

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

## GROUP HOME/INSTITUTIONAL FACILITIES COVER PAGE

### Title IV-E / Act 148 Maximum Allowable Reimbursement Budget Documentation

for **Projected Budget FY** 2017/18 July 1, 2017 to June 30, 2018

and **Prior Actual Audited FY** 2015/16 July 1, 2015 to June 30, 2016

**Please complete the following fields:**

If these forms are being used to develop a single per diem for multiple local service provider facilities, please enter "MULTIPLE" and the licensed Certificate No. of one facility in the field entitled "Certificate of Compliance". Lastly, please complete the "Schedule of All Local Service Provider Facilities" fields located at the bottom of the worksheet.

Certificate of Compliance:	222430	Unit ID:	AC	Total Number of Licensed Beds	54	
Legal Entity Name as per Certificate of Compliance:	Cornell Abraxas Group, Inc					
Unit Name:	Abraxas Academy Detention					
Facility Name:	Abraxas Academy					
Facility Street Address:	1000 Academy Drive PO Box 645					
Facility City:	Morgantown	State:	PA	Zip:	19543	
Type of Service (select from menu):	SECURE DETENTION (3800)					

**Please complete the following fields:**

Organization Name:	Cornell Abraxas Group, Inc.					
Organization Street Address:	2840 Liberty Avenue - Suite 300					
Organization City:	Pittsburgh	State:	PA	Zip:	15222	
Federal ID#:	76-0545741					
CEO/President Name:	(b)(6); (b)(7)(C)					
Position/Title:	Divisional Vice President					
Phone Number:	412-208-(b)(6);					
Email Address:	(b)(6); @abraxasyfs.com					
Submission Date:	1/10/2018					
Submission #:	3					

Please complete the contact information for the individual responsible for completing and submitting the contract documentation and supporting documentation. If additional contacts, please attach a separate sheet with the additional data.

Contact Person Name:	(b)(6); (b)(7)(C)					
Title:	Director - Financial Operations					
Street Address:	2840 Liberty Avenue - Suite (b)(6);					
City:	Pittsburgh	State:	PA	Zip:	15222	
Phone Number:	412-201-(b)(6);					
Fax Number:	713-335-(b)(7)(C)					
Email Address:	(b)(6); @abraxasyfs.com					

I **CERTIFY** that the information submitted is true, complete, and correct to the best of my knowledge. If I discover that any information submitted is not correct, I will notify the appropriate party(ies) immediately. I understand that if the information submitted is false or misleading, or deliberately omits or conceals pertinent information, I am subject to any and all penalties permitted under federal and state laws.

Print Name:	(b)(6); (b)(7)(C)					
Title:	Director - Financial Operations					
Date:	1/10/2018					

Contact Information of OCYF Reviewer:						
Name:	(b)(6); (b)(7)(C)					
Phone Number:	(717) 34-(b)(6)					
E-mail Address:	(b)(6); @pa.gov					