

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

This message and the attachment(s) are intended for the use of the individual or entity to whom it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any retention, use, dissemination, distribution or copying of this communication including attachments is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone or reply to the original message at the above address and then delete all copies of the message.

Thank you.

From: (b)(6) [mailto:(b)(6); (b)(7)(C)@ice.dhs.gov]
Sent: Wednesday, May 30, 2018 2:05 PM
To: (b)(6); (b)(7)(C)
Cc:
Subject: RE: BCIU contract for 2015 - 2016

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

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

Hello, we are trying to figure this out and get everything to the correct numbers.

The BCIU contract we have a copy of expired July 31, 2016 and was for \$788,605.

Do you have a copy of the current contract you can send to me?

Was there a change to the BCIU contract when the price was changed to \$759,764? There was no mod to the ICE contract with Berks reflecting that change that I can find.

Thank you,

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

Detention, Compliance & Removals (DCR)

Section Chief

DHS | ICE | Office of Acquisition Management (OAQ)

801 "I" Street, N.W., Room (b)(6);

Mail Stop (b)(6);

Washington, D.C. 20536-5750

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

Cell: (202) 380-(b)(6);

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

From: (b)(6); (b)(7)(C)
Sent: Monday, May 14, 2018 3:09 PM
To: (b)(6); (b)(7)(C)
Cc:

Subject: FW: BCIU contract for 2015 - 2016
Importance: High

This is the original contract for the increase in educational services. The price attached was the original price that was proposed for the 4th floor opening. Since that did not happen, the price for the year for services was decreased to the \$759,764.00.

(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



From: (b)(6); (b)(7)(C)
Sent: Wednesday, June 24, 2015 11:33 AM
To: (b)(6); (b)(7)(C)
Subject: FW: BCIU contract for 2015 - 2016
Importance: High

Can you check this before I sign

(b)(6); (b)(7)(C) **Executive Director**
Berks County Residential Center|Family Immigration Program
1040 Berks Road | Leesport, PA 19533
T 610.396.(b)(6); (b)(7)(C) | F 610.396.9218
(b)(6); (b)(7)(C) @countyofberks.com | www.countyofberks.com

From: (b)(6); (b)(7)(C) [mailto:(b)(6); (b)(7)(C)@ice.dhs.gov]
Sent: Wednesday, June 24, 2015 10:55 AM
To: (b)(6); (b)(7)(C)
Subject: RE: BCIU contract for 2015 - 2016
Importance: High

(b)(6); (b)(7)(C) Attached is the mod that updates the pricing table and reflects the new education NTE amount. If you could review and sign and return ASAP, that would be great. Any issues, please email me back.

(b)(6); (b)(7)(C)
Detention, Compliance & Removals (DCR) | Contracting Officer
DHS | U.S. ICE | Office of Acquisition Management (OAQ)
Phone: 202-732-(b)(6); (b)(7)(C) Fax: 202-732-7369

Blackberry: 202-253-(b)(6);
Email: (b)(6); (b)(7)(C)@ice.dhs.gov

From: (b)(6); (b)(7)(C) [mailto:(b)(5); (b)(6); @countyofberks.com]
Sent: Wednesday, June 24, 2015 9:00 AM
To: (b)(6); (b)(7)(C)
Subject: RE: BCIU contract for 2015 - 2016

That should be fine, the county CFO will need a modification saying you agree to pay the amount of the contract and we can move forward.

(b)(6); (b)(7)(C) **Executive Director**
Berks County Residential Center/Family Immigration Program
1040 Berks Road | Leesport, PA 19533
T 610.396.(b)(6); (b)(7)(C) F 610.396.9218
(b)(6); (b)(7)(C)@countyofberks.com | www.countyofberks.com

From: (b)(6); (b)(7)(C) [mailto:(b)(6); (b)(7)(C)@ice.dhs.gov]
Sent: Wednesday, June 24, 2015 8:57 AM
To: (b)(6); (b)(7)(C)
Subject: RE: BCIU contract for 2015 - 2016

There will be a signed modification but as for the "funds approved", this modification has no funds associated with it. It merely lays out the cost table and what is approved by ICE. Will that still be sufficient? I am still waiting on the funding for the additional new hires (approx. 170k).

(b)(6);

Detention, Compliance & Removals (DCR) | Contracting Officer
DHS | U.S. ICE | Office of Acquisition Management (OAQ)
Phone: 202-732-(b)(6); Fax: 202-732-7369
Blackberry: 202-253-(b)(6);
Email: (b)(6); (b)(7)(C)@ice.dhs.gov

From: (b)(6); (b)(7)(C) [mailto:(b)(6); (b)(7)(C)@countyofberks.com]
Sent: Wednesday, June 24, 2015 8:55 AM
To: (b)(6); (b)(7)(C)
Subject: RE: BCIU contract for 2015 - 2016

We will need the signed modification because this will be an approved contract with the county and they will not do that unless funds are approved.

(b)(6); (b)(7)(C) **Executive Director**
Berks County Residential Center/Family Immigration Program
1040 Berks Road | Leesport, PA 19533
T 610.396.(b)(6); (b)(7)(C) F 610.396.9218

(b)(6); (b)(7)(C)@countyofberks.com | www.countyofberks.com

From: (b)(6); (b)(7)(C) [mailto:(b)(6); (b)(7)(C)@ice.dhs.gov]

Sent: Wednesday, June 24, 2015 8:51 AM

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

Subject: RE: BCIU contract for 2015 - 2016

(b)(6); (b)(7)(C) Will adding the new figure in the modification (table) be sufficient for now? It will have that as the "post 4th floor" costs. OR does it need to be spelled out in the actual modification like in the text field? I am asking so I am clear which will get us moving forward.

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

Detention, Compliance & Removals (DCR) | Contracting Officer

DHS | U.S. ICE | Office of Acquisition Management (OAQ)

Phone: 202-732-(b)(6); (b)(7)(C) Fax: 202-732-7369

Blackberry: 202-253-(b)(6); (b)(7)(C)

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

From: (b)(6); (b)(7)(C) [mailto:(b)(6); (b)(7)(C)s@countyofberks.com]

Sent: Wednesday, June 24, 2015 8:44 AM

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

Subject: FW: BCIU contract for 2015 - 2016

I need a time frame for this contract?

(b)(6); (b)(7)(C) **Executive Director**

Berks County Residential Center|Family Immigration Program

1040 Berks Road | Leesport, PA 19533

T 610.396-(b)(6); (b)(7)(C) | F 610.396.9218

(b)(6); (b)(7)(C)@countyofberks.com | www.countyofberks.com

From: (b)(6); (b)(7)(C) [mailto:(b)(6); (b)(7)(C)@Berksiu.org]

Sent: Wednesday, June 24, 2015 7:15 AM

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

Subject: RE: BCIU contract for 2015 - 2016

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

Were you able to get any info from the Feds? I think our supervisors are afraid the staff may find other positions soon if we don't have a contract in place? Sorry to be a pain.

Let me know - Thanks!

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

Berks County Intermediate Unit #14

Office of Business Services

1111 Commons Blvd.
P.O. Box 16050
Reading, PA 19612-6050
610-987-(b)(6);
610-987-8400 (fax)

From: (b)(6); (b)(7)(C) [mailto:(b)(6);@countyofberks.com]
Sent: Wednesday, June 17, 2015 12:15 PM
To: (b)(6); (b)(7)(C)
Cc: (b)(6); (b)(7)(C)
Subject: RE: BCIU contract for 2015 - 2016

I will check with the Feds today.

(b)(6); (b)(7)(C) Executive Director
Berks County Residential Center/Family Immigration Program
1040 Berks Road | Leesport, PA 19533
T 610.396.(b)(6); (b)(7)(C) | F 610.396.9218
(b)(6); (b)(7)(C)@countyofberks.com | www.countyofberks.com

From: (b)(6); (b)(7)(C) [mailto:(b)(6);@Berksiu.org]
Sent: Wednesday, June 17, 2015 12:09 PM
To: (b)(6); (b)(7)(C)
Cc: (b)(6); (b)(7)(C)
Subject: BCIU contract for 2015 - 2016

Hi (b)(6);

I believe we sent a proposal for the ICE Program for next year (2015/2016) for \$788,605. We would like to have a contract in place as soon as possible and I believe your people are the ones to write the agreement. Do you know the status of the contract?

Thanks!

(b)(6); (b)(7)(C)
Berks County Intermediate Unit #14
Office of Business Services
1111 Commons Blvd.
P.O. Box 16050
Reading, PA 19612-6050
610-987-(b)(6);
610-987-8400 (fax)

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