

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

### SECTION III DETAINEE POPULATION INFORMATION

Instructions: Provide the following information: (1) the detainee capacity of the facility for male, female, and juvenile (2) the expected average population for the proposed year (3) the actual average daily population for the past two years Complete only the "yellow" shaded fields.

**Time Frame of Detainee Information (Must correspond with time frame Section II/A)** FROM: (Month/Year) 1/1/2017 To: (Month/Year) December 12/31/2017  
 January 2017 2017

Detainee Capacity of Facility				
	Male	Female	Juvenile	TOTAL
	1000	0	0	1000
	0			0.00
Adjusted Total				1000

Proposed - Average Daily Population				
Type of Detainee	Male	Female	Juvenile	TOTAL
Federal	930	0	0	930
Local	0	0	0	0
State	0	0	0	0
<b>Total</b>	<b>930</b>	<b>0</b>	<b>0</b>	<b>930</b>

Prior Year 1 - Average Daily Population				
Type of Detainee	Male	Female	Juvenile	TOTAL
Federal	942	0	0	942
Local	0	0	0	0
State	0	0	0	0
<b>Total</b>	<b>942</b>	<b>0</b>	<b>0</b>	<b>942</b>

Prior Year 2 - Average Daily Population				
Type of Detainee	Male	Female	Juvenile	TOTAL
Federal	857	0	0	857
Local	0	0	0	0
State	0	0	0	0
<b>Total</b>	<b>857</b>	<b>0</b>	<b>0</b>	<b>857</b>

#### SECTION IV - PER DIEM

Instructions: The proposed per diem will self populated based on information imputed on the other tabs.

**Proposed Per Diem Rate for Detainee:** (b)(4)

#### SECTION V - LOCAL GOVERNMENT CONTACT


Instructions: Provide the name of the individual authorized to represent and act for the local government in the jail day rate negotiations. Include the name, department/office, title, phone, email, street, city, state, and zip. At the bottom of this form the authorized representative must sign, date the form, provide the name of the signer, and title in the "yellow" shaded fields.

<b>NAME:</b>	<b>DEPARTMENT/OFFICE:</b>		
(b)(6);			
<b>TITLE:</b>	<b>STREET:</b>		
Vice President, Treasury, Tax	10 Burton Hills Blvd		
<b>PHONE:</b>	<b>CITY:</b>		
(b)(6);	Nashville		
<b>EMAIL ADDRESS:</b>	<b>STATE:</b>	<b>ZIP:</b>	
(b)(6); @corecivic.com	TN	37215	

#### SECTION VI - CERTIFICATION STATEMENT

Instructions: The authorized representative must sign, date the form, provide the name of the signer, and title.

This is to certify that, to the best of my knowledge and belief, the data furnished in Schedules B through L are accurate, complete and current, and do not include any unallowable costs prohibited by OMB Circular No. A-87 (Cost Principles for State and Local Governments) or any cost not related to the jail facility as discussed on the Cost Sheet for Detention Services). The records of this agency are available for review and audit by the authorized representative of the U.S. Government to verify any jail per diem rate negotiated.

<b>Signature:</b> 	<b>Date:</b> 6/2/2017
<b>Name:</b> John Paul Wooden	<b>Title:</b> Vice President, Treasury, Tax