

U.S. Department of Homeland Security
500 12th St., SW
Washington, D.C. 20536



U.S. Immigration
and Customs
Enforcement

August 28, 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. This supplemental response provides excel spreadsheets responsive to your requests as follows:

Working Group POCs IHSC excel appears responsive to 2020-ICFO-18634;
ICE FOIA JIC Log excel re Kenosha County appears responsive to 2019-ICFO-29171;
2008 Jail Services Cost Statement (comp) 06 18 08 (2) excel appears responsive to 2018-ICFO-59138;
2019-ICFO-33429 excel appears responsive to 2019-ICFO-33429;
ICE – 4th Floor Expansion P00004 excel appears responsive to 2018-ICFO-59138; and
Jail Cost Statement 2008 Beds excel appears responsive to 2018-ICFO-59138.

FOIA request 2020-ICFO-18634 seeks for the timeframe January 1, 2017 to present:

1. All communications and related materials created, received, or maintained by the Department of Homeland Security to which Rep. Lauren Underwood (D-IL) or any member of her staff were a party. This includes but is not limited to all email, text messages, notes, reports, memorandums, proposed bill texts, and bill evaluations. Please note that in a floor speech of 9/26/2019 Rep. Underwood stated she received information from the "Department of Homeland Security" indicating a request for an integrated Electronic Health Records System she referenced as "EHR." She refers to this in her remarks on HR 3525 as a "direct ask from medical officers at the Department of Homeland Security." Here is a link to the bill text in question: <https://www.congress.gov/bill/116th-congress/house-bill/3525/text> (It is possible that she actually had in mind Immigration and Customs Enforcement but failed to make this

explicit. In the event, I am requesting all communications associated with this "direct ask.")

2. DHS communications and related materials created by or received from other components of DHS or the Department of Health and Human Services Office of Refugee Resettlement about the use of Electronic Health Records systems already in place as well as the establishment of an EHR for the use by offices of CBP.
3. Information on meetings and communications with private individuals, including but not limited to lobbyists or company officials related to past, current, or potential "enterprise" or other information technologies for collecting, coordinating, or maintaining health records data for those encountered or detained by DHS or any component of DHS. I have in mind technical reports, email, text messages, or other communications with the private sector tied to past, current, or potential contracts tied to EHR systems.

FOIA request 2019-ICFO-29171 seeks for the timeframe January 1, 2015 to present:

All the following items maintained, received, or required to be produced by ICE related to health care services at the Kenosha County, WI jail for individuals held under immigration laws:

1. All contracts and associated attachments, memorandums of understanding, e-mail, and all other items associated with the submission; acceptance, and review of detainee health with Kenosha County, WI for health care provided to people held under immigration laws;
2. All logs of grievances (oral and written) submitted by people detained at the Kenosha County facility;
3. All medical expense reports submitted to ICE for the Kenosha County facility;
4. All reviews and reports on health care services provided to people held under immigration laws at the Kenosha County facility, including regular reports, ad hoc reports, and those based on specific grievances or complaints generated by any source;
5. All reports of hunger strikes; and
6. All reports of hospitalization outside of the Kenosha County facility for people held under immigration laws by Hudson County.

FOIA Request 2018-ICFO-59138 seeks:

A. The most recent Jail Services Costs Statement (JSCS) for the following facilities ICE uses to hold people under immigration laws:

- 1) the Berks County Residential Center, Berks County, PA;
- 2) South Texas Family Residential Center, Dilley, TX;
- 3) Hudson County Jail, Hudson County, NJ;
- 4) Stewart County, GA, (CoreCivic);

- 5) Aurora, Colorado (GEO)
- 6) Tacoma, WA (GEO)
- 7) Otay Mesa, CA (CoreCivic)
- 8) Eloy, AZ (CoreCivic)
- 9) Pinal County Jail, AZ
- 10) Otero County Processing Center, NM (MTC)
- 11) Joe Corley Detention Facility, Conroe TX (GEO)
- 12) Houston, TX (CoreCivic on Export Drive)
- 13) IAH, Secure Adult Detention Center (MTC) (Livingstone, TX)
- 14) LaSalle, LA

B. Memorandum from Michael J. Davidson, Chief, CALD, OPLA, ICE to William C. Randolph, Director and Head of Contracting Activity, OAQ, ICE, Funding Intergovernmental Service Agreements (Feb. 7, 2013)

C. All information in any medium including but not limited to e-mail, text messages, reports, contracts, memoranda, letters, or faxes signed by, from, to OR about Charlie Dent, John McCormack, Eric Ruth, Matthew Lerch, Judith Kraine, Mark Baldwin, William Dennis, Thomas Gajewski, Judith Schwank, Mark Scott in ICE components that handle Berks County, PA ICE Intergovernmental Service Agreements (IGSAs) and not responsive to previous requests. This means any document under ICE control associated with detention or removal operations, facility leases, purchases, sales, or services rendered in Berks County, PA that references any of the individuals listed above is responsive to this request. Please make sure to inquire of any ICE component responsible for any negotiations with Berks County. The time frame of this request is 2000 to the present.

The most likely location of records responsive to this request are offices responsible for the Berks County, PA operations, contracts, and reviews, including but not limited to litigation for that facility. In particular, there should be communications in 2006 about ICE-contracted facility firings based on allegations of unlawful actions. Components within ICE that are alerted about misconduct or possible litigation should be searched for responsive records.

D. Please also include all grievance logs and grievances for Berks County, PA, Hudson County, NJ, and Otero County Processing Center, January 1, 2010 to present. (Names and other Personally Identifying information is of course exempt and may be redacted.)

E. All Jail Services Costs Statements for Berks County Family Facility and Hudson County, NJ 2001 to present.

F. Since January 1, 1999, the earliest first 100 pages of documents associated with the IGSA for:

1. Berks County, PA
2. Hudson County, NJ

For "F" please request documents of the component of ICE predecessor INS that would initiate discussions of IGSA's for the purposes of holding people under immigration laws. I am seeking the first information referencing these county governments as suitable detention locations by an INS component in any medium, including but not limited to emails, letters, proposals, memorandums, or reports.

G. All Evaluations associated with contracts for facilities below, including technical and performance evaluations by the Contracting Officers and ICE Detention Planning and Acquisition Unit and ongoing performance and renewals by contract officers EXCEPT Inspector reports. The time frame for this request is January 1, 2000 or the first year of the facility's submission of the JCSC through the present.

- 1) the Berks County Residential Center, Berks County, PA;
- 2) South Texas Family Residential Center, Dilley, TX;
- 3) Hudson County Jail, Hudson County, NJ;
- 4) Stewart County, GA, (CoreCivic);
- 5) Aurora, Colorado (GEO)
- 6) Tacoma, WA (GEO)
- 7) Otay Mesa, CA (CoreCivic)
- 8) Eloy, AZ (CoreCivic)
- 9) Pinal County Jail, AZ
- 10) Otero County Processing Center, NM (MTC)
- 11) Joe Corley Detention Facility, Conroe TX (GEO)
- 12) Houston, TX (CoreCivic on Export Drive)
- 13) IAH, Secure Adult Detention Center (MTC) (Livingstone, TX)
- 14) LaSalle, LA

H. Evaluations of JCSCs by Contracting Officers and ICE Detention Planning and Acquisition Unit for all detention contracts since January 1, 2008.

I. Evaluations of the FIRST JCSCs by Contracting Officers and ICE Detention Planning and Acquisition Units (or their predecessors) for all currently operating ICE/INS detention facilities except as covered by (H).

Please note that ICE has stated that its IGSA packages include JSCSs and their evaluations by Contracting Officers. <https://www.oig.dhs.gov/sites/default/files/assets/2018-02/OIG-18-53-Feb18.pdf> See page 14 of the pdf, letter from John Kelly, January 8, 2018.

FOIA Request 2019-ICFO-33429 seeks for the timeframe April 11, 2014 to present:

1. all documents ICE has referencing the Butler County Jail work program for detainees, including but not limited to documents with the language about porters Chief Dwyer stated he had personally read in an IGSA, as well as all other correspondence about the Butler County's use of people held under immigration law to perform work in and around the facility.

People likely to have or have access to responsive documents include but are not limited to Tae Johnson and Kevin Landy.

2. In addition, please send me all formal and informal compliance reports and follow-up correspondence, including but not limited to email, attachments, grievances or complaints, and contract addenda for Butler County, in particular associated with the deficiencies noted in the reports.
3. Please also send me all data tracking the length of time people are held in the Butler County facility; if there is a db with the number of days/alien please send me an output from that db with the individually identifying information redacted but including the date of arrival and transfer from the facility, as well as the status of the case at the time of transfer, i.e., VD, removal, termination, transfer to another ICE facility.

ICE has considered your requests under the FOIA, 5 U.S.C. § 552.

A search of the Office of Enforcement and Removal Operations (ERO) located records that were potentially responsive to your request. For this production ICE reviewed 11 Excel spreadsheets of potentially responsive documents. ICE has determined that 5 spreadsheets are non-responsive, 3 spreadsheets will be released in full and portions of the remaining 3 spreadsheets will be withheld in part pursuant to FOIA Exemptions 6, 7(C) and 7(E) as described below.

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 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 particular note of the strong interests of individuals, whether they are suspects, witnesses, or investigators, in not being unwarrantably associated with alleged criminal activity. That interest extends to persons who are not only the subjects of the investigation, but those who may have their privacy invaded by having their identities and information about them revealed in connection with an investigation. 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 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.

ICE has applied FOIA Exemption 7(E) to protect from disclosure internal agency case numbers contained within the document.

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: 6 Excel spreadsheets

**DHS Chief Medical Office (CMO) FY2020 Coordination Activities
Working Group (POC) Data Call**

Please use the table below to designate additional points of contact (POC) for your component/office for each working group in the drop down list in the "Working Group" column . As your Component's primary POC, you will be kept informed of each working group's activities and will be asked review policies and guidance, and to provide updates to your Component on the CMO's activities; however, the working group POCs on this table should have substantive expertise specific to each working group (e.g. information technology experts, in addition to healthcare experts, for the Health Records Systems and Integration/Health IT/ Telemedicine working group).

Working Group	Component/Office	Point of Contact (POC) Name	POC Title	POC Phone	POC Email
Disease Surveillance and Reporting	IHSC	B6, B7C	Chief , Public Helath Preparedness Unit	B6, B7C	B6, B7C @ice.dhs.gov
Health Records Systems and Integration/Health IT/ Telemedicine	IHSC	B6, B7C	Chief, Health Information Technology	B6, B7C	B6, B7C @ice.dhs.gov
Medical Guidance/Requirements	IHSC	B6, B7C	Deputy Assistant Director, Clinical Services	B6, B7C	B6, B7C @ice.dhs.gov
Quality Assurance/Performance Improvement	IHSC	B6, B7C	Deputy Assistance Director, Health Care Compliance	B6, B7C	B6, B7C @ice.dhs.gov
Outbreak Response (DHS Personnel and individuals in DHS care/custody)	IHSC	B6, B7C	Chief , Public Helath Preparedness Unit	B6, B7C	B6, B7C @ice.dhs.gov

Disease Surveillance and Reporting				
Health Records Systems and Integration/Health IT/ Telemedicine				
Medical Guidance/Requirements				
Quality Assurance/Performance Improvement				
Outbreak Response (DHS Personnel and individuals in DHS care/custody)				
DHS-wide Medical Response Strategy (Migration Surges – Annex Q, NSSEs, SEARs, Stafford Act Disasters)				
CBP Implementation Plan for Medical Directive				