

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

**OTAY MESA DETENTION CENTER**  
**San Diego, CA**  
**1,100 Beds (Federal Population)**

Contract Staffing Pattern

<b>STAFF DEPLOYMENT BY SHIFT &amp; POSITION</b>		
MANAGEMENT/SUPPORT	(b)(4); (b)(7)(E)	
SECURITY OPERATIONS		
UNIT MANAGEMENT		
MAINTENANCE		
SERVICES		
PROGRAMS		
HEALTH SERVICES		(Contracted by ICE - IHSC)
<b>TOTAL</b>		

<b>MANAGEMENT / SUPPORT</b>	<b>Post / Assignment</b>	<b>Job Code</b>	<b>1st Shift</b>	<b>2nd Shift</b>	<b>3rd Shift</b>	<b>Days Covered</b>	<b>Hrs/P P</b>	<b>Relief Factor</b>	<b>Total Staff</b>
SENIOR WARDEN		1098	(b)(4)						
ASSISTANT WARDEN		1003							
MANAGER, LEARNING AND DEVELOPMENT		2156							
COORDINATOR, LEARNING AND DEVELOPMENT		5093							
MANAGER, OPERATIONS FINANCE		1031							
BOOKKEEPER		5004							
ACCOUNTING CLERK		5016							
MANAGER, HUMAN RESOURCES		5019							
HUMAN RESOURCES ASSISTANT		5076							
MEAL BREAK SUPERVISOR		2196							
PERSONNEL INVESTIGATOR		5067							
PREVENTION SEXUAL ASSAULT - COMPLI MNGR		2197							
MANAGER, QUALITY ASSURANCE		2009							
QUALITY ASSURANCE COORDINATOR		5062							
TECHNOLOGY SUPPORT SPECIALIST		3036							
GRIEVANCE COORDINATOR		5094							
SAFETY MANAGER		9087							
MASTER SCHEDULER		5082							
INVESTIGATOR		2051							
MAILROOM CLERK		5009							
SECRETARY		5014							
* ARNP	PA (Employee Screens)								CONTRACT/PRN
<b>TOTAL</b>			(b)(4)						

<b>SECURITY OPERATIONS</b>	<b>Post / Assignment</b>	<b>Job Code</b>	<b>1st Shift</b>	<b>2nd Shift</b>	<b>3rd Shift</b>	<b>Days Covered</b>	<b>Hrs/P P</b>	<b>Relief Factor</b>	<b>Total Staff</b>
CHIEF OF SECURITY		1005	(b)(4)						
ASST CHIEF OF SECURITY		1026							
SHIFT SUPERVISOR		1014							
ASST SHIFT SUPERVISOR		9104							
ASST SHIFT SUPERVISOR	R&D / Transportation	9104							
STG OFFICER		9072							
SR DETENTION OFFICER	Disciplinary Hearing	9013							
SR DETENTION OFFICER	Armory/Key / Tool Control	9013							
SR DETENTION OFFICER	Housing Zone	9013							
SR DETENTION OFFICER	Intake / Release	9013							
DETENTION OFFICER	Intake / Release	9005							
DETENTION OFFICER	Intake / Release	9005							
DETENTION OFFICER	Visitation	9005							
DETENTION OFFICER	Attorney Visits	9005							
SR DETENTION OFFICER	Transportation	9013							
DETENTION OFFICER	Transportation	9005							