

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



**U.S. Immigration  
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November 23~~30~~, 2011

Mr. Robert Patrizio, CPA  
Chief Financial Officer  
County of Berks  
Services Center, 13th Fl  
633 Court Street  
Reading, PA 19601

Subj: Berks Family Residential Program

Dear Mr. Patrizio

We have reviewed the Berks County's proposed prices and terms and conditions for relocating the Family Residential Program from the Old Heim building to the CRC building.

The following constitute Immigration and Customs Enforcement's counter offer:

1. The current Juvenile/Family Residential Program will continue without any interruptions or changes. Furthermore, the current IGSA Agreement's terms and conditions will remain in effect except for the pricing changes described in this letter.
2. The program shall continue to comply and meet all Family Residential Standards (FRS) without any exceptions and any revisions of such.
3. ICE will occupy the following areas of the proposed CRC Building:
  - a. Third Floor
  - b. Second Floor
  - c. Basement (consisting of shared space and programming storage)

\*\*\* The Fourth Floor (top floor) will not be occupied by ICE at this time. If another entity occupies the space at a later date, the occupants or the occupancy shall not interfere with the ICE program in any manner.



**U.S. Immigration  
and Customs  
Enforcement**

4. The following repairs are required prior to the ICE occupancy:
  - a. No active water intrusion;
  - b. Ceiling tiles without stain;
  - c. No leaking pipes;
  - d. Paint all areas where recent wall repair was completed and pain the cafeteria;
  - e. Replace all broken light bulbs;
  - f. Re-install doors in bedroom and classroom bathrooms; and
  - g. Re-install doors on all show stalls.
  
5. Additional Conditions shall be addressed by the Berks County:
  - a. Existing Berks FRC furniture and equipment moved into new space.

Furthermore, ICE will require additional installation of IT lines and an IT closet and will determine and pay for these needs internally. ICE is still developing a full list of necessary fit out and associated specifications in addition to the items outlined in paragraph 4(a)-(g) above and will coordinate with the County staff accordingly to determine cost estimates and schedule moving forward. In addition to the five hundred and thirty thousand dollar (\$530,000.00) monthly amount outlined in paragraph 6 below, all said additional fit out costs other than those outlined in paragraph 4 above shall be borne solely by ICE either directly or through reimbursement to the County in twelve (12) equal monthly installments. All improvements made by ICE must be approved by the County, which approval shall not be unreasonably withheld.

As you are aware, we recently solicited offers for a Family Residential Program in the Texas region. Many (if not most) of the residents at Berks are apprehended along the southwest border and it makes fiscal sense to look into the possibility of having a Family Residential Facility in that area. We will have received and completed our reviews of the proposals by the end of January. Our preference is to postpone the move from the HIEM Building to the CRC Building until we have completed our analysis of the competitive proposals.

If we do not find a suitable service provider, we will incorporate the conditions and prices in this offer into our current Agreement. Given we must vacate the HIEM Building by 31 March, you will have two months to complete the tasks in Item 4 and move the program to the CRC Building.

If we do find suitable service provider, depending on the facility availability schedule, we will either; a) terminate our current agreement and move the program to the southwest area – assuming the service provide can begin immediately or b) agree to the terms and conditions above for a specified period of time while the new service provider prepares for full contract

performance. If this is the case, ICE is willing to pay for the fit out items in paragraph 4 separately, up front.



**U.S. Immigration  
 and Customs  
 Enforcement**

6. Pricing Schedule

- a. Please see the table below. The costs in the table reflect the terms and conditions described above. It includes a monthly cost of \$530,000.00 and a variable bed day rate of \$10.95.

<b>ICE's Previous Offer 2012</b>	
<b><u>Residential Housing</u></b>	
Fixed	\$4,590,576.37
Variable	\$311,885.00
<b>Total</b>	<b>\$4,902,461.37</b>
Monthly Fixed	\$382,548.03
Monthly Variable	\$25,990.42
<b><u>Rental Cost (ICE Space)</u></b>	
Rent and Utilities	\$936,000.00
Maintenance	\$21,543.16
<b>Total</b>	<b>\$957,543.16</b>
Monthly	\$79,795.26
Fit out	\$40,000.00
Monthly Fit out	\$3,333.33
<b>Total Residential &amp; Building Costs</b>	
Residential	(b)(5)
Rent/ Util/ Maint	(b)(5)
Fit out Costs	(b)(5)
<b>Total</b>	<b>(b)(5)</b>
Monthly	(b)(5)

<b>ICE's Current Offer 2012</b>	
<b><u>Residential Housing</u></b>	
Fixed	\$4,590,576.37
Variable	\$311,885.00
<b>Total</b>	<b>\$4,902,461.37</b>
Monthly Fixed	\$382,548.03
Monthly Variable	\$25,990.42
<b><u>Rental Cost (ICE Space)</u></b>	
Rent and Utilities	\$1,435,995.47
Maintenance	\$21,543.16
<b>Total</b>	<b>\$1,457,538.63</b>
Monthly	\$121,461.55
<b>Total Residential &amp; Building Costs</b>	
Residential	(b)(5)
Rent/ Util/ Maint	(b)(5)
<b>Total</b>	<b>(b)(5)</b>
Monthly	(b)(5)

Variable Rate	(b)(5)
Days	(b)(5)
Daily Avg Pop	(b)(5)
Variable Rate/ Day	(b)(5)

Variable Rate	(b)(5)
Days	(b)(5)
Daily Avg Pop	(b)(5)
Variable Rate/ Day	(b)(5)

If you have any questions or concerns, please do not hesitate to contact Ms. [REDACTED] at (202) 732-[REDACTED] or [REDACTED]@dhs.gov.

Thank you again for your interest in this mission critical program on behalf of the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE).

We look forward to working with the Berks County in the future!

Sincerely,

[REDACTED]  
Contracting Officer  
Department of Homeland Security  
Immigration and Customs Enforcement  
(ICE)