

**NATIONAL
IMMIGRANT
JUSTICE CENTER**
A HEARTLAND ALLIANCE PROGRAM

February 16, 2018

Via FedEx courier

U.S. Immigration and Customs Enforcement
Freedom of Information Act Office
500 12th Street, S.W., Stop 5009
Washington, D.C. 20536-5009

Dear FOIA Officer:

This is a request for information under the Freedom of Information Act (“FOIA”), 5 U.S.C. §552. We request the following records in the custody or control of the Department of Homeland Security (DHS), and its relevant subsidiary agencies or departments, including Immigration & Customs Enforcement (ICE):

1. A list of all facilities used by ICE to detain individuals in its custody, current as of the date of response to this request. Please include the following information for each facility:
 - a. Name of the facility;
 - b. ICE Area of Responsibility with jurisdiction over the facility;
 - c. Type of contract (e.g. IGSA, USMS, SPC, CDF);
 - d. Maximum capacity;
 - e. Whether the facility holds individuals over or under 72 hours;
 - f. Applicable ICE civil detention standards;
 - g. Date of most recent inspection and type of inspection (i.e. ERO, ODO);
 - h. ERO Rating for the two most recent consecutive years;
 - i. Average Daily Population (ADP) for the two most recent consecutive years;
 - j. Whether the facility holds men or women or both;
 - k. Whether the facility holds adults or minors (under the age of 18) or both;
 - l. Immigration court with jurisdiction over cases arising from the facility.

2. The most current and complete contract modification or addendum for the following facilities, between the facility and DHS, ICE or U.S. Marshals Service (USMS):
 - Baker County Jail (Florida)
 - Boone County Jail (Illinois)
 - California City Correctional Center (California)
 - Cass County Jail (Nebraska)
 - Freeborn Adult Detention Center (Minnesota)
 - Hardin County Jail (Iowa)

- Hutto Correctional Center (Texas)
- James Musick Facility (California)
- Joe Corley Detention Facility (Texas)
- Jefferson County Jail (Idaho)
- Johnson County Law Enforcement Center (Texas)
- Karnes County Civil Detention Center (Texas)
- Kenosha County Detention Center (Wisconsin)
- McHenry County Jail (Illinois)
- Monroe County Detention Center (Florida)
- Morrow County Correctional Center (Ohio)
- Otero County Processing Center (New Mexico)
- Pulaski County Jail (Illinois)
- Rappahannock Regional Jail (Virginia)
- South Louisiana Detention Center (Louisiana)
- Stafford County Corrections (New Hampshire)
- Tensas Parish Detention Center (Louisiana)
- Theo Lacy Facility (California)
- Utah County Jail (Utah)
- Worcester County Jail (Maryland)

a. For the following facilities, please include the original contract and all subsequent modifications and addendums, such that the contract is provided in its current and complete form:

- Cibola County Correctional Center (New Mexico)
- Clay County Jail (Indiana)
- Clinton County Correctional Facility (Pennsylvania)
- Coastal Bend Detention Facility (Texas)
- Delaware County Jail (George W. Hill – Pennsylvania)
- El Paso Service Processing Center (Texas)
- Florence Service Processing Center (Arizona)
- Franklin County House of Corrections (Massachusetts)
- Geauga County Jail (Ohio)
- Hall County Department of Corrections (Nebraska)
- Henderson Detention Facility (North Carolina)
- Imperial Regional Adult Detention Facility (California)
- Keogh-Dwyer Correctional Facility (New Jersey)
- Laredo Processing Center (Texas)
- LaSalle County Regional Center (Texas)
- Marshall County Jail (Iowa)
- Mesa Verde Detention Facility (California)
- Nevada Southern Detention Center (Nevada)
- Northeast Ohio Correctional Center (OH)
- Pine Prairie Correctional Center (LA)

- Polk County Adult Detention Center (Texas)
 - Prairieland Detention Center (Texas)
 - Rio Cosumnes Correctional Center(California)
 - Rio Grande Detention Center (Texas)
 - San Luis Regional Detention Center (Arizona)
 - Sherburne County Jail (Minnesota)
 - Tarrant County Detention Facility (New Mexico)
 - Virginia Peninsula Regional Jail (Virginia)
 - Washoe County Jail (Nevada)
 - West Texas Detention Facility (Sierra Blanca, Texas)
 - Western Tennessee Detention Facility (Tennessee)
 - Willacy County Regional Detention Facility (Texas)
 - Yakima County Department of Corrections (Washington)
 - York County Prison (Pennsylvania)
3. For the facilities listed in Request 2, all complete subcontracts between state or local facilities that presently have contracts with DHS, ICE or USMS and any private entities for the purpose of housing noncitizens in ICE custody. This request includes any modifications or addendums extending or modifying a contract, such that the contract is provided in its current and complete form;
 4. All complete contracts between DHS and a private entity to house noncitizens in Contract Detention Facilities (CDFs). This request includes any modifications or addendums extending or modifying a contract, such that the contract is provided in its current and complete form;
 - a. For CDFs, all complete subcontracts to provide services for facilities designated as CDFs, including guard, food, phone, medical and transportation services. This request includes any modifications or addendums extending or modifying a contract, such that the contract is provided in its current and complete form.
 5. For ICE Service Processing Centers (SPCs), all complete contracts or subcontracts between DHS or ICE and any private entity to provide services for facilities designated as SPCs, including guard, food, phone, medical and transportation services. This request includes any modifications or addendums extending or modifying a contract, such that the contract is provided in its current and complete form;
 6. For the period January 2015 through the present, all bid solicitation requests issued by the DHS, ICE or any entity with authorization to solicit bids for the purposes of securing bed space to detain individuals in DHS custody.

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 scope of the request.

Electronic versions of the requested documents on compact discs are preferred. Please produce with the records any metadata and load files, so that the records can be accessed, searched, and displayed in a manner comparable to a USCIS user. If codes are employed, please also produce any documents in your possession explaining the codes employed, and what they signify.

If all or part of any of this request is denied, please specify the exemption(s) claimed for withholding each record. If some portion(s) of the requested records are determined to be exempt, please provide the remaining non-exempt portions. 5 U.S.C. §552(b). To the extent that materials are excised, please “black out” these materials, rather than “whiting out” or “cutting out” these materials. We reserve the right to appeal any decision(s) to withhold information and expect that you will list the address and office to which such an appeal may be directed. 5 U.S.C. §552(a)(6)(A)(i).

Fee Waivers & Reductions

In amending the FOIA statute, Congress intended for liberal construction of all fee waiver provisions for non-commercial requesters. *See Judicial Watch Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003) (“Congress amended FOIA to ensure that it be ‘liberally construed in favor of waivers of noncommercial requesters.’”).

The Requester is entitled to a waiver of all costs because the information sought “is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the [Requester’s] commercial interest.” 5 U.S.C. § 552(a)(4)(A)(iii); 6 C.F.R. §§ 5.11(k). The Requester has a proven track-record of compiling and disseminating information to the public about DHS detention contracting and inspections processes and not for any private commercial interest, *see e.g.*, “NIJC Freedom of Information Act Litigation Reveals Systemic Lack of Accountability in Immigration Detention Contracting,” August 2015, available at <http://immigrantjustice.org/immigration-detention-transparency-and-human-rights-project-august-2015-report>, and “Lives in Peril: How Ineffective Inspections Make ICE Complicit in Detention Center Abuse,” October 2015, available at <http://immigrantjustice.org/publications/TransparencyandHumanRightsOctober2015>. We intend to make your response – and an analysis thereof – publicly available on our website. The primary purpose of this FOIA request is to supplement limited and outdated information that DHS provided in a prior FOIA request by Requestor, *see* 2012FOIA03030 to further the public’s knowledge and understanding of ICE contracts with and inspections of facilities that house individuals in its custody. Access to this information is required for the public to meaningfully understand DHS practice and expenditures with regard to the detention of noncitizens in the U.S.

The Requester is also entitled to a waiver of search-related fees as “a representative of the news media.” 5 U.S.C. § 552(a)(4)(A)(ii)(II); 6 C.F.R. § 5.11(d)(1). Under the 2007 amendments to FOIA, “a representative of the news media” means “any person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into distinct work, and distributes that work to an audience.” 5 U.S.C. § 552(a)(4)(A)(ii). “News” means “information that is about current events or that would be of current interest to the public.” *Id.* Examples of news media entities includes “alternative media” that disseminate their publications for free “through telecommunications services,” i.e., the internet. *Id.* As noted above, NIJC has a track record of turning raw material into reports and other publications for

distribution to the general public, which it does at no charge. We therefore request that DHS waive any search-related costs for this FOIA request.

The documents subject to this request are not sought for any commercial use. Thus, in the alternative, we understand that no fee may be charged for the first two hours of search time or for the first 100 pages of duplication. 5 U.S.C. §552(a)(4)(A)(iv)(II); 6 C.F.R. § 5.11(d)(3). If you decline to waive these fees, and if these fees will exceed \$100.00, please notify us of the amount of these fees before fulfilling this request.

Please reply to this request within twenty working days, or as required by statute. 5 U.S.C. §552(a)(6)(A)(i). If you have any questions regarding this request, please feel free to email me at cvalenzuela@heartlandalliance.org or call me at 312-660-1308.

Sincerely,

s/ Claudia Valenzuela
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