is reasonable to expect that individuals identified through government disclosures as associated with Epstein's incarceration and death, or investigation of the charges against Epstein or the circumstances of his death, could be targeted or harassed. Accordingly, publicizing the identity, contact information, or other personal information about a particular individual's associations or interactions with Epstein will amount to a significant invasion of personal privacy, with no meaningful contribution to the public's understanding of how the government works.

37. For each category of individuals with personally identifying information present in the 6 & 7(C) Returned Records, the individual privacy concerns outweigh the putative public interest in their disclosure.

- a. The disclosure of personally identifying information of BOP employees, such as their names or contact information, would significantly invade their personal privacy without contributing significantly to public understanding of how BOP works. Disclosing the names or contact information of individual BOP employees does not provide insight into how BOP works.
- b. The disclosure of personally identifying information of BOP inmates, such as their names or contact information, would significantly invade their personal privacy without contributing significantly to public understanding of how BOP works. The names or contact information of particular inmates sheds no light on how BOP works.
- c. The disclosure of personally identifying information of visitors or senders of funds to BOP inmates, such as their names and contact information, would significantly invade their personal privacy without contributing significantly to public understanding of how the government works. Identification of individuals who visited or sent money to Epstein or other inmates does not shed light on BOP conduct or how BOP or any other government agency works.

- d. The disclosure of personally identifying information of legal counsel to Epstein and other BOP inmates, such as their names and contact information, would significantly invade their personal privacy without contributing significantly to public understanding of how the government works. Identification of counsel to Epstein or other inmates does not shed light on BOP conduct or how BOP or any other government agency works.

38. Two sets of Returned Records were withheld in full under Exemptions 6 & 7(C). One set of the Returned Records, noted at Entry 59 of the Updated Index, consists of 274 pages from inmate census rosters for July 23-25 and 27-31, 2019, and August 1-6 and 8-10, 2019. Although Epstein's name appears once on each of these rosters, the pages with his name were released in part. The 274 pages withheld in full contain no information about Epstein and instead list the names and some personal information of other inmates at MCC on those dates. Identification of other inmates incarcerated at the same time as Epstein would shed no light on BOP's or the government's operations, but would invade the privacy of the other inmates, including by associating them with Epstein in a government document.

39. The other set of Returned Records withheld in full under Exemptions 6 & 7(C), noted at Entry 58 of the Updated Index, consists of 2 pages showing the transferors of funds to Epstein. Specifically, these pages are electronically generated pages containing details of transfers of funds to Epstein. The transfers themselves, including the amount of the transfer but not the names of the transferors, were documented in pages released in part. The pages withheld in full include identifying details of the transferors. The identity of the transferors of funds to Epstein would not shed any light on how BOP or the government works, but would invade the privacy of the transferors, including by detailing their association with Epstein during his incarceration.

40. The release of the personally identifying information in the 6 & 7(C) Returned Records would constitute a clearly unwarranted invasion under Exemption 6, and, at a minimum,

could reasonably be expected to constitute an unwarranted invasion under Exemption 7(C), of the personal privacy of BOP employees, BOP inmates other than Epstein, visitors or senders of funds to BOP inmates, or legal counsel for BOP inmates.

Returned Records Withheld Pursuant to Exemptions 7(E)

41. 5 U.S.C. § 522 (b)(7)(E) (“Exemption 7(E)”) exempts from disclosure “records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information . . . would disclose techniques and 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.”

42. Some of the Returned Records withheld in part by BOP contain information about or discussion of law enforcement techniques and procedures or guidelines for law enforcement investigations or prosecutions (the “7(E) Returned Records”).

43. Portions of the 7(E) Returned Records fall within the scope of Exemption 7(E) because they include information or discussions that would disclose law enforcement techniques and procedures or guidelines for law enforcement investigations and their use in managing the MCC. With one exception, none of the information in the Returned Records withheld by BOP under Exemption 7(E) pertains specifically to Epstein. Instead, the information concerns steps taken by BOP staff in response to issues at the MCC unrelated to Epstein or primarily routine actions taken by BOP staff. Specifically, BOP disclosed in part pages of lieutenant’s logs, TRUINTEL logs, inmate census roster pages, and an MCC running board page that mention or refer to Epstein but also document techniques, procedures, and/or guidelines used in managing

the MCC and enforcing the law there.³ For example, disclosing details of counts within the MCC or the use of body alarms there would disclose law enforcement techniques, procedures, and/or guidelines. If the Court requires further information, BOP is prepared to file an *ex parte* supplemental declaration explaining in greater detail the techniques, procedures, and guidelines at issue.

44. The one redaction in the 7(E) Returned Records made by BOP pursuant to Exemption 7(E) that does pertain specifically to Epstein is the redaction of certain information on an electronically generated inmate profile of Epstein that would disclose how BOP classifies certain inmates for security purposes. Disclosure of that portion of Epstein's inmate profile would disclose a law enforcement technique or procedure by disclosing how BOP classifies certain inmates in connection with security issues.

45. Disclosure of the information in the 7(E) Returned Records withheld pursuant to Exemption 7(E) would create a risk of circumvention of the law. Disclosure of the information would provide inmates or other individuals with details about how MCC works and its security. They could use this information to destabilize the MCC and to perpetrate crimes there.

Returned Records Withheld Pursuant to Exemption 7(F)

46. 5 U.S.C. § 522 (b)(7)(F) ("Exemption 7(F)") exempts from disclosure "records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information . . . could reasonably be expected to endanger the life or physical safety of any individual."

³ Lieutenant's logs withheld in full pursuant to Exemption 7(A), noted at Entry 49 of the Updated Index, also contain information that falls with the scope of Exemption 7(E) for the reasons discussed here.

47. Some of the Returned Records withheld by BOP in full or in part contain information that falls within the scope of Exemption 7(F) (the “7(F) Returned Records”). Such information falls into two categories. First, disclosure of the personally identifying information, such as names and contact information, of third-party individuals employed by BOP could reasonably be expected to endanger the life or physical safety of these individuals. Second, disclosure of certain techniques and procedures used in the management of the MCC could reasonably be expected to endanger the life or physical safety of BOP employees and inmates held by BOP.

48. First, some of the 7(F) Returned Records fall in part within the scope of Exemption 7(F) because the release of the personally identifying information contained in these records could reasonably be expected to endanger the life or physical safety of BOP employees whose personally identifying information is contained in the 7(F) Returned Records. BOP employees work with inmates and criminal defendants who, upon their release from incarceration or during their incarceration, might target BOP employees for reprisal. BOP employees in many cases live in the cities where they work, frequently utilize public transportation, and regularly engage in community and social activities in those cities. The release of personally identifying information of BOP employees increases the risks of such targeting or harassment because it would make it easier for identified employees to be targeted or harassed. Because of the attention and speculation surrounding Epstein’s death, it is reasonable to expect that individuals identified through disclosures by the government as associated with Epstein’s incarceration and death could be targeted.

49. Second, some of the 7(F) Returned Records fall in part within the scope of Exemption 7(F) because the release of information contained therein would reveal details about the operation and management of the MCC that could be used to destabilize the MCC and

perpetrate crimes there, endangering the lives and physical safety of BOP employees and MCC inmates. With one exception, none of this information pertains specifically to Epstein. Instead, the information concerns steps taken by BOP staff in response to issues at the MCC unrelated to Epstein or primarily routine, but sensitive, actions taken by BOP staff. Specifically, BOP disclosed in part pages of lieutenant's logs, TRUINTEL logs, inmate census roster pages, an MCC running board page, and SHU records that mention or refer to Epstein but also document aspects of the MCC and its operations that are not public and could enable individuals to harm BOP employees or MCC inmates.⁴ For example, disclosing certain details of counts within the MCC or the use of body alarms there could reasonably be expected to endanger the lives and physical safety of BOP employees and MCC inmates. If the Court requires further information, BOP is prepared to file an *ex parte* supplemental declaration explaining in greater detail the information at issue.

50. The one set of redactions in the Returned Records made by BOP pursuant to Exemption 7(F) that does pertain specifically to Epstein is the redaction of certain information on an electronically generated inmate profile of Epstein that would disclose how BOP classifies certain inmates for security purposes. Disclosure of those portions of Epstein's inmate profile could reasonably be expected to endanger the lives and physical safety of BOP employees and MCC inmates by revealing how BOP classifies certain inmates in connection with security issues.

⁴ TRUINTEL reports and lieutenant's logs withheld in full pursuant to Exemption 7(A), noted at Entries 32 and 49 of the Updated Index, also contain information that falls within the scope of Exemption 7(F) for the reasons discussed here.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this _15th_ day of January 2021.

