

U.S. Department of Homeland Security  
500 12<sup>th</sup> St., SW  
Washington, D.C. 20536



U.S. Immigration  
and Customs  
Enforcement

September 6, 2023

Ms. Jacqueline Stevens  
601 University Place, 2d floor  
Political Science Department  
Evanston, IL 60208

**RE: Stevens v. ICE 20-cv-2725  
ICE FOIA Case Number 2020-ICLI-00042  
Supplemental Release**

Dear Ms. Stevens:

This letter is a supplemental response to your client's Freedom of Information Act (FOIA) requests to U.S. Immigration and Customs Enforcement (ICE). Your client seeks records relating to the following Freedom of Information Act requests: 2018-ICFO-56530, 2020-ICFO-18634, 2019-ICFO-33429, 2019-ICFO-29171, 2018-ICFO-59138, and 2019-ICFO-24680. ICE has considered your request under the FOIA, 5 U.S.C. § 552.

For this production, ICE is making a discretionary re-release of 199 pages of records. ICE has reviewed the pages and determined that 77 pages will be released in full and portions of the remaining 122 pages will be withheld pursuant to FOIA Exemptions (b)(4), (b)(6), (b)(7)(C) and (b)(7)(E) as described below. The pages will retain their original Bates numbers.

**FOIA Exemption 4** protects trade secrets and commercial or financial information obtained from a person that is privileged or confidential. This exemption covers two categories of information in federal agency records: (1) trade secrets; and (2) information that is commercial or financial, obtained from a person (which may include corporations or state governments), and privileged or confidential, which is both customarily and actually treated as private by the submitter of the information. *See Food Marketing Institute v. Argus Leader Media*, 139 S. Ct. 2356, 2362-63 (2019). I have reviewed the responsive documents, the submitter's objections to release, and relevant case law, and I have determined that portions of the responsive records are exempt from disclosure under subsection (b)(4) of the FOIA and must be withheld in order to protect the submitter's proprietary interests.

ICE has applied FOIA Exemptions 6 and 7(C) to protect from disclosure the personally identifiable information of DHS employees and third parties contained within the records.

**FOIA Exemption 6** exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy

interests of the non-public-facing individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

**FOIA Exemption 7(C)** protects records or information compiled for law enforcement purposes that could reasonably be expected to constitute an unwarranted invasion of personal privacy. This exemption takes note of the strong interests of individuals, whether they are suspects, witnesses, investigators, or individuals performing their official duties in connection with a law enforcement agency, in not being unwarrantably associated with alleged criminal activity or becoming targets for revenge by begrudged individuals. Based upon the traditional recognition of strong privacy interest in law enforcement records, categorical withholding of information that identifies third parties in law enforcement records is ordinarily appropriate. As such, I have determined that the privacy interest in the identities of the non-public-facing individuals in the records you have requested clearly outweigh any minimal public interest in disclosure of the information. Please note that any private interest you may have in that information does not factor into this determination.

**FOIA 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 have determined that disclosure of certain law enforcement sensitive information contained within the responsive records could reasonably be expected to risk circumvention of the law. Additionally, the techniques and procedures at issue are not well known to the public.

If you have any questions about this letter, please contact Assistant United States Attorney Alex Hartzler at [Alex.Hartzler@usdoj.gov](mailto:Alex.Hartzler@usdoj.gov).

Sincerely,

Marcus K. Francis Sr.  
Supervisory Paralegal Specialist

Enclosure: 199 pages

**From:** (b)(6); (b)(7)(C)  
**Sent:** 8 Mar 2019 16:34:56 +0000  
**To:** (b)(6); (b)(7)(C)  
**Cc:** (b)(6);  
**Subject:** FOIA Request Emails  
**Attachments:** RE: USMS Agreement # 89-00-0133 Kenosha County, WI, RE Kenosha County Jail 2016.msg, FW USMS Agreement # 89-00-0133 Kenosha County WI.msg, Kenosha County.msg

Emails regarding Kenosha medical.

**From:** (b)(6); (b)(7)(C)  
**Sent:** 11 Aug 2015 12:38:50 -0400  
**To:** (b)(6); (b)(7)(C)  
**Cc:**  
**Subject:** RE: USMS Agreement # 89-00-0133 Kenosha County, WI

Hi (b)(6);

When I told HQ they said that Kenosha can charge ICE, but not the detainees. Then I got another note (I think from USMS, I would have to look that up again) that said it is not a widespread practice at Kenosha so probably is not an issue that will be ongoing.

By medical records you don't mean the TB testing, do you? We paid for that separately you know, almost \$5,000.

Thanks.

(b)(6);  
(b)(7)(C)

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**From:** (b)(6); (b)(7)(C)  
**Sent:** Tuesday, August 11, 2015 11:09 AM  
**To:** (b)(6); (b)(7)(C)  
**Cc:**  
**Subject:** FW: USMS Agreement # 89-00-0133 Kenosha County, WI

Hello (b)(6);  
(b)(7)(C)

Do you have any updates after informing HQ? The NIJC has also recently raised an issue with paying for the medical records at KCDC. If you have any questions please let me know.

Thank you,

(b)(6); (b)(7)(C)

Supervisory Detention & Deportation Officer  
Immigration & Customs Enforcement  
Enforcement and Removal Operations  
Office: (b)(6); (b)(7)(C)  
Cell: 202-(b)(6); (b)(7)(C)  
(b)(6); (b)(7)(C)@ice.dhs.gov

Warning: This document is UNCLASSIFIED//FOR OFFICIAL USE ONLY (U//FOUO) Law Enforcement Sensitive. It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official. No portion of this report should be furnished to the media, either in written or verbal form.

**From:** (b)(6); (b)(7)(C)  
**Sent:** Tuesday, August 04, 2015 9:47:39 AM  
**To:** (b)(6); (b)(7)(C)  
**Cc:**  
**Subject:** RE: USMS Agreement # 89-00-0133 Kenosha County, WI

Good Morning (b)(6); (b)(7)(C)

Thank you so much for the information. I will inform ICE officials at HQ and at the facility.

I really appreciate your assistance.

(b)(6); (b)(7)(C)

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**From:** (b)(6); (b)(7)(C) (USMS) [mailto:(b)(6); (b)(7)(C)]@usdoj.gov  
**Sent:** Tuesday, August 04, 2015 8:43 AM  
**To:** (b)(6); (b)(7)(C)  
**Cc:**  
**Subject:** RE: USMS Agreement # 89-00-0133 Kenosha County, WI

Good Morning (b)(6); (b)(7)(C)

I apologize for the delay. I spoke with the district and consulted with my office. If the facility is charging a fee (co-pay) to all inmates(including state), than they are allowed to charge USMS & ICE inmates as well. According to the district the charges are not wide spread, a few isolated request. Some facilities charge co-pays to all inmates, but if the inmate cannot pay, the facility will not deny them the service. They will still supply all the medical copies requested.

I hope this information is helpful. Let me know if I can be of further assistance.

Thanks,

(b)(6); (b)(7)(C)

U.S. Marshals Service  
Prisoner Operations Division  
Office of Detention Services  
Intergovernmental Agreement Branch  
Office: 202-(b)(6); (b)(7)(C)  
Fax: 202-30-(b)(6); (b)(7)(C)

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**From:** (b)(6); (b)(7)(C)  
**Sent:** Monday, August 03, 2015 10:32 AM  
**To:** (b)(6); (b)(7)(C)

**Cc:** (b)(6); (b)(7)(C)  
**Subject:** RE: USMS Agreement # 89-00-0133 Kenosha County, WI

Hi (b)(6);

I just wanted to follow up with you and ask if you have heard anything more about this issue at Kenosha. We want to resolve it if possible before they charge someone else. We are just not sure how wide-spread the practice has become.

We appreciate your assistance with this issue very much.

Thanks.

(b)(6);  
(b)(7)(C)

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**From:** (b)(6); (b)(7)(C) (USMS) [mailto:(b)(6); (b)(7)(C)]@usdoj.gov  
**Sent:** Wednesday, July 22, 2015 8:33 AM  
**To:** (b)(6); (b)(7)(C)  
**Cc:** (b)(6); (b)(7)(C)  
**Subject:** RE: USMS Agreement # 89-00-0133 Kenosha County, WI

No problem (b)(6); will wait for them to respond. It may be a co-pay issue applicable to all inmates. Either way we will figure it out.

Have a good day.

(b)(6); (b)(7)(C)

U.S. Marshals Service  
Prisoner Operations Division  
Office of Detention Services  
Intergovernmental Agreement Branch  
Office: 202-61 (b)(6);  
Fax: 202-305-4 (b)(7)(C)

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**From:** (b)(6); (b)(7)(C) [mailto:(b)(6); (b)(7)(C)]@ice.dhs.gov  
**Sent:** Wednesday, July 22, 2015 9:20 AM  
**To:** (b)(6); (b)(7)(C)  
**Cc:** (b)(6); (b)(7)(C)  
**Subject:** RE: USMS Agreement # 89-00-0133 Kenosha County, WI

Good Morning (b)(6);

I contacted our SDDO who sits at Kenosha and who is the person who brought this issue to our attention. I am getting an Out of Office message from him which says he will return on July 27. I'm sure he will respond to your questions and be able to provide us with a POC at Kenosha at that time.

I will certainly contact you with the information as soon as I receive it and appreciate your willingness to contact the facility about this issue.

Thanks.

(b)(6);  
(b)(7)(C)

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**From:** (b)(6); (b)(7)(C)  
**Sent:** Wednesday, July 22, 2015 7:58 AM  
**To:** (b)(6); (b)(7)(C)  
**Cc:** (b)(6); (b)(7)(C)  
**Subject:** FW: USMS Agreement # 89-00-0133 Kenosha County, WI

Good Morning (b)(6);

In regards to the medical records issue at Kenosha, can you provide the information requested to the USMS contracts person?

Thanks,  
Paul

(b)(6); (b)(7)(C)

**OAQ/Detention, Compliance, and Removals – Detroit, MI. | Contract Specialist**  
DHS | ICE | Office of Acquisition Management (OAQ)  
Phone: 313-446-(b)(6);  
Email: (b)(6); (b)(7)(C)@ice.dhs.gov

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**From:** (b)(6); (b)(7)(C) (USMS) [mailto:(b)(6); (b)(7)(C)@usdoj.gov]  
**Sent:** Wednesday, July 22, 2015 8:56 AM  
**To:** (b)(6); (b)(7)(C)  
**Subject:** FW: USMS Agreement # 89-00-0133 Kenosha County, WI

Good Morning (b)(6);  
(b)(7)(C)

I can reach out to the facility. I am the specialist for this area. Just a few questions – Are they charging all inmates this co fee or just the ICE inmates? Who is the contact person at the jail and the telephone number for the person you have been dealing with?

Thanks,

(b)(6); (b)(7)(C)

U.S. Marshals Service  
Prisoner Operations Division  
Office of Detention Services  
Intergovernmental Agreement Branch  
Office: 202-611-(b)(6);  
Fax: 202-305-9-(b)(7)(C)