

U.S. Department of Homeland Security
500 12th 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.

Sincerely,

Marcus K. Francis Sr.
Supervisory Paralegal Specialist

Enclosure: 199 pages

CONTINUATION SHEET

REFERENCE NO. OF DOCUMENT BEING CONTINUED
DROIGSA-10-0003/70CDCR18FIGR00271/P00002

PAGE OF
2 5

NAME OF OFFEROR OR CONTRACTOR
BERKS COUNTY INC

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
0001	<p>Contract Specialist: (b)(6); (b)(7)(C) 202-732-(b)(6): (b)(6); (b)(7)(C) @ice.dhs.gov</p> <p>The purpose of this modification is to provide additional funding in the amount of \$(b)(4) for detention services for ICE detainees at Berks County under the provisions of ICE/ERO Intergovernmental Service Agreement # DROIGSA-10-0003 with Berks County, PA.</p> <p>The total amount funded for this order is increased as follows: From: \$(b)(4) By: To: \$</p> <p>The funding provided in this task order modification is the amount presently available for payment and allotted to this task order. The service provider agrees to perform to the point that does not exceed the total amount currently allotted to the items funded under this task order. The service provider is not authorized to continue to work on those item(s) beyond that point. The Government will not be obligated to reimburse the service provider more than the amount allotted to those item(s) for performance beyond the funding allotted Exempt Action: N Sensitive Award: SPII Discount Terms: Net 30 Delivery Location Code: ICE/ERO ICE ENFORCEMENT REMOVAL IMMIGRATION AND CUSTOMS ENFORCEMENT 801 I STREET NW SUITE (b)(6); WASHINGTON DC 20536</p> <p>FOB: Destination Period of Performance: 07/01/2018 to 06/30/2019</p> <p>Change Item 0001 to read as follows (amount shown is the obligated amount):</p> <p>DETENTION SERVICES-BERKS FAMILY RESIDENTIAL CENTER FIXED COST \$(b)(4)/MONTH</p> <p>As a result, the amount on this CLIN has increased: From: \$(b)(4) Continued ...</p>				(b)(4)

CONTINUATION SHEET

REFERENCE NO. OF DOCUMENT BEING CONTINUED
DROIGSA-10-0003/70CDCR18FIGR00271/P00002

PAGE OF
3 5

NAME OF OFFEROR OR CONTRACTOR
BERKS COUNTY INC

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	<p>By: (b)(4) To: \$ [redacted]</p> <p>Accounting Info: (b)(7)(E)</p> <p>Funded: \$0.00 Accounting Info: (b)(7)(E)</p> <p>Funded: \$0.00 Accounting Info: (b)(7)(E)</p> <p>Funded: (b)(4)</p> <p>Change Item 0001B to read as follows (amount shown is the obligated amount):</p>				
0001B	<p>DETENTION SERVICES-BERKS FAMILY RESIDENTIAL CENTER \$(b)(4) PER PERSON/DAY</p> <p>The Amount on this CLIN has increased: From: \$(b)(4) By: \$ [redacted] To: \$ [redacted]</p> <p>Accounting Info: (b)(7)(E)</p> <p>Funded: \$0.00 Accounting Info: (b)(7)(E)</p> <p>Funded: \$(b)(4)</p> <p>Change Item 0003 to read as follows (amount shown is the obligated amount):</p>				(b)(4)
0003	<p>MISCELLANEOUS COSTS (Clothing/Meals/Pest Control/Zika Sprays)</p> <p>The amount on this CLIN has increased: Continued ...</p>				(b)(4)

CONTINUATION SHEET

REFERENCE NO. OF DOCUMENT BEING CONTINUED
DROIGSA-10-0003/70CDCR18FIGR00271/P00002

PAGE OF
4 5

NAME OF OFFEROR OR CONTRACTOR
BERKS COUNTY INC

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
0004	<p>FROM: \$(b)(4) BY: [redacted] TO: \$ [redacted]</p> <p>Accounting Info: (b)(7)(E)</p> <p>Funded: \$0.00 Accounting Info: (b)(7)(E)</p> <p>Funded: \$0.00 Accounting Info: (b)(7)(E)</p> <p>Funded: \$11,428.60</p> <p>Change Item 0004 to read as follows (amount shown is the obligated amount):</p> <p>EDUCATION COSTS @ (b)(4) PER MONTH Not-to-Exceed \$(b)(4) Per School Year (10 Months)</p> <p>The amount on this CLIN has increased: FROM: \$(b)(4) BY: [redacted] TO: \$ [redacted]</p> <p>The # of Months of this CLIN has increased: FROM: 2 BY: 1 TO: 3</p> <p>Accounting Info: (b)(7)(E)</p> <p>Funded: \$0.00 Accounting Info: (b)(7)(E)</p> <p>Funded: \$0.00 Accounting Info: (b)(7)(E)</p> <p>Continued ...</p>	1	MO	(b)(4)	

CONTINUATION SHEET

REFERENCE NO. OF DOCUMENT BEING CONTINUED
DROIGSA-10-0003/70CDCR18FIGR00271/P00002

PAGE OF
5 5

NAME OF OFFEROR OR CONTRACTOR
BERKS COUNTY INC

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
0007	<p>Funded: \$(b)(4)</p> <p>Change Item 0007 to read as follows (amount shown is the obligated amount):</p> <p>TRANSPORTATION GUARD SERVICES @ (b)(4) PER HOUR REGULAR TIME AND @ (b)(4) PER HOUR FOR OVERTIME</p> <p>This CLIN has increased:</p> <p>From: \$(b)(4)</p> <p>By: \$</p> <p>To: \$</p> <p>Accounting Info: (b)(4); (b)(7)(E)</p> <p>Funded: \$0.00</p> <p>Accounting Info: (b)(4); (b)(7)(E)</p> <p>Funded: \$2,000.00</p>				(b)(4)
0008	<p>Change Item 0008 to read as follows (amount shown is the obligated amount):</p> <p>VOLUNTARY WORK @ \$1.00 PER PERSON/ DAY</p> <p>The amount on this CLIN has increased:</p> <p>FROM: \$1,200.00</p> <p>BY: \$1,000.00</p> <p>TO: \$2,200.00</p> <p>Accounting Info: (b)(7)(E)</p> <p>Funded: \$0.00</p> <p>Accounting Info: (b)(7)(E)</p> <p>Funded: \$1,000.00</p>				1,000.00