

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

**Sent:** Thursday, July 12, 2018 9:43 AM

**To:** (b)(6); (b)(7)(C) @ice.dhs.gov>

**Cc:** (b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C)

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

**Subject:** RE: Dental Rate Increase Contract # DROIGSA-10-0003 for Berks

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

The rate seems fair with what I understand that is included in that rate. IHSC contract dentist bill rate per hour is approximately \$117.00. The requested rate increase will be based on 4hr for half day and 8hr for full day is \$131.25. The difference is that this rate includes equipment and supplies. Based on the combination of labor rate included equipment and supplies I do not see a problem for the rate increase. I do have a question is the government invoiced for services provided or is there a set schedule that is mutually agreed?

Very respectfully,

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

CAPT (b)(6); (b)(7)(C) MHA, RDH, CCHP  
Deputy Assistant Director, Health Systems Support  
ICE Health Service Corps  
500 12th St. SW, Mailstop (b)(6);  
Washington, DC 20536 (b)(7)(C)  
(202)732 (b)(6); Office  
(202)210 (b)(7)(C) BB  
(b)(6); (b)(7)(C) @ice.dhs.gov

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**From:** (b)(6); (b)(7)(C)

**Sent:** Thursday, July 12, 2018 9:13 AM

**To:** (b)(6); (b)(7)(C) >

**Cc:** (b)(6); (b)(7)(C)

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

**Subject:** FW: Dental Rate Increase Contract # DROIGSA-10-0003 for Berks

CAPT, Looking for IHSC input on this dental rate increase at Berks. Can you tell me if this is appropriate? Thanks.

V/R,

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

**From:** (b)(6); (b)(7)(C)

**Sent:** Thursday, July 12, 2018 8:48 AM

**To:** (b)(6); (b)(7)(C)@ice.dhs.gov>

**Cc:** (b)(6); (b)(7)(C)@ice.dhs.gov>

**Subject:** Dental Rate Increase Contract # DROIGSA-10-0003 for Berks

Good morning ,

We received a request from Berks to increase dental rates to comply with the attached amendment. DROIGSA-10-0003 is our IGSA with Berks County for the Family Residential Center.

The changes are as shown below and they usually occur at the beginning of each calendar year.

<u>Period</u>	<u>2017 Rates</u>	<u>Proposed 2018 Rates</u>
Half Day	\$500.00	\$525.00
Full Day	\$1,000.00	\$1,050.00

Let me know if you have any question, otherwise I intend (b)(4); (b)(5)

(b)(4); (b)(5)

Thank you

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

Contract Specialist

DHS/ICE/ Office of Acquisition Management (OAQ)

Detention Compliance and Removals (DCR)

Phone: (202) 732-(b)(6);

(b)(6); (b)(7)(C)@ice.dhs.gov

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

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**From:** (b)(6); (b)(7)(C)@countyofberks.com>  
**Sent:** Wednesday, June 27, 2018 8:14 AM  
**To:** (b)(6); (b)(7)(C)  
**Cc:**  
**Subject:** RE: Dental Rates

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

We would like to request an increase in the dental rate to contract # DROIGSA-10-0003. The new rate we propose is \$525.00 for a half day and \$1050.00 for a full day. Please let me know how to proceed. Thank you.

(b)(6); (b)(7)(C) Fiscal Operations Manager  
County of Berks | Berks County Residential Center  
1040 Berks Road | Leesport, PA 19533  
T 610.396.(b)(6); F 610.898.7415  
(b)(6);@countyofberks.com | [www.countyofberks.com](http://www.countyofberks.com)



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Thank you.

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**From:** (b)(6); (b)(7)(C)  
**Sent:** Tuesday, June 26, 2018 3:33 PM  
**To:** (b)(6); (b)(7)(C)  
**Cc:**  
**Subject:** RE: Dental Rates

**County of Berks Warning:** This is an external email. Please exercise caution.

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Thank you,

However, you need to submit a formal request to ICE to increase the rate to contract # DROIGSA-10-0003 before you start invoicing the new rate. The current rate for dental in accordance with contract # DROIGSA-10-0003 P00014 is \$500.00 for half day and \$1,000.00 for full day.

We will increase the rate as soon as we receive a request to increase the rate from Berks.

Thank you,

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

Contract Specialist  
DHS/ICE/ Office of Acquisition Management (OAQ)  
Detention Compliance and Removals (DCR)  
Phone: (202) 732-(b)(6)  
(b)(6); (b)(7)(C)@ice.dhs.gov

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**From:** (b)(6); (b)(7)(C) mailto:(b)(6); (b)(7)(C)@countyofberks.com]  
**Sent:** Tuesday, June 26, 2018 3:13 PM  
**To:** (b)(6); (b)(7)(C)@ice.dhs.gov>  
**Cc:** (b)(6); (b)(7)(C)@countyofberks.com>  
**Subject:** FW: Dental Rates

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

I have the amendment to the dental contract attached. The answers to your questions are on the attachment. Let me know if you need anything else.

(b)(6); (b)(7)(C) Fiscal Operations Manager  
County of Berks | Berks County Residential Center  
1040 Berks Road | Leesport, PA 19533  
T 610.396.(b)(6); (b)(7)(C) F 610.898.7415  
(b)(6); (b)(7)(C)@countyofberks.com | www.countyofberks.com



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**From:** (b)(6); (b)(7)(C) [mailto:(b)(6); (b)(7)(C)o@ice.dhs.gov]  
**Sent:** Tuesday, June 26, 2018 2:04 PM  
**To:** (b)(6); (b)(7)(C)  
**Cc:**  
**Subject:** Dental Rates

**County of Berks Warning:** This is an external email. Please exercise caution.

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Good afternoon,

We have noticed that the dental rates are being invoiced at \$525.00 for half day and \$1,050.00 for full day. According to DROIGSA-10-0003 P00014, the rates were last increased to \$500.00 for half day and \$1,000.00 for full day. Unless, I am missing something, please confirm when:

- Berks submitted a the request to increase the rates to \$525.00 for half day and \$1,050.00 for full day.
- Was the effective date of that change.

Thank you

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

Contract Specialist  
DHS/ICE/ Office of Acquisition Management (OAQ)  
Detention Compliance and Removals (DCR)  
Phone: (202) 732-(b)(6);  
(b)(6); (b)(7)(C)@ice.dhs.gov

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Thank you.

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