

Law Office of R. Andrew Free

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August 27, 2014

Via Email: ICE-FOIA@dhs.gov

U.S. Immigration and Customs Enforcement
Freedom of Information Act Office
500 12th Street S.W., Stop 5009
Washington, D.C. 25036-5009

Re: Freedom of Information Act Request

Dear FOIA/PA Officer:

This Freedom of Information Act (“FOIA”) request is made on behalf of our client, Professor Jacqueline Stevens of the Northwestern University Deportation Research Clinic (“Requester”). All communications concerning this request should be sent to the undersigned attorney, R. Andrew Free, 414 Union Street, Suite 900, Nashville, TN 37219, tel. (615) 244-2202, fax (615) 244-4345, and email Andrew@ImmigrantCivilRights.com.

Pursuant to the FOIA, 5 U.S.C. § 552 *et seq.*, the following Records¹ are hereby requested (collectively, the “Requests”):

A. ICE-GEO Detention Contracts for the Aurora, Colorado Processing Center

1. the most recent contract between U.S. Immigration and Customs Enforcement (“ICE”) and the Geo Group, Inc. (“GEO”) for detention services at the Aurora Processing Center, located in Aurora, Colorado. It is believed that this contract was signed on or about **September 19, 2011**, and includes a contract capacity of at least 525 beds.
2. the immediate previous contract between ICE and GEO for detention services at the Aurora processing Center. It is believed that this contract involved performance of detention services by Geo from a period beginning on or around June 1, 2008 and continuing until approximately October 1, 2011.

¹ As used herein, the term “Records” includes, but is not limited to, data (including Excel spreadsheets), transmittals, letters, emails, memoranda, reports (including, *e.g.*, audit reports), instructions (such as to or from agency staff, contractors, or other providers), and summaries.

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B. ICE Average Daily Population Data for the Aurora Processing Center

1. daily, weekly, bi-weekly, and/or monthly Records of bed space inventory at the Aurora Service Processing Center from October 1, 2013 to the present, including the number of vacant beds and the detainee population.

C. Records ICE Volunteer Work Program Payments to GEO

1. Records of all requests from GEO to ICE seeking reimbursement or payment for detainee wages compensable under the Voluntary Work Program from the commencement of the most recent contract period to the present.
2. Records of all payments from ICE to GEO to compensate for detainee labor performed under the Voluntary Work Program from the commencement of the most recent contract period to the present.
3. Records showing the total amount of detainee shifts worked under the Voluntary Work Program and total compensation for those shifts from ICE to GEO dating from the commencement of the most recent contract period to the present.

The above Requests do **NOT** include any Records, or portions of Records, specifically identifying a particular individual that would be covered by the Privacy Act or other Privacy Protections.

With respect to the foregoing, Requester is **NOT** requesting the disclosure of any drafts and no such drafts need be listed on any *Vaughn* index of withheld Records or portions thereof.

Location of Records. It is believed that ICE's Office of Acquisition Management ("OAQ") will have the most ready access to the contracts requested in Part A of these Requests. It is believed that ICE's Office of Detention Policy and Planning ("ODPP") will have the most ready access to the Requests in Parts B and C. Accordingly, an adequate search will, at minimum, involve tasking these two agency components within ICE to search for and retrieve responsive documents.

Possession of Records. If ICE does not have custody or control over certain requested responsive Records, but knows or believes that another department, agency, private entity, or another subject to FOIA does, please refer this FOIA request to the appropriate agency and inform the undersigned of such referral.

Withholding of Records. If ICE believes any Records or portions of the Records are exempt from disclosure, please provide the non-exempt and/or reasonably segregable portions of the Records. Please also supply a *Vaughn* index identifying all Records or portions thereof that are being withheld from disclosure and state the specific statutory basis and factual justification for any denial or redaction.

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Request for Expediting Processing and Fee Waiver. Requester hereby requests expedited processing pursuant to 5 U.S.C. § 552(A)(6)(E) and a fee waiver under the FOIA to the fullest extent permitted by law.

Requester is a widely published academic and recognized journalist whose research principally involves studying and informing the public about the work and misconduct of U.S. agencies involved in the deportation process. Through her work, Requester sheds public light upon individual instances of misconduct as well as systemic abuses. The primary purpose of the Requester is to inform the public, the legal community, and lawmakers about ICE detention contracting arrangements and the economic incentives at play in these public contracts. Providing the requested information will contribute significantly to current understanding of ICE's policies and practices vis-à-vis the Aurora Processing Center, as well as identifying potential ways to adjust those practices so that they comport with the law and sound public policy.

To the extent that fees associated with the Requests exceed the maximum allowable fee waiver, Requester (through her undersigned attorney) hereby agrees to pay fees not to exceed \$250.00 in connection with the FOIA requests herein, provided the agency has otherwise complied with the FOIA's time limits. If ICE requires the payment of fees in excess of \$250.00, please contact the undersigned to seek advance authorization to proceed and please provide an estimate of fees broken down according to each numbered request above.

Records to be Produced in Native Format. To the extent possible, please disclose all Records in connection with this FOIA in electronic form. Where data is to be disclosed, to the extent possible, please produce native files (*e.g.*, Excel spreadsheets). Please send these records by email to Andrew@ImmigrantCivilRights.com or on media such as CD or DVD. If the file sizes of the Records are too large to be emailed or provided on electronic media, please contact the undersigned to arrange an alternative method of transmittal.

Please respond to this request within 20 business days in accordance with 5 U.S.C. § 552(a)(6)(A). If you have any questions regarding this request, please contact the undersigned by email or by telephone.

Best regards,



R. Andrew Free, Esq.
