

# EXHIBIT E



August 3, 2020

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

Submitted via email: [ICE-FOIA@dhs.gov](mailto:ICE-FOIA@dhs.gov)

Dear FOIA Officer:

The Project On Government Oversight (“POGO”) submits this Freedom of Information Act (“FOIA”) request pursuant to the requirements of 5 U.S.C. § 552(a). We respectfully request all records from January 1, 2012, through the date processing begins, of ICE Health Service Corps (“IHSC”) root cause analysis and/or corrective action plans (“CAPs”) produced following detainee deaths in Immigration and Customs Enforcement (“ICE”) custody, pursuant to IHSC recommendations. For the purposes of this request, please consider “records” to include any and all exhibits, attachments, appendices, and other supporting elements of the root cause analyses and CAPs.

We limit the scope of our request to records referencing any of the following:

- Adelanto Detention Facility, Adelanto, CA
- Atlanta City Detention Center, Atlanta, GA
- Cibola County Correctional Center, Milan, NM
- Denver Contract Detention Facility, Aurora, CO
- Eloy Federal Contract Facility, Eloy, AZ
- Essex County Jail, Newark, NJ
- Hudson County Department of Corrections and Rehabilitation, Kearny, NJ
- Krome North Service Processing Center, Miami, FL
- LaSalle Detention Facility, Jena, LA
- Otero County Processing Center, Chaparral, NM
- Otay Mesa Detention Center, San Diego, CA
- Port Isabel Detention Center, Port Isabel, TX
- Stewart Detention Center, Lumpkin, GA

We respectfully request that the records be provided in electronic format, preferably PDF, and that they be sent by email.

## Exempt from Disclosure

If you determine that portions of any records covered by this request are exempt from disclosure, please separate the exempt portions of documents from the nonexempt portions and provide copies of the nonexempt portions. For exempt records, please provide a specific description of the record or portion of the record along with a particularized description of the legal basis for the disclosure exemption.<sup>1</sup>

## Fee Waiver Request

POGO also respectfully requests a waiver of fees.<sup>2</sup> We have no commercial or financial interest in these records. Founded in 1981, POGO is a nonpartisan, nonprofit, independent watchdog that investigates and exposes waste, corruption, abuse of power, and when the government fails to serve the public or silences those who report wrongdoing. We champion reforms to achieve a more effective, ethical, and accountable federal government that safeguards constitutional principles. POGO disseminates information about its activities to thousands of concerned members of the public, policymakers, and the media via email, direct mail, and its website <http://www.pogo.org>, the organization's primary vehicle for disseminating information to concerned members of the public and other targeted constituencies. The site receives approximately 130,000 hits and 80,000 unique visitors monthly. Any information provided will be used for the following activities: publication by email, on our website, in reports, and newsletters issued by POGO and disseminated to POGO supporters, the public, the media, nonprofit organizations, Congress, executive branch officials, and other policymakers. POGO does not charge for access to its website, reports, newsletters, or other publications.

We believe the release of these records serves the public interest by contributing to our understanding of how ICE facilities—including contract facilities—have made changes after detainee deaths to improve medical care and compliance with other relevant detention standards. These records would also contribute to the public's understanding of how ICE and IHSC conduct oversight of facilities where detainees have died, as the agency and facilities seek to prevent future deaths in custody. Detainee death reviews and IHSC mortality reviews that have been made public, including through FOIA, have shown that in a number of cases government investigators found that shortcomings in medical care contributed to the deaths, or that there were significant violations of ICE standards governing medical care that facilities needed to address.<sup>3</sup> But multiple reports by the Department of Homeland Security's Office of Inspector General, as well as nongovernmental organizations including POGO, Human Rights Watch, and the ACLU, have shown that some facilities have delivered poor care even after detainee deaths, and that ICE's oversight of some facilities' compliance with medical standards is inadequate.<sup>4</sup>

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<sup>1</sup> See *Vaughn v. Rosen*, 484 F.2d 820, 827 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974).

<sup>2</sup> 5 U.S.C. § 522 (a)(4)(A).

<sup>3</sup> See, e.g., Katherine Hawkins and Emma Stodder, "Past Deaths in Custody Highlight Dire Risks for Immigration Detainees During Coronavirus Outbreak," Project On Government Oversight, April 29, 2020. <https://www.pogo.org/investigation/2020/04/past-deaths-in-custody-highlight-dire-risks-for-immigration-detainees-during-coronavirus-outbreak/>

<sup>4</sup> See, e.g., Department of Homeland Security Office of Inspector General, *ICE's Inspections and Monitoring of Detention Facilities Do Not Lead to Sustained Compliance or Systemic Improvements*, OIG-18-67 (June 26, 2018). <https://www.oig.dhs.gov/sites/default/files/assets/2018-06/OIG-18-67-Jun18.pdf>; Human Rights Watch, *Code Red*:

Now, as the COVID-19 pandemic continues to spread both inside and outside of detention facilities, detainees in facilities with records of poor medical care may be put at heightened risk, particularly if facilities have not made recommended changes to their quality of care or compliance. In light of both the pandemic and the trend of detainees being held for longer periods in recent years, it is of great importance for the public to see how ICE facilities where detainees have died have or have not improved their care in the aftermath of those deaths. For this reason, we believe our request fulfills the fee waiver requirements of significantly contributing to public understanding of government operations or activities.

I look forward to your response within 20 days of the receipt of this request, unless, in the case of “unusual circumstances,” the time limitation is “extended by written notice.” I am aware that I have a right to appeal if this request is wholly or partially denied or if the agency fails to respond within 20 days, and that, if successful, a federal district court may assess “reasonable attorney fees and other litigation costs.”<sup>5</sup>

Please feel free to contact me at [estodder@pogo.org](mailto:estodder@pogo.org) with any questions.

Sincerely,

Emma Stodder  
Associate Editor

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*The Fatal Consequences of Dangerously Substandard Medical Care in Immigration Detention* (June 20, 2018). <https://www.hrw.org/report/2018/06/20/code-red/fatal-consequences-dangerously-substandard-medical-care-immigration>; Human Rights Watch and CIVIC, *Systemic Indifference: Dangerous & Substandard Care in US Immigration Detention* (May 2017). [https://www.hrw.org/sites/default/files/report\\_pdf/usimmigration0517\\_web\\_0.pdf](https://www.hrw.org/sites/default/files/report_pdf/usimmigration0517_web_0.pdf); ACLU, Detention Watch Network, and National Immigrant Justice Center, *Fatal Neglect: How ICE Ignores Deaths in Detention* (February 2016). <https://www.detentionwatchnetwork.org/sites/default/files/reports/Fatal%20Neglect%20ACLU-DWN-NIJC.pdf>

<sup>5</sup> 5 U.S.C. § 552(a)(4)(E).