

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
<u>ALEXANDRIA TRANSFER CENTER</u>	
	Licensed Practical Nurse
	Registered Nurse
	Advanced Practice Providers
	Behavioral Health Providers
	Techs/ Assistants
	MD/DO-DDS-PharmD
<u>BERKS COUNTY FAMILY/RESIDENTIAL SHELTER</u>	
	Licensed Practical Nurse
	Registered Nurse
	Advanced Practice Providers
	Behavioral Health Providers
	Techs/ Assistants
	MD/DO-DDS-PharmD-CC
<u>BUFFALO SPC</u>	
	Licensed Practical Nurse
	Registered Nurse
	Advanced Practice Providers
	Behavioral Health Providers
	Techs/ Assistants
	MD/DO-DDS-PharmD-CC
<u>CAROLINE</u>	
	Licensed Practical Nurse
	Registered Nurse
	Advanced Practice Providers
	Behavioral Health Providers
	Techs/ Assistants
	MD/DO-DDS-PharmD-CC
<u>DILLEY FAMILY RESIDENTIAL CENTER</u>	
	Licensed Vocational Nurse
	Registered Nurse
	Advanced Practice Providers

SITE	POSITION
	Behavioral Health Providers
	Techs/ Assistants
	MD/DO-DDS-PharmD-CC
<u>EL PASO SPC</u>	
	Licensed Vocational Nurse
	Registered Nurse
	Advanced Practice Providers
	Behavioral Health Providers
	Techs/ Assistants
	MD/DO-DDS-PharmD-CC
<u>ELIZABETH CDF</u>	
	Licensed Practical Nurse
	Registered Nurse
	Advanced Practice Providers
	Behavioral Health Providers
	Techs/ Assistants
	MD/DO-DDS-PharmD-CC
<u>ELOY CDF</u>	
	Licensed Practical Nurse
	Registered Nurse
	Advanced Practice Providers
	Behavioral Health Providers
	Techs/ Assistants
	MD/DO-DDS-PharmD-CC
<u>FLORENCE SPC</u>	
	Licensed Practical Nurse
	Registered Nurse
	Advanced Practice Providers
	Behavioral Health Providers
	Techs/ Assistants
	MD/DO-DDS-PharmD-CC
<u>HOUSTON CDF</u>	

SITE	POSITION
	Licensed Vocational Nurse
	Registered Nurse
	Advanced Practice Providers
	Behavioral Health Providers
	Techs/ Assistants
	MD/DO-DDS-PharmD-CC
<u>JENA/LASALLE DETENTION FACILITY IGSA</u>	
	Licensed Practical Nurse
	Registered Nurse
	Advanced Practice Providers
	Behavioral Health Providers
	Techs/ Assistants
	MD/DO-DDS-PharmD-CC
<u>KROME NORTH SPC</u>	
	Licensed Practical Nurse
	Registered Nurse
	Advanced Practice Providers
	Behavioral Health Providers
	Techs/ Assistants
	MD/DO-DDS-PharmD
<u>LOS ANGELES STAGING FACILITY</u>	
	Licensed Vocational Nurse
	Registered Nurse
	Advanced Practice Providers
	Behavioral Health Providers
	Techs/ Assistants
	MD/DO-DDS-PharmD-CC
<u>MONTGOMERY PROCESSING CENTER</u>	
	Licensed Vocational Nurse
	Registered Nurse
	Advanced Practice Providers
	Behavioral Health Providers

SITE	POSITION
	Techs/ Assistants
	MD/DO-DDS-PharmD-CC
<u>PEARSALL/SOUTH TEXAS DETENTION COMPLEX</u>	
	Licensed Vocational Nurse
	Registered Nurse
	Advanced Practice Providers
	Behavioral Health Providers
	Techs/ Assistants
	MD/DO-DDS-PharmD-CC
<u>PORT ISABEL SPC</u>	
	Licensed Vocational Nurse
	Registered Nurse
	Advanced Practice Providers
	Behavioral Health Providers
	Techs/ Assistants
	MD/DO-DDS-PharmD-CC
<u>SAN DIEGO CDF</u>	
	Licensed Vocational Nurse
	Registered Nurse
	Advanced Practice Providers
	Behavioral Health Providers
	Techs/ Assistants
	MD/DO-DDS-PharmD-CC
<u>SANTA ANA STAGING FACILITY</u>	
	Licensed Vocational Nurse
	Registered Nurse
	Advanced Practice Providers
	Behavioral Health Providers
	Techs/ Assistants
	MD/DO-DDS-PharmD
<u>TACOMA/NORTHWEST DET. CENTER CDF</u>	
	Licensed Practical Nurse

SITE	POSITION
	Registered Nurse
	Advanced Practice Providers