



February 18, 2020

SENT VIA E-MAIL AND CERTIFIED MAIL

U.S. Immigration and Customs Enforcement
Freedom of Information Act Office
500 12th Street SW, Stop 5009
Washington, DC 20536-5009
Email: ICE-FOIA@dhs.gov

U.S. Department of Homeland Security
FOIA Officer
STOP-0655
245 Murray Lane, SW
Washington, DC 20528-0655
Email: foia@hq.dhs.gov

**Re: FOIA Request for Records Related to the Use of Segregation in ICE Detention;
ICE Detention Monitoring Reports; Detention Reporting Information Line (DRIL)
Records; Detainee Escape Reports; Civil Rights and Civil Liberties Complaints;
Detention Site Complaints; and Language Access Plans
Expedited Processing & Fee Waiver/Limitation Requested**

**RECORDS REQUESTED HEREIN SHOULD NOT BE DESTROYED PURSUANT TO 36
CFR §1230.3**

Dear Freedom of Information Officer:

The American Immigration Council ("Council") submits this Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, *et seq.*, request for production of records (the "Request"). The Council also seeks a fee waiver, pursuant to 5 U.S.C. § 552(a)(4)(A) and 6 C.F.R. § 5.11(k).

Request for Information

The Council seeks any and all records that were prepared, received, transmitted, collected and/or maintained by U.S. Immigration and Customs Enforcement ("ICE") described below. Unless otherwise noted, we request the records specified below from March 1, 2003 to the present.

For purposes of this request, the term “records” includes but is not limited to any and all communications, correspondence, directives, documents, data, videotapes, audiotapes, e-mails, faxes, files, guidance, guidelines, standards, evaluations, instructions, analyses, memoranda, agreements, notes, orders, policies, procedures, protocols, reports, spreadsheets, charts, rules, manuals, technical specifications, training materials, and studies, including records kept in written form, or electronic format on computers and/or other electronic storage devices, electronic communications and/or videotapes, as well as any reproductions thereof that differ in any way from any other reproduction, such as copies containing marginal notations.

For purposes of this request, the term “DHS” means Department of Homeland Security, and any components, subcomponents, offices, or personnel therein.

For purposes of this request, the term “ICE” means Immigration and Customs Enforcement, and any components, subcomponents, offices, or personnel therein.

For purposes of this request, the term “CBP” means U.S. Customs and Border Protection, and any components, subcomponents, offices, or personnel therein.

For purposes of this request, “detainee” means any person detained in an immigration detention facility or holding facility.

Specific Records Requested:

1. Any and all records described by National Archives and Record Administration Request for Records Disposition Authority Number DAA-0567-2015-0013-0008,¹ including, but not limited to records documenting the placement of detainees in segregated housing, including reasons for segregation placement, compliance with applicable detention standards, alternative arrangements explored, and assessment of the best course of action. Segregation includes administrative, disciplinary, protective actions, or self-requested by the detainee.
2. Any and all records described by National Archives and Record Administration Request for Records Disposition Authority Number DAA-0567-2015-0013-0005, including, but not limited to ICE Detention Monitoring Reports, reports documenting on-site monitoring of detention facilities for appropriate and timely resolution of problems and concerns that may arise daily during facility operations, and weekly reports by detention facilities to the Detention Monitoring Unit identifying concerns within the facility and corrective actions taken to remedy them.

¹ For ease of reference, National Archives and Records Administration Records Request for Records Disposition Authority Number DAA-0567-2015-0013 is attached as Exhibit A, and is also available at https://www.archives.gov/files/records-mgmt/rcs/schedules/departments/departments-of-homeland-security/rg-0567/daa-0567-2015-0013_sf115.pdf.

3. Any and all records described by National Archives and Record Administration Request for Records Disposition Authority Number DAA-0567-2015-0013-0007, including, but not limited to records documenting calls to the Detention Reporting and Information Line (DRIL), a toll-free service providing a direct channel for individuals in ICE custody, the public, non-governmental organizations, faith-based organizations, academic institutions, attorneys, and advocacy groups to communicate directly with ICE to answer questions and resolve concerns and where inquiries are sent to appropriate referral sources for action and resolution. Requested records also include, but are not limited to, communications in any form (phone, etc.), correspondence, and supporting documentation.
4. Any and all records described by National Archives and Record Administration Request for Records Disposition Authority Number DAA-0567-2015-0013-0006, including, but not limited to reports documenting details of successful detainee escapes from ICE custody or detention facilities that are generated from ICE Field Offices and submitted to the ICE Detention Standards Compliance Unit (DSCU).
5. Any and all records described by National Archives and Record Administration Request for Records Disposition Authority Number DAA-0567-2015-0010-0002² regarding civil rights and civil liberties complaint records, including, but not limited to correspondence and associated material with the Department of Homeland Security Office for Civil Rights and Civil Liberties concerning civil rights and civil liberties complaints made by detainees or ICE stakeholders.
6. Any and all records described by National Archives and Record Administration Request for Records Disposition Authority Number DAA-0567-2015-0010-0001 regarding detainee medical complaint records, including, but not limited to correspondence, associated materials, and complaints made by detainees concerning their medical treatment with the Department of Homeland Security Office for Civil Rights and Civil Liberties (CRCL), and information provided by ICE based on a detainee's medical folder.
7. Any and all records described by National Archives and Record Administration Request for Records Disposition Authority Number DAA-0567-2015-0010-0003 regarding detention site complaint records, including, but not limited to site documentation and materials accumulated or created based on complaints by detainees or the recommendation of the Department of Homeland Security, and subject matter expert recommendations based on detention facilities.

² For ease of reference, National Archives and Records Administration Records Request for Records Disposition Authority Number DAA-0567-2015-0010 is attached as Exhibit B, and is also available at https://www.archives.gov/files/records-mgmt/rcs/schedules/departments/departments-of-homeland-security/rg-0567/daa-0567-2015-0010_sf115.pdf.

8. Any and all records described by National Archives and Record Administration Request for Records Disposition Authority Number DAA-0567-2015-0010-0004 regarding language access plans, including, but not limited to plans describing how ICE provides language access to ICE external stakeholders.

Please construe this as an ongoing FOIA request, so that any records that come within the possession of the agency prior to your final response to this FOIA Request should also be considered within the Request's scope.

With respect to the form of production, see 5 U.S.C. § 552(a)(3)(B), the Council requests that responsive electronic records be provided electronically in their native file format, if possible, with all metadata and load files. Alternatively, the Council requests that the records be provided electronically in a text-searchable, static-image format (PDF), in the best image quality in the agency's possession, and that the records be provided in separate, Bates-stamped files. We request that you produce responsive materials in their entirety, including all attachments, appendices, enclosures, and/or exhibits. However, to the extent that a response to this request would require you to provide multiple copies of identical material, the request is limited so that only one copy of the identical material is requested. We request that you produce responsive materials in their entirety, including all attachments, appendices, enclosures, and/or exhibits. Please do not compress images or downsample the resolution, as this interferes with their legibility. To facilitate a speedy response, we ask that records responsive to this request be produced on a rolling basis. The Council will accept records and other information that have been redacted pursuant to the Health Insurance and Portability Accountability Act³ or other statutes or regulations protecting the privacy of individual detainees.

In the event you determine that materials contain information that falls within the statutory exemptions to mandatory disclosure, we request that such information be reviewed for possible discretionary disclosure. See *Chrysler Corp. v. Brown*, 441 U.S. 281, 293 (1979). We also request that, in accordance with 5 U.S.C. § 552(b), any and all reasonably segregable portions of otherwise exempt materials be produced. To the extent the request is denied, we expect to receive notice in writing, including a description of the information withheld, the reasons for denial, and any exemptions relied upon.

Fee Waiver Request

The Council requests that any fees associated responding to its FOIA request be waived pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) and 6 C.F.R. § 5.11(k). Pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) and 6 C.F.R. § 5.11(k), fees should be waived or reduced if disclosure is (1) in the public interest because it is "likely to contribute significantly to public understanding of the operations or activities of the government" and (2) "not primarily in the commercial interest of the requester." Disclosure in this case meets these criteria.

³ 42 U.S.C. § 1320d-6.

1. *Disclosure is in the public interest as it is likely to contribute significantly to the public's understanding of the operations and activities of government.*

First, disclosure pursuant to this Request is in the public interest. Today, the U.S. immigration detention system is the largest in the world, and houses on average almost 50,000 immigrants per day. At times in FY 2019, the detention population exceeded 56,000 people.⁴

The U.S. immigration system has been at the center of public and media scrutiny over the last several years, drawing criticism from U.S. and international groups. Government oversight agencies, whistleblowers, and advocates have addressed concerns regarding conditions of confinement in immigration detention and civil rights violations committed by DHS officers. The requested records will contribute significantly to the public's understanding of the U.S. immigration system and are issues of critical interest to the public.

Solitary Confinement/Segregation. The use of segregation, or solitary confinement, in ICE detention is an area of key concern for the American public. There is a broad consensus among mental health experts that long-term solitary confinement is psychologically harmful.⁵ Indeed, the damaging effects of solitary confinement, even on persons with no prior history of mental illness, have long been well known.

Last year, DHS's Office of Inspector General ("OIG") raised concern with the placement of detainees in segregated housing, noting that its inspection of detention facilities "identified serious issues with the administrative and disciplinary segregation of detainees." The OIG noted that detainees "were not treated with the care required under ICE detention standards," and that facilities engaged in segregation practices that "violate ICE detention standards and infringe on detainee rights."⁶ In April 2018, the Department of Homeland Security's Office for Civil Rights and Civil Liberties ("CRCL") concluded that an ICE detention center kept an "alarming" number of detainees with serious mental illness in segregation, and that many were isolated for "shockingly" long periods.⁷ From 2016 to 2018, approximately 40 percent of people

⁴ Immigration and Customs Enforcement, Enforcement and Removal Operations FY 2019 Achievements, <https://www.ice.gov/features/ERO-2019> (last visited Feb. 18, 2019).

⁵ See e.g., Stuart Grassian, *Psychopathological Effects of Solitary Confinement*, 140 AMERICAN JOURNAL OF PSYCHIATRY 1450 (1983); R. Korn, *The Effects of Confinement in the High Security Unit at Lexington*, 15 SOCIAL JUSTICE 8 (1988); S.L. Brodsky and F.R. Scogin, *Inmates in Protective Custody: First Data on Emotional Effects*, 1 FORENSIC REPORTS 267 (1988); Craig Haney, *Mental Health Issues in Long-Term Solitary and "Supermax" Confinement*, 49 CRIME & DELINQUENCY 124 (2003); H. Miller and G. Young, *Prison Segregation: Administrative Detention Remedy of Mental Health Problem?*, 7 CRIMINAL BEHAVIOUR AND MENTAL HEALTH 85 (1997); H. Toch, *Mosaic of Despair: Human Breakdown in Prison*, Washington DC: American Psychological Association (1992).

⁶ DEP'T OF HOMELAND SECURITY, OFFICE OF INSPECTOR GEN., NO. OIG-19-47, CONCERNS ABOUT DETAINEE TREATMENT AND CARE AT FOUR DETENTION FACILITIES (2019), <https://www.oig.dhs.gov/sites/default/files/assets/2019-06/OIG-19-47-Jun19.pdf>.

⁷ Nick Schwellenbach, *Confidential Report Warned ICE of the "Inhumane" Use of Solitary Confinement*, POGO.ORG, Sept. 12, 2019, <https://bit.ly/39DvwfD>.

placed in segregation by ICE involved people with mental illness.⁸ Records related to placement of detainees in segregated housing, including reasons for segregation placement, compliance with applicable detention standards, alternative arrangements explored, and assessment of the best course of action throughout the agency's history will contribute substantially to the public's understanding of ICE's role in this matter of great public concern.

Detention Service Monitoring. ICE's oversight and attention to conditions of confinement in immigration detention is also an area of key concern for the American public. ICE established the Detention Monitoring Program to monitor compliance with applicable detention standards, enable "on the spot" resolution of facility issues, ensure regular inspection checks, and enhance collaboration with ICE staff to address concerns. Detention Service Monitors ("DSM") from this Program are stationed at over 50 detention facilities nationwide, and provide on-the-ground monitoring of detention facilities' compliance with ICE detention standards. As DHS's Office of Inspector General noted, "DSMs provide a needed service for ICE ERO Custody Management by assessment with standards nearly daily or weekly."⁹ Detainees and their advocates have described how ICE's oversight process has allowed facilities to obscure serious issues in detention, and failed to protect the lives of detained immigrants.¹⁰ In 2018, the OIG raised concern with ICE's failure to ensure compliance with detention standards through its oversight measures.¹¹ The requested records will contribute substantially to the public's understanding as to ICE's own oversight of these facilities.

Detention Reporting and Information Line (DRIL). The DRIL is a toll-free service that provides a direct channel for detainees and members of the community to communicate directly with ICE to answer questions and resolve concerns. As ICE notes on its website, call center representatives "will answer calls and assist with resolution" on topics including "incidents of sexual or physical assault or abuse, serious or unresolved problems in detention, reports of victims of human trafficking and other crimes, reports on individuals with serious mental disorders or conditions, separation of minor child or other dependent and other parental related issues, inquiries from the general public, law enforcement officials and others, requests for basic care information, and reports that someone in detention has a serious mental disorder or condition."¹²

Records related to the DRIL system are a matter of key concern for the American public and will contribute substantially to the public's understanding of conditions of confinement in

⁸ Ian Urbina, *The Capricious Use of Solitary Confinement Against Detained Immigrants*, THE ATLANTIC, Sept. 6, 2019, <https://bit.ly/37m2saJ>.

⁹ DEP'T OF HOMELAND SECURITY, OFFICE OF INSPECTOR GEN., OIG-18-67, ICE'S INSPECTIONS AND MONITORING OF DETENTION FACILITIES DO NOT LEAD TO SUSTAINED COMPLIANCE OR SYSTEMIC IMPROVEMENTS (2018), <https://bit.ly/2wdvo7X>.

¹⁰ National Immigrant Justice Center and Detention Watch Network, *Lives in Peril: How Ineffective Inspections Make ICE Complicit in Detention Center Abuse* (2015), <https://bit.ly/2OTwvAl>.

¹¹ DHS-OIG, ICE'S INSPECTIONS at 4, 19.

¹² ICE ERO Detention Reporting and Information Line, <https://www.ice.gov/contact/detention-information-line> (last visited Feb. 10, 2020).

immigration detention. As Senator Patrick Leahy has noted, “ICE’s Detention and Information Line (DRIL) has been a valuable tool in providing a way for immigration detainees to communicate with ICE, receive status updates on their immigration proceedings, and relay reports of abuse and/or concerns about conditions of detention.”¹³ Analysis of data from DRIL calls have provided valuable information related to the incidence of sexual and physical abuse in immigration detention,¹⁴ grievances regarding lack of access to legal counsel and basic immigration case information,¹⁵ and may also provide important insight regarding challenges faced by parents separated from their minor children by immigration officials.¹⁶ The requested records will contribute substantially to the public’s understanding of conditions of confinement in immigration detention.

Detainee Escapes. Information regarding the topic of detainee escapes from ICE custody is a matter of public interest. The media has reported incidents of detainee escapes,¹⁷ and the requested records are likely to contribute to the public’s understanding of ICE’s operations and activities.

Detention Site Complaints and Complaints to the DHS Office for Civil Rights and Civil Liberties. The DHS Office for Civil Rights and Civil Liberties (CRCL) is responsible for integrating civil rights and civil liberties into DHS’s activities by promoting respect for civil rights and civil liberties in DHS’s policy development and implementation, and investigating and resolving complaints filed by the public regarding DHS policies or activities, or actions taken by DHS personnel.¹⁸ CRCL receives complaints regarding civil rights violations for all component agencies, which are a matter of widespread public interest. For example, complaints received by CRCL have provided a critical view of civil rights in ICE detention, including the use of force, hunger strikes, segregation, grievances, staff-detainee communication, legal access, language access, and suicide prevention and intervention;¹⁹ neglect and abuse of child immigrants in U.S.

¹³ *At the Breaking Point: The Humanitarian and Security Crisis at Our Southern Border: Hearing Before the Subcomm. on Border Security and Immigration*, 116th Cong. (May 18, 2019) (Asher Responses to Questions for the Record), <https://bit.ly/2uA9BXT>.

¹⁴ CIVIC, *CIVIC Files Civil Rights Complaint on Rising Sexual Abuse in U.S. Immigration Detention Facilities* (Apr. 11, 2017), <http://www.endisolation.org/blog/archives/1221>.

¹⁵ Emily Ryo and Ian Peacock, *The Landscape of Immigration Detention in the United States* (2018), <https://bit.ly/2w7AJ0v>.

¹⁶ Heather Timmons, *After Taking Their Kids, the U.S. Gives Detained Immigrant Parents This Useless Toll-Free Number*, QUARTZ, Jun. 15, 2018, <https://bit.ly/2HnfBWA>.

¹⁷ See, e.g. Emily Saul, *ICE Officers Were Getting Coffee When Detainee Escaped*, N.Y. POST, Jun. 20, 2018, <https://bit.ly/2wdvi05>.

¹⁸ Department of Homeland Security, Office for Civil Rights and Civil Liberties, <https://www.dhs.gov/office-civil-rights-and-civil-liberties> (last visited Feb. 13, 2020).

¹⁹ Memorandum from Veronica Venture, DHS-CRCL Officer, to Matthew Albence, Executive Associate Director, ICE-ERO, *Adelanto Correctional Facility Complaint*, Apr. 25, 2018, <https://bit.ly/37tCn9D>.

custody;²⁰ abuse on ICE deportation flights;²¹ and abuse by the Border Patrol's Interior Enforcement Operations.²² The requested records will contribute substantially to the public's understanding of the scope of civil rights violations alleged to have occurred by DHS officers.

Medical Care Complaints to the DHS Office for Civil Rights and Civil Liberties.

Information regarding medical care provided to immigrant detainees is a critical matter of public interest, and complaints made to CRCL on this topic seek to obtain vital and irreplaceable detail with respect to this topic.²³ Last year, the House Subcommittee on Civil Rights and Civil Liberties opened an investigation into the provision of medical care to ICE detainees on the basis of CRCL reports.²⁴ As a recent memo based on CRCL medical complaints detailed the systematic provision of inadequate medical and mental health care to immigrant detainees across the United States, including deficient care that resulted in preventable surgeries, contributed to deaths of detainees, incorrect medication, and mental deterioration.²⁵ The requested records will contribute substantially to the public's understanding of medical care provided to immigrant detainees.

Language Access Plans. Federal agencies are required to develop and implement a system to provide services so that persons with limited English proficiency ("LEP") can have meaningful access to them.²⁶ Although DHS works with one of the broadest range of foreign-language speakers in the federal government, it has failed to effectively address the interpretation and translation needs of its stakeholders, including immigrants in its custody.²⁷ DHS's failure to provide adequate language access has become the subject of widespread public

²⁰ ACLU of San Diego et al., *Neglect and Abuse of Unaccompanied Immigrant Children by U.S. Customs and Border Protection* (2018), <https://bit.ly/2HkDIFt>.

²¹ University of Washington Center for Human Rights, *DHS Document Reveals Allegations of Abuse on ICE Air Deportation Flights* (Aug. 16, 2019), <https://bit.ly/2w7Ap1N>.

²² ACLU of Arizona, *Record of Abuse: Lawlessness and Impunity in Border Patrol's Interior Enforcement Operations* (2015), <https://bit.ly/2SpOros>.

²³ Complaint from American Immigration Council and American Immigration Lawyers Association to U.S. Customs and Immigration Enforcement and DHS Office for Civil Rights and Civil Liberties, *Failure to Provide Adequate Medical and Mental Health Care to Individuals Detained in the Denver Contract Detention Facility* (June 4, 2018), <https://www.americanimmigrationcouncil.org/advocacy/immigrants-inadequate-medical-care-aurora>.

²⁴ Justine Coleman, *House Panel Opens Investigation into Immigrant Detainees' Medical Care*, THE HILL, Dec. 23, 2019, <https://bit.ly/2SLW1Ze>.

²⁵ Memorandum from Cameron P. Quinn, DHS-CRCL Officer, to Ronald Vitiello, Deputy Director and Senior Official, ICE, *ICE Health Service Corps (IHSC) Medical/Mental Health Care and Oversight* (Mar. 20, 2019), <https://bit.ly/3bDJklu>; see also Hamed Alezaiz, *A Child's Forehead Partially Removed, Four Deaths, the Wrong Medicine: A Secret Report Exposes Health Care for Jailed Immigrants*, BUZZFEED NEWS, Dec. 12, 2019, <https://bit.ly/38rEg8a>.

²⁶ Exec. Order 13166, 65 Fed. Reg. 50,121 (Aug. 16, 2000); *Lau v. Nichols*, 414 U.S. 563 (1974).

²⁷ American Immigration Council, *The Perils of Expedited Removal 15-16*, May 2017, <https://www.americanimmigrationcouncil.org/research/expedited-removal-asylum-seekers>.

interest and criticism, and the requested records will contribute to the public's understanding of this issue.²⁸

In addition, the American Immigration Council has the capacity, intent and demonstrated ability to disseminate the requested information to a broad cross-section of the public.

The Council regularly provides information to the public based on its FOIA requests and has synthesized and disseminated information from prior FOIA requests to facilitate the sharing of this information with a broad public audience.²⁹ In keeping with its track record of synthesizing or otherwise publishing information on governmental operations gleaned from FOIA requests, the Council intends to post documents received in response to this FOIA request on its publicly accessible website. For calendar year 2019, the Council received 2.6 million pageviews from 1.5 million unique visitors. The Council also has regular contact with national print and news media and plans to share information obtained from FOIA disclosures with interested media.

2. Disclosure is not primarily in the commercial interest of the Council.

Second, the Council is not filing this request to further a commercial interest. The Council is a not-for-profit organization and has no commercial interest in the request. *See e.g.* 6 C.F.R. § 5.11(k)(3)(i)-(ii). This request furthers the Council's work to increase public understanding of immigration law and policy, advocate for the fair and just administration of our immigration laws, protect the legal rights of noncitizens, and educate the public about the enduring contributions of America's immigrants. As with all other reports and information available on the Council's website, the information that the Council receives in response to this FOIA request will be available to immigration attorneys, noncitizens, and other interested members of the public free of charge.

²⁸ *See, e.g.* Andrew Dafoe, *ICE Uses Language Barriers to Silence Asylum Seekers in Louisiana*, THE LENS, Aug. 7, 2019, <https://bit.ly/38l3UeR>; Tom Jawetz and Scott Schuchart, *Language Access Has Life or Death Consequences for Migrants*, Center for American Progress, Feb. 20, 2019, <https://ampr.gs/37r3i6e>; Roberto Rey Agudo, *Potentially Deadly Element of the Southern Border Policy: The Language Wall*, THE HILL, Dec. 23, 2018, <https://bit.ly/3bBiWz5>.

²⁹ *See, e.g.*, *Changing Patterns of Interior Immigration Enforcement in the United States* (2019), a report summarizing certain key documents released by DHS agencies in response to FOIA requests regarding noncitizens' access to counsel, <https://americanimmigrationcouncil.org/research/interior-immigration-enforcement-united-states-2016-2018>; *Enforcement Overdrive: A Comprehensive Assessment of ICE's Criminal Alien Program* (2015), a report analyzing data obtained from ICE to provide a fuller picture of CAP's evolution, operations, and outcomes between fiscal years 2010 and 2013, all of which was previously unknown to the public, <https://americanimmigrationcouncil.org/research/enforcement-overdrive-comprehensive-assessment-ice%E2%80%99s-criminal-alien-program>; and *Still No Action Taken: Complaints Against Border Patrol Agents Continue to Go Unanswered* (2017), a report examining records of alleged misconduct by Border Patrol agents and supervisors, <https://www.americanimmigrationcouncil.org/research/still-no-action-taken-complaints-against-border-patrol-agents-continue-go-unanswered>.

Expedited Processing Request

The Council requests expedited processing of this Request pursuant to 5 U.S.C. § 552(a)(6)(E) and 6 C.F.R. § 5.5(e). There is a “compelling need” for these records, as defined in the statute, because the information requested is “urgen[tly]” needed by an organization primarily engaged in disseminating information “to inform the public concerning actual or alleged Federal Government activity.” 5 U.S.C. § 552(a)(6)(E)(v)(II); *see also* 6 C.F.R. 5.5(e)(1)(ii).

1. *The Council is an organization primarily engaged in disseminating information in order to inform the public about actual or alleged government activity.*

The mission of the Council is to increase public understanding of immigration law and policy, advocate for the fair and just administration of our immigration laws, protect the legal rights of noncitizens, and educate the public about the enduring contributions of America’s immigrants. Our policy department researches issues related to immigration, and regularly provides information to leaders on Capitol Hill, the media, and the general public. Our legal department works with other immigrants’ rights organizations and immigration attorneys across the United States to advance the fair administration of our immigration laws and to share information obtained through FOIA requests and subsequent litigation with the public. As noted above in the discussion of the Council’s demonstrated track record in distributing information to the public, the Council is primarily engaged in the dissemination of information and intends to make the information they receive via this request available to the public. 5 U.S.C. § 552(a)(6)(E)(v)(II).

2. *The records sought are urgently needed to inform the public about actual or alleged government activity.*

The requested records are also urgently needed to inform the public about actual or alleged government activity. *See* 5 U.S.C. § 552(a)(6)(E)(v)(II). As previously noted, the documents concern activities by ICE that are the subject of widespread media and public interest. 5 U.S.C. § 552(a)(6)(E)(i)(I). They pertain to ICE’s use of segregation in immigration detention; ICE’s oversight and compliance with immigration detention standards through its Detention Monitoring Program and the work of Detention Service Monitors; ICE’s Detention Reporting and Information Line (DRIL); detainee escapes from ICE custody; medical and civil rights complaints to CRCL; detention site complaints; and language access plans, which are all issues of considerable public and Congressional interest, as described above.

Given the foregoing, the Council has satisfied the requirements for expedited processing of this Request.

I affirm that the information provided supporting the request for expedited processing is true and correct to the best of my knowledge and belief. *See* 5 U.S.C. § 552(a)(6)(E)(vi) and 6 C.F.R. § 5.5(d)(3).

Thank you for your prompt attention to this Request. We look forward to your reply to this Request within ten (10) business days, as required under 5 U.S.C. § 552(a)(6)(A)(I) and 6 C.F.R. § 5.5(e)(4). Please furnish all responsive records to:

Emily Creighton
American Immigration Council
1331 G. St. NW, Suite 200
Washington, DC 20005
ecreighton@immcouncil.org

If this Request is denied in whole or part, we ask that you justify all deletions by reference to specific exemptions of the FOIA. We expect the release of all segregable portions of otherwise exempt material. We reserve the right to appeal a decision to withhold any information, or to deny a waiver of fees. Please call me at (202) 507-7514 if you have any questions or wish to obtain further information about the nature of the records in which we are interested.

Respectfully,



Emily J. Creighton
Directing Attorney, Transparency
202-507-7514
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EXHIBIT A

Request for Records Disposition Authority

Records Schedule Number **DAA-0567-2015-0013**

Schedule Status **Approved**

Agency or Establishment **Immigration and Customs Enforcement**

Record Group / Scheduling Group **Records of the Bureau of Immigration and Customs Enforcement**

Records Schedule applies to **Agency-wide**

Schedule Subject **Detainee Records**

Internal agency concurrences will be provided **No**

Background Information

Enforcement and Removal Operations (ERO) is responsible for the management and oversight of the United States civil immigration detention system. Detainees placed in ICE custody are individuals who are apprehended and determined to need custodial supervision. Individuals who are released from secure custody constitute ERO's "nondetained" docket. Every case, whether "detained" or "non-detained," remains part of ERO's caseload and is actively managed until it is formally closed. ERO processes and monitors detained and non-detained cases as they move through immigration court proceedings to conclusion.

The Office of Professional Responsibility (OPR) is responsible for overseeing the agency's detention functions to ensure compliance with ICE detention standards. In the event of a detainee's death, OPR will investigate the circumstances of that death.

Item Count

Number of Total Disposition Items	Number of Permanent Disposition Items	Number of Temporary Disposition Items	Number of Withdrawn Disposition Items
8	2	6	0

GAO Approval

Outline of Records Schedule Items for DAA-0567-2015-0013

Sequence Number	
1	Detainee Sexual Abuse and Assault Files Disposition Authority Number: DAA-0567-2015-0013-0001
2	Enforcement and Removal Operations (ERO) Detainee Death Review Files Disposition Authority Number: DAA-0567-2015-0013-0002
3	Office of Professional Responsibility (OPR) Detainee Death Review Files Disposition Authority Number: DAA-0567-2015-0013-0003
4	Detainee Death Reports Disposition Authority Number: DAA-0567-2015-0013-0004
5	Detention Monitoring Reports Disposition Authority Number: DAA-0567-2015-0013-0005
6	Detainee Escape Reports Disposition Authority Number: DAA-0567-2015-0013-0006
7	Detention Reporting Information Line (DRIL) Records Disposition Authority Number: DAA-0567-2015-0013-0007
8	Detainee Segregation Reports Disposition Authority Number: DAA-0567-2015-0013-0008

Records Schedule Items

Sequence Number	
1	<p>Detainee Sexual Abuse and Assault Files</p> <p>Disposition Authority Number DAA-0567-2015-0013-0001</p> <p>Records documenting the reporting and investigation of sexual abuse or assault allegations between detainees as well as by employees, contractors, or volunteers against detainees. Records include, but are not limited to, police reports; summaries of medical exam results; supporting memos and video (if any); evidentiary materials pertaining to the allegation; and investigation outcomes.</p> <p>Final Disposition Temporary</p> <p>Item Status Active</p> <p>Is this item media neutral? Yes</p> <p>Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? No</p> <p>GRS or Superseded Authority Citation N1-567-11-009 / 1a (supersede in part, for detainee sexual abuse and assault files only.)</p> <p>Disposition Instruction</p> <p>Cutoff Instruction Cut off at end of the fiscal year in which the case is closed.</p> <p>Retention Period Destroy 25 year(s) after cutoff.</p> <p>Additional Information</p> <p>GAO Approval Not Required</p>
2	<p>Enforcement and Removal Operations (ERO) Detainee Death Review Files</p> <p>Disposition Authority Number DAA-0567-2015-0013-0002</p> <p>Records documenting Enforcement and Removal Operations (ERO) reporting of detainee deaths that occur in ICE custody, including detention facilities, medical facilities, or in transit to or from any such facility. ERO, in coordination with OPR, conducts an internal review of all facility inspection records for the detention facility at which the death occurred, and a review of all contract documentation for the detention facility where the death occurred. Records include, but are not limited to, correspondence; medical reports; investigative reports; detainee's detention and medical files; death certificates; toxicology reports; and autopsy reports.</p> <p>Final Disposition Temporary</p>

3	Item Status	Active
	Is this item media neutral?	Yes
	Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?	No
	Disposition Instruction	
	Cutoff Instruction	Cut off at the end of the fiscal year in which the case is closed.
	Retention Period	Destroy 20 year(s) after cutoff.
	Additional Information	
	GAO Approval	Not Required
	Office of Professional Responsibility (OPR) Detainee Death Review Files	
	Disposition Authority Number:	DAA-0567-2015-0013-0003
	Records documenting OPR investigation of detainee deaths that occur in ICE custody, including but not limited to deaths that occur in a detention facility, a medical facility, or in transit to or from any such facility. Records include, but are not limited to, investigative reports and their exhibits, correspondence, witness statements, extracts of pertinent information, immigration records, medical records, photographs, video and voice recordings, death certificates, toxicology report, and autopsy reports.	
	Final Disposition	Permanent
	Item Status	Active
	Is this item media neutral?	Yes
	Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?	Yes
	Do any of the records covered by this item exist as structured electronic data?	Yes
	GRS or Superseded Authority Citation	N1-567-11-009 / 1a (supersede in part, for detainee death review files only.)
	Disposition Instruction	
	Cutoff Instruction	Cut off at the end of the fiscal year in which the case is closed.
	Transfer to the National Archives for Accessioning	Transfer to the National Archives 20 year(s) after cutoff.

4

Additional Information

What will be the date span of the initial transfer of records to the National Archives? **Unknown**
Will be determine in consultation with OPR.

How frequently will your agency transfer these records to the National Archives? **Every 5 Years**

Detainee Death Reports

Disposition Authority Number **DAA-0567-2015-0013-0004**

Cumulative reports of individuals who have died while in ICE custody each fiscal year. Reports include alien's name, alien number, date of death, location at time of death, type of death (natural causes, suicide, homicide, accidental overdose, etc.), and cause of death as reported on the death certificate.

Final Disposition **Permanent**

Item Status **Active**

Is this item media neutral? **Yes**

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? **Yes**

Do any of the records covered by this item exist as structured electronic data? **Yes**

GRS or Superseded Authority Citation **N1-567-08-001 / 2b1**
N1-567-08-001 / 2b2

Disposition Instruction

Cutoff Instruction **Cut off at the end of the fiscal year in which the report is issued.**

Transfer to the National Archives for Accessioning **Transfer to the National Archives 20 year(s) after cut off.**

Additional Information

What will be the date span of the initial transfer of records to the National Archives? **Unknown**
Records Division will consult with ERO for date span of initial transfer.

How frequently will your agency transfer these records to the National Archives? **Unknown**
Records Division will consult with ERO and NARA for transfer frequency.

5

Detention Monitoring Reports

Disposition Authority Number **DAA-0567-2015-0013-0005**

Reports documenting on-site monitoring of detention facilities for appropriate and timely resolution of problems and concerns that may arise daily during facility operations. Facilities provide weekly reports to the Detention Monitoring Unit (DMU) identifying concerns within the facility and corrective actions taken to remedy them.

Final Disposition **Temporary**

Item Status **Active**

Is this item media neutral? **Yes**

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? **No**

Disposition Instruction

Cutoff Instruction **Cut off at end of the calendar year in which the report is issued.**

Retention Period **Destroy 3 year(s) after cutoff.**

Additional Information

GAO Approval **Not Required**

6

Detainee Escape Reports

Disposition Authority Number **DAA-0567-2015-0013-0006**

Reports documenting details of successful detainee escapes from ICE custody or detention facilities. Reports are generated from field offices and submitted to the ICE Detention Standards Compliance Unit (DSCU).

Final Disposition **Temporary**

Item Status **Active**

Is this item media neutral? **Yes**

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? **No**

Disposition Instruction

Cutoff Instruction **Cut off at end of the fiscal year in which the report is issued.**

7

Retention Period Destroy 7 year(s) after cutoff.

Additional Information

GAO Approval Not Required

Detention Reporting Information Line (DRIL) Records

Disposition Authority Number DAA-0567-2015-0013-0007

Records documenting calls to the Detention Reporting and Information Line (DRIL). DRIL is a toll-free service providing a direct channel for individuals in ICE custody, the public, non-governmental organizations, faith-based organizations, academic institutions, attorneys, and advocacy groups to communicate directly with ICE to answer questions and resolve concerns. Inquiries are sent to the appropriate referral source for action and resolution. Records include, but are not limited to, communications in any form (phone, etc.), correspondence, and supporting documentation.

Final Disposition Temporary

Item Status Active

Is this item media neutral? Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? No

Disposition Instruction

Cutoff Instruction Cut off at end of the calendar year in which the call is received.

Retention Period Destroy 7 year(s) after cutoff.

Additional Information

GAO Approval Not Required

8

Detainee Segregation Reports

Disposition Authority Number DAA-0567-2015-0013-0008

Reports documenting the placement of detainees in segregated housing, including reasons for segregation placement, compliance with applicable detention standards, alternative arrangements explored, and assessment of the best course of action. Segregation may be administrative, disciplinary, protective actions, or self-requested by the detainee.

Final Disposition Temporary

Item Status Active

Is this item media neutral? Yes

Do any of the records covered
by this item currently exist in
electronic format(s) other than e-
mail and word processing?

No

Disposition Instruction

Cutoff Instruction

Cut off at end of fiscal year in which the detainee is
released from segregation.

Retention Period

Destroy 7 year(s) after cutoff.

Additional Information

GAO Approval

Not Required

Agency Certification

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposition of its records and that the records proposed for disposal in this schedule are not now needed for the business of the agency or will not be needed after the retention periods specified.

Signatory Information

Date	Action	By	Title	Organization
10/26/2015	Certify	Dawn Boswell	Records Officer	OAS - Privacy and Records
11/25/2016	Return for Revision	Ashby Crowder	Archives Specialist	National Archives and Records Administration - ACRA
02/06/2017	Submit For Certification	Sara Cheeseman	Records Contractor	Office of the Assistant Secretary - Office of Information Governance and Privacy
02/16/2017	Return to Submitter	Rachel Frier	ICE Records Officer	M and A - Records Division
05/23/2017	Submit For Certification	Vanessa Ortiz	Records Management Specialist	Department of Homeland Security - Immigration and Customs Enforcement
05/23/2017	Certify	Vanessa Ortiz	Records Management Specialist	Department of Homeland Security - Immigration and Customs Enforcement
01/09/2018	Return for Revision	Ashby Crowder	Archives Specialist	National Archives and Records Administration - ACRA
10/24/2018	Submit For Certification	Vanessa Ortiz	Records Management Specialist	Department of Homeland Security - Immigration and Customs Enforcement
10/25/2018	Certify	Daniel Tucker	Records Officer	Management and Administration - Information governance and Privacy
11/05/2018	Submit for Concurrence	Ashby Crowder	Archives Specialist	National Archives and Records Administration - ACRA

11/14/2019	Concur	Margaret Hawkins	Director of Records Management Services	National Records Management Program - ACNR Records Management Services
11/14/2019	Concur	Laurence Brewer	Chief Records Officer	National Records and Archives Administration - National Records and Archives Administration
12/11/2019	Approve	David Ferriero	Archivist of the United States	Office of the Archivist - Office of the Archivist

EXHIBIT B

Request for Records Disposition Authority

Records Schedule Number **DAA-0567-2015-0010**

Schedule Status **Approved**

Agency or Establishment **Immigration and Customs Enforcement**

Record Group / Scheduling Group **Records of the Bureau of Immigration and Customs Enforcement**

Records Schedule applies to **Agency-wide**

Schedule Subject **Civil Rights Records**

Internal agency concurrences will be provided **No**

Background Information ***Note: This schedule applies only to civil rights related records that have been created or used by ICE as a component agency of the Department of Homeland Security (DHS) since its formation in 2002. It should not be construed as to apply to civil rights related records that preceded the creation of ICE that were already covered by Immigration and Naturalization Service (INS) records schedules. Those records will continue to be covered by the legacy INS schedules.**

Item Count

Number of Total Disposition Items	Number of Permanent Disposition Items	Number of Temporary Disposition Items	Number of Withdrawn Disposition Items
5	0	5	0

GAO Approval

Outline of Records Schedule Items for DAA-0567-2015-0010

Sequence Number	
1	Detainee Medical Complaint Records Disposition Authority Number: DAA-0567-2015-0010-0001
2	Civil Rights and Civil Liberties Complaint Records Disposition Authority Number: DAA-0567-2015-0010-0002
3	Detention Site Complaint Records Disposition Authority Number: DAA-0567-2015-0010-0003
4	Language Access Plans Disposition Authority Number: DAA-0567-2015-0010-0004
5	Minority Serving Institution (MSI) Reports Disposition Authority Number: DAA-0567-2015-0010-0005

Records Schedule Items

Sequence Number	
1	<p>Detainee Medical Complaint Records</p> <p>Disposition Authority Number DAA-0567-2015-0010-0001</p> <p>Correspondence, including associated materials, with the Homeland Security Office for Civil Rights and Civil Liberties (CRCL). Records include complaints made by detainees concerning their medical treatment. ICE provides information based on the detainee's medical folder provided by the facility where the detainee is housed.</p> <p>Final Disposition Temporary</p> <p>Item Status Active</p> <p>Is this item media neutral? Yes</p> <p>Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? Yes</p> <p>Do any of the records covered by this item exist as structured electronic data? Yes</p> <p>Disposition Instruction</p> <p>Cutoff Instruction Cut off when DHS accepts the answer provide by ICE, or in the event of administrative action or litigation, after the expiration of the final adjudication appeal period.</p> <p>Retention Period Destroy 3 year(s) after cutoff.</p> <p>Additional Information</p> <p>GAO Approval Not Required</p>
2	<p>Civil Rights and Civil Liberties Complaint Records</p> <p>Disposition Authority Number DAA-0567-2015-0010-0002</p> <p>Correspondence, including associated materials, with the Office of Civil Rights and Civil Liberties concerning civil rights and civil liberties (non-medical) complaints made by detainees or ICE stakeholders.</p> <p>Final Disposition Temporary</p> <p>Item Status Active</p> <p>Is this item media neutral? Yes</p>

3

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?

Yes

Do any of the records covered by this item exist as structured electronic data?

Yes

Disposition Instruction

Cutoff Instruction

Cut off when DHS accepts the answer provided by ICE, or in the event of administrative action or litigation, after the expiration of the final adjudication appeal period.

Retention Period

Destroy 3 year(s) after cutoff.

Additional Information

GAO Approval

Not Required

Detention Site Complaint Records

Disposition Authority Number

DAA-0567-2015-0010-0003

Site documentation and materials accumulated or created based on complaints by detainees or the recommendation of the Department of Homeland Security. Includes subject matter expert recommendation based on detention facility.

Final Disposition

Temporary

Item Status

Active

Is this item media neutral?

Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?

Yes

Do any of the records covered by this item exist as structured electronic data?

Yes

Disposition Instruction

Cutoff Instruction

Cut off upon when DHS accepts the recommendation, or in the event of administrative action or litigation, after the expiration of the final adjudication appeal period.

Retention Period

Destroy 3 year(s) after cutoff.

Additional Information

GAO Approval

Not Required

4

Language Access Plans

Disposition Authority Number DAA-0567-2015-0010-0004

Plans describing how ICE provides language access to ICE external stakeholders.

Final Disposition Temporary

Item Status Active

Is this item media neutral? Yes

Do any of the records covered
by this item currently exist in
electronic format(s) other than e-
mail and word processing? No

Disposition Instruction

Cutoff Instruction Cut off when superseded.

Retention Period Destroy immediately after cutoff.

Additional Information

GAO Approval Not Required

5

Minority Serving Institution (MSI) Reports

Disposition Authority Number DAA-0567-2015-0010-0005

Reports and associated materials documenting agency efforts to recruit minority students and to provide support to MSI educational institutions.

Final Disposition Temporary

Item Status Active

Is this item media neutral? Yes

Do any of the records covered
by this item currently exist in
electronic format(s) other than e-
mail and word processing? No

Disposition Instruction

Cutoff Instruction Cut off at end of calendar year.

Retention Period Destroy 3 year(s) after cutoff.

Additional Information

GAO Approval Not Required

Agency Certification

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposition of its records and that the records proposed for disposal in this schedule are not now needed for the business of the agency or will not be needed after the retention periods specified.

Signatory Information

Date	Action	By	Title	Organization
10/20/2015	Certify	Dawn Boswell	Records Officer	OAS - Privacy and Records
05/24/2017	Submit for Concurrence	Rania Mahmoud	Appraisal Archivist	National Archives and Records Administration - Records Management Services
05/30/2017	Concur	Margaret Hawkins	Director of Records Management Services	National Records Management Program - ACNR Records Management Services
05/30/2017	Concur	Margaret Hawkins	Director of Records Management Services	National Records Management Program - ACNR Records Management Services
05/31/2017	Approve	David Ferriero	Archivist of the United States	Office of the Archivist - Office of the Archivist