

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



U.S. Immigration
and Customs
Enforcement

January 6, 2021

Nicolette Glazer, Esq.
Law Offices of Larry R. Glazer
1875 Century Park East #700
Century City, CA 90067

RE: Stevens v. ICE 20-cv-2725
ICE FOIA Case Number 2020-ICLI-00042

Dear Ms. Glazer:

This letter is a third interim 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 interim response provides documents responsive to your FOIA requests 2019-ICFO-29171 and 2019-ICFO-33429.

FOIA request 2020-ICAP-00063 seeks:

1. All contracts and associated attachments, memorandums of understanding, e-mail, and all other items associated with the submission; acceptance, and review of the CFG Health Systems, LLC contracts with Hudson County for health care provided to people held under immigration laws.
2. All logs of grievances (oral and written) submitted by people detained at the Hudson County facility.
3. All medical expense reports submitted to ICE, including via Hudson County.
4. All reviews and reports on health care services provided to people held under immigration laws at the Hudson 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.
6. All reports of hospitalization outside of the Hudson County facility for people held under immigration laws by Hudson County.

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

ICE reviewed 309 pages and 3 excels of potentially responsive documents. For the excels ICE has determined all will be released in full. For the pages ICE determined that 68 pages were deemed non-responsive or duplicative in nature. ICE has determined that 20 pages will be

released in full. Upon review, ICE has determined that portions of 221 pages will be withheld pursuant to FOIA Exemptions 5, 6, 7(C), and 7(E) of the FOIA as described below:

ICE has applied FOIA Exemption 5 to protect from public disclosure intra-agency documents that contain the recommendations, opinions, and conclusions of agency employees, and portions of the responsive documents which qualify for protection under the deliberative process privilege and the attorney-client privilege.

FOIA Exemption 5 protects from disclosure those inter- or intra-agency documents that are normally privileged in the civil discovery context. The three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege. After carefully reviewing the responsive documents, I have determined that portions of the responsive documents qualify for protection under the deliberative process privilege and the attorney-client privilege. The deliberative process privilege protects the integrity of the deliberative or decision-making processes within the agency by exempting from mandatory disclosure opinions, conclusions, and recommendations included within inter-agency or intra-agency memoranda or letters. The release of this internal information would discourage the expression of candid opinions and inhibit the free and frank exchange of information among agency personnel. The attorney-client privilege protects confidential communications between an attorney and his client relating to a legal matter for which the client has sought professional advice. It applies to facts divulged by a client to his attorney, and encompasses any opinions given by an attorney to his client based upon, and thus reflecting, those facts, as well as communications between attorneys that reflect client-supplied information. The attorney-client privilege is not limited to the context of litigation.

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 law enforcement sensitive investigative techniques and internal agency URLs, agency case numbers, or database codes contained within the records.

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,

**ROLANDO
VELASCO JR** Digitally signed by
ROLANDO VELASCO JR
Date: 2021.01.06
08:26:59 -05'00'
Senior Paralegal, ICE FOIA for

Fernando Pineiro Jr.
(A)FOIA Officer

Enclosure: 241 pages, 3 excels

SITE	POSITION	Critical Threshold Levels
<u>ALEXANDRIA TRANSFER CENTER</u>		
	Licensed Practical Nurse	66%
	Registered Nurse	66%
	Advanced Practice Providers	50%
Higher combined	Techs/ Assistants	50%
New	MD/DO-DDS-PharmD	50%
<u>BERKS COUNTY FAMILY/RESIDENTIAL SHELTER</u>		
	Licensed Practical Nurse	66%
	Registered Nurse	66%
	Advanced Practice Providers	50%
	Behavioral Health Providers	50%
Lower combined	Techs/ Assistants	50%
<u>BUFFALO SPC</u>		
Higher	Licensed Practical Nurse	66%
	Registered Nurse	66%
	Advanced Practice Providers	50%
	Behavioral Health Providers	50%
Higher combined	Techs/ Assistants	66%
	MD/DO-DDS-PharmD	50%
<u>DILLEY FAMILY RESIDENTIAL CENTER</u>		
	Licensed Vocational Nurse	66%
Higher combined	Registered Nurse	66%
	Advanced Practice Providers	50%
	Behavioral Health Providers	50%
Lower across the board	Techs/ Assistants	50%
Higher across the board	MD/DO-DDS-PharmD	66%
<u>EL PASO SPC</u>		
	Licensed Vocational Nurse	50%
	Registered Nurse	66%
	Advanced Practice Providers	50%
New	Behavioral Health Providers	50%
	Techs/ Assistants	50%

SITE	POSITION	Critical Threshold Levels
Higher Combined	MD/DO-DDS-PharmD	66%
<u>ELIZABETH CDF</u>		
	Licensed Practical Nurse	50%
	Registered Nurse	66%
	Advanced Practice Providers	50%
New	Techs/ Assistants	50%
	MD/DO-DDS-PharmD	50%
<u>ELOY CDF</u>		
	Licensed Practical Nurse	66%
	Registered Nurse	66%
	Advanced Practice Providers	50%
	Behavioral Health Providers	50%
Lower combined	Techs/ Assistants	50%
Higher combined	MD/DO-DDS-PharmD	66%
<u>FLORENCE SPC</u>		
	Licensed Practical Nurse	66%
	Registered Nurse	66%
	Advanced Practice Providers	50%
	Behavioral Health Providers	50%
Middle combined	Techs/ Assistants	50%
Higher	MD/DO-DDS-PharmD	66%
<u>HOUSTON CDF</u>		
	Licensed Vocational Nurse	66%
	Registered Nurse	50%
	Advanced Practice Providers	50%
	Behavioral Health Providers	50%
	Techs/ Assistants	50%
	MD/DO-DDS-PharmD	66%
<u>JENA/LASALLE DETENTION FACILITY IGSA</u>		
	Licensed Practical Nurse	50%
	Registered Nurse	66%
	Advanced Practice Providers	66%

SITE	POSITION	Critical Threshold Levels
	Behavioral Health Providers	50%
Lower combined	Techs/ Assistants	50%
Lower combined	MD/DO-DDS-PharmD	50%
<u>KROME NORTH SPC</u>		
	Licensed Practical Nurse	50%
	Registered Nurse	50%
	Advanced Practice Providers	50%
	Behavioral Health Providers	50%
Lower combined	Techs/ Assistants	50%
Lower combined	MD/DO-DDS-PharmD	50%
<u>LOS ANGELES STAGING FACILITY</u>		
	Licensed Vocational Nurse	66%
	Registered Nurse	50%
	Techs/ Assistants	50%
<u>PEARSALL/SOUTH TEXAS DETENTION COMPLEX</u>		
	Licensed Vocational Nurse	50%
	Registered Nurse	66%
	Advanced Practice Providers	50%
	Behavioral Health Providers	50%
	Techs/ Assistants	50%
	MD/DO-DDS-PharmD	50%
<u>PORT ISABEL SPC</u>		
	Licensed Vocational Nurse	66%
	Registered Nurse	66%
	Advanced Practice Providers	50%
	Behavioral Health Providers	50%
Lower combined	Techs/ Assistants	50%
Higher Combined	MD/DO-DDS-PharmD	66%
<u>SAN DIEGO CDF</u>		
	Licensed Vocational Nurse	66%
	Registered Nurse	66%
	Advanced Practice Providers	50%

SITE	POSITION	Critical Threshold Levels
	Behavioral Health Providers	50%
Lower combined	Techs/ Assistants	50%
	MD/DO-DDS-PharmD	50%
<u>SANTA ANA STAGING FACILITY</u>		
	Licensed Vocational Nurse	66%
New	Registered Nurse	50%
<u>STEWART CDF</u>		
	Licensed Practical Nurse	66%
	Registered Nurse	66%
	Advanced Practice Providers	66%
	Behavioral Health Providers	50%
Higher combined	Techs/ Assistants	50%
	MD/DO-DDS-PharmD	50%
<u>TACOMA/NORTHWEST DET. CENTER CDF</u>		
	Licensed Practical Nurse	50%
	Registered Nurse	66%
Lower	Advanced Practice Providers	50%
	Behavioral Health Providers	66%
	Techs/ Assistants	50%
	MD/DO-DDS-PharmD	50%
<u>TAYLOR FEMALE RESIDENTIAL FACILITY</u>		
	Licensed Vocational Nurse	50%
	Registered Nurse	66%
	Advanced Practice Providers	66%
	Behavioral Health Providers	66%
	Techs/ Assistants	50%
	MD/DO-DDS-PharmD	50%
<u>VARICK STREET STAGING FACILITY</u>		
	Registered Nurse	50%
New	Techs/ Assistants	50%
<u>YORK COUNTY</u>		
	Licensed Practical Nurse	50%

SITE	POSITION	Critical Threshold Levels
	Registered Nurse	50%
	Techs/ Assistants	50%