



February 11, 2015

Via email

Open Records Coordinator
Department of Family and Protective Services
P.O. Box 149030
Austin, TX 78714
OpenRecordsRequests@dfps.state.tx.us

Re: Public Information Request

Dear Open Records Coordinator:

On behalf of the American Civil Liberties Union of Texas (“ACLU of Texas”), I write to request information¹ pursuant to the Texas Public Information Act, Texas Government Code Chapter 552. I hereby request the right to examine and copy, or to be furnished with copies of, certain public records in the possession of the Texas Department of Family and Protective Services (“DFPS”).

We seek the following records² in written, electronic, audio, video, or other format:

1. From January 1, 2009 to present, by month, all records created pursuant to and/or pertaining to any investigation involving the U.S. Department of Homeland Security (“DHS”),³ including:

¹ The term “information” includes all records or communications in written or electronic form, including but not limited to correspondence, documents, data, videotapes, audio tapes, emails, faxes, telephone messages, logs, files, guidance, guidelines, evaluations, instructions, analyses, memoranda, agreements, notes, orders, policies, procedures, protocols, reports, rules, training manuals, other manuals, or studies.

² For purposes of this request, “Records” refers to all records or communications preserved in electronic or written form, including but not limited to: agreements; correspondence; documents; letters; notes; messages; emails; faxes; data; videotapes; audio tapes; files; forms; logs; records; guidance; guidelines; evaluations; audits; investigations; reviews; studies; reports; critiques; analysis; internal memoranda; legal opinions; orders; guidance; directives; training materials; criteria; standards; specifications; rules; instructions; manuals; advisories; protocols; procedures; policies; or other communications.

AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF TEXAS

DALLAS OFFICE
P.O. BOX 600169
DALLAS, TX 75360
T/ 214.346.6575

RIO GRANDE VALLEY OFFICE
P.O. BOX 6087
BROWNSVILLE, TX 78523
T/ 956.465.1905

STATE CAPITOL OFFICE
P.O. BOX 12905
AUSTIN, TX 78711
T/ 512.478.7300

STATE HEADQUARTERS
P.O. BOX 8306
HOUSTON, TX 77288
T/ 713.942.8146

WWW.ACLUTX.ORG

- a. complaints or reports of alleged or actual verbal, physical, and/or sexual abuse of children in U.S. Border Patrol custody, and any investigation resulting from such complaints or reports;
 - b. complaints or reports regarding conditions of confinement experienced by children in U.S. Border Patrol custody, and any investigation resulting from such complaints or reports; and
 - c. the result(s) of any such investigation.
2. From January 1, 2009 to present, records sufficient to show,⁴ by month:
 - a. the total number of cases involving U.S. Department of Homeland Security referred to DFPS;
 - b. the source of the referral; and
 - c. the total number of investigations opened in response.
3. From January 1, 2009 to present, all written policies, procedures, or other guidance related to the investigation of U.S. Border Patrol agents or other federal officials under state and federal child protection and child abuse reporting laws.
4. From January 1, 2009 to present, any complaints, audits, reviews, or other assessments regarding or pertaining to U.S. Border Patrol or other DHS agencies or officials.
5. From January 1, 2009 to present, any DFPS communications with DHS or Office of Refugee Resettlement (“ORR”) officials regarding or pertaining to U.S. Border Patrol or other DHS agencies or officials.

³ “U.S. Department of Homeland Security” includes any sub-agency within the Department of Homeland Security, including Immigration and Customs Enforcement (“ICE”), Customs and Border Protection (“CBP”) and U.S. Border Patrol, as well as all Department of Homeland Security oversight agencies (including the Office of Inspector General, CBP Internal Affairs, ICE Office of Professional Responsibility, and the Office of Civil Rights and Civil Liberties).

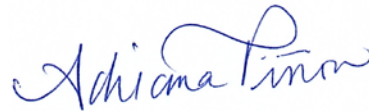
⁴ We seek only existing records and are not requesting that the agency create new records.

If your agency does not possess any of the above-requested information, please let me know. To the extent possible, I request that responsive information be emailed to the attention of Adriana Piñon at following address: apinon@aclutx.org. Records that are not available electronically can be mailed to: Adriana Piñon, ACLU of Texas, P.O. Box 8306, Houston, TX, 77288.

In addition, I request a waiver of any fees associated with this request. Section 552.267(a) of the Texas Public Information Act allows for a fee waiver where “providing the copy of the information primarily benefits the general public.” This request merits a waiver because the ACLU of Texas has no commercial interest in obtaining the requested information. We seek this information to further public understanding of the workings of government. Moreover, as stated in our articles of incorporation filed with the Texas Secretary of State, the ACLU of Texas is a non-profit organization organized exclusively to promote the public interest.⁵ However, if a fee waiver is denied, please notify me of the cost of completing the request.

Thank you in advance for your cooperation. If you have any questions, please do not hesitate to call me at 713-942-8146 x 111.

Sincerely,



Adriana Piñon
Senior Staff Attorney
ACLU of Texas

⁵ The Internal Revenue Service recognizes the ACLU Foundation of Texas as a non-profit, public interest research organization under Sec. 501(c)(3) of the IRS Code.