

U.S. Department of Homeland Security  
500 12<sup>th</sup> ST. SW; STOP 5009  
Washington, DC 20536-5009



U.S. Immigration  
and Customs  
Enforcement

November 18, 2020

Rachel Eun  
Loevy & Loevy  
311 N Arberdeen Third Floor  
Chicago, IL 60607

Dear Ms. Eun:

The Department of Homeland Security has received your letter appealing the adverse determination of your Freedom of Information Act/Privacy Act (FOIA/PA) request by U.S. Immigration and Customs Enforcement. Your appeal, **postmarked or electronically transmitted on November 17, 2020**, was received on **November 18, 2020**.

The Government Information Law Division acknowledges your appeal request of **2020-ICFO-27750** and is assigning it number **2021-ICAP-00177** for tracking purposes. Please reference this number in any future communications about your appeal.

A high number of FOIA/PA requests have been received by the Department. Accordingly, we have adopted the court-sanctioned practice of generally handling backlogged appeals on a first-in, first-out basis.<sup>1</sup> While we will make every effort to process your appeal on a timely basis, there may be some delay in resolving this matter. Should you have any questions concerning the processing of your appeal, please contact the ICE FOIA Office/Public Liaison at (866) 633-1182, or by email at [ice-foia@dhs.gov](mailto:ice-foia@dhs.gov).

Sincerely,

/s/MCuestas for

Shiraz Panthaky  
Chief  
Government Information Law Division  
ICE Office of the Principal Legal Advisor  
U.S. Department of Homeland Security

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<sup>1</sup> Appeals of expedited treatment denials will be handled on an expedited basis.

U.S. Department of Homeland Security  
500 12th St. SW; STOP 5009  
Washington, DC 20536-5009



U.S. Immigration  
and Customs  
Enforcement

December 16, 2020

Matthew Topic  
Loevy & Loevy  
311 N Arberdeen Third Floor  
Chicago, IL 60607

**RE: 2021-ICAP-00177, 2020-ICFO-27750**

Dear Mr. Topic:

This letter is in response to your letter dated November 17, 2020, received November 17, 2020, appealing the U.S. Immigration and Customs Enforcement (ICE) Freedom of Information Act (FOIA) Office's response to your FOIA request dated February 11, 2020, seeking records pertaining to the locations, dates, and names of the arrested of all of the critical incident weapons discharges over the past five years.

By letter dated August 25, 2020, the ICE FOIA Office advised you that "[a] search of the ICE Office of Firearms and Tactical Programs (OFTP) for records responsive to your request produced pages that are responsive to your request. After review of those documents, I have determined that the documents will be withheld in their entirety pursuant to Exemptions of the FOIA." In your appeal letter, you appealed the withholdings applied to these documents.

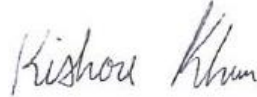
Upon a complete review of the administrative record, ICE has determined that information previously withheld may be releasable to you under the FOIA. Therefore, ICE is remanding your request to the ICE FOIA Office for reprocessing. The ICE FOIA Office will respond directly to you.

Please note that with regard to your August 18, 2020 letter, to the extent that you would like ICE to search for different records, please submit a new FOIA request.

Exhibit H

Should you have any questions regarding this appeal remand, please contact ICE at [ice-foia@dhs.gov](mailto:ice-foia@dhs.gov). In the subject line of the email please include the word "appeal," your appeal number, which is **2021-ICAP-00177**, and the FOIA case number, which is **2020-ICFO-27750**.

Sincerely,



for

Shiraz Panthaky

Chief

Government Information Law Division

ICE Office of the Principal Legal Advisor

U.S. Immigration and Customs Enforcement

U.S. Department of Homeland Security



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**Fwd: Checking on Status of Request: Appeal 2021-ICAP-00177 & FOIA case number 2020-ICFO-27750**

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Lila Hassan <lilahassan20@gmail.com>  
To: ICE-FOIA@dhs.gov

Fri, Mar 12, 2021 at 10:44 AM

Dear FOIA Officer,

I am again writing to ask for an estimated date of completion for the remanded response (appeal number 2021-ICAP-00177) and FOIA case number 2020-ICFO-27750, as I had inquired in my first inquiry on January 27. Please confirm receipt of this email.

Best regards,  
Lila Hassan

On Wed, Feb 17, 2021 at 10:36 AM Lila Hassan <lilahassan20@gmail.com> wrote:

Dear FOIA Officer,

I am writing to ask for an estimated date of completion for the remanded response (appeal number 2021-ICAP-00177) and FOIA case number 2020-ICFO-27750, as I had inquired in my first inquiry on January 27. Please confirm receipt of this email.

Best regards,  
Lila Hassan

On Thu, Feb 11, 2021 at 2:34 PM <lilahassan20@gmail.com> wrote:

Hi FOIA officer,

Hope you're well. I am following up on my original email on Jan 27.

Thank you. Can you please confirm receipt?

Best,  
Lila

On Feb 5, 2021, at 10:53, Lila Hassan <lilahassan20@gmail.com> wrote:

Hi FOIA Officer,

I hope you are well and in good health. I am following up on my email below. I have not been able to check on the status of the request and would like to have a timeline for when I can expect it, as well as a way to track it. Thank you.

Best,  
Lila

On Wed, Jan 27, 2021 at 4:43 PM Lila Hassan <lilahassan20@gmail.com> wrote:

Dear FOIA officer,

I hope this finds you well and in good health. I'm writing to inquire about the status of my remanded request (appeal number 2021-ICAP-00177) and FOIA case number 2020-ICFO-27750. Specifically, I am inquiring for a date I can expect the request to be delivered.

Exhibit I

Our last communication was your notice of the remanded request on December 16, 2020 (attached for reference). When I went to check on the status of the request on <https://www.dhs.gov/foia-status>, it indicated the request was closed. Is there a new case number I should be aware of?

Many thanks in advance for your assistance.

Best regards,  
Lila

--

**Lila Hassan**

Reporter

+1-347-935-2152 (Mobile, WhatsApp, Signal)

[www.lilahassan.com](http://www.lilahassan.com)

Twitter: [@lilahass](https://twitter.com/lilahass)

--

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**Fwd: Checking on Status of Request: Appeal 2021-ICAP-00177 & FOIA case number 2020-ICFO-27750**

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Begin forwarded message:

**From:** ICE-FOIA <[ICE-FOIA@ice.dhs.gov](mailto:ICE-FOIA@ice.dhs.gov)>  
**Date:** March 15, 2021 at 08:58:31 EDT  
**To:** Lila Hassan <[lilahassan20@gmail.com](mailto:lilahassan20@gmail.com)>  
**Subject:** RE: Checking on Status of Request: Appeal 2021-ICAP-00177 & FOIA case number 2020-ICFO-27750

Good morning,

Your case is currently assigned to a processing team and pending processing. Each case is processed on a first in first out basis.

ICE FOIA is not able to determine the completion of your pending case at this time.

Sincerely,

ICE FOIA

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**From:** Lila Hassan <[lilahassan20@gmail.com](mailto:lilahassan20@gmail.com)>  
**Sent:** Friday, March 12, 2021 11:45 AM  
**To:** [ICE-FOIA@dhs.gov](mailto:ICE-FOIA@dhs.gov)  
**Cc:** Rachel Eun <[eun@loevy.com](mailto:eun@loevy.com)>; Matt Topic <[matt@loevy.com](mailto:matt@loevy.com)>  
**Subject:** Re: Checking on Status of Request: Appeal 2021-ICAP-00177 & FOIA case number 2020-ICFO-27750

**CAUTION:** This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact [ICE SOC SPAM](#) with questions or concerns.

**CAUTION:** This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact your component SOC with questions or concerns.

Dear FOIA Officer,

I am again writing to ask for an estimated date of completion for the remanded response (appeal number 2021-ICAP-00177) and FOIA case number 2020-ICFO-27750, as I had inquired in my first inquiry on January 27. Please confirm receipt of this email.

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Lila

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Lila

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Many thanks in advance for your assistance.

Best regards,

Lila

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**Lila Hassan**





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## Fwd: FOIA Request

1 message

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----- Forwarded message -----

From: **Lila Hassan** <lilahassan20@gmail.com>

Date: Mon, Jan 4, 2021 at 2:52 PM

Subject: FOIA Request

To: <ice-foia@ice.dhs.gov>

### **SUBJECT LINE: FOIA REQUEST**

U.S. Immigration and Customs Enforcement

Freedom of Information Act Office

[500 12th Street SW](#), Stop 5009

Washington, D.C. 20536-5009

Fax (202) 732-4266

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

January 4, 2021

Dear Records Access Officer,

Pursuant to the Freedom of Information Act (FOIA) 5 U.S.C. § 552 and The Privacy Act (PA), 5 U.S.C. § 552a, I am requesting the following information:

- The ages of all arrested individuals of all of the critical incident weapons discharges (i.e. firearms usage) of all of FY 2016, FY 2017, FY 2018, FY 2019, and FY 2020 until February. In a previous request currently underway, this information – the age – was not initially included or approved upon request for amendment.
- The locations (city, state), dates, and ages of all arrested individuals of all of the critical incident weapons discharges from February 2020 until to the date the agency conducts the search

Further, I request that this FOIA request be expedited as the information requested is a life-or-death matter and a threat to individuals' public safety. This information is in the public interest as the threat of physical harm exists in the detailed Federal government activity. My primary job is to disseminate information and there is an urgency to inform the public about this Federal government activity.

Please transmit these records to me electronically, via email or other electronic means. My email address is: [lilahassan20@gmail.com](mailto:lilahassan20@gmail.com). Please do not print mail me paper records if it is not necessary to do so.

**Exhibit K**

In accordance with FOIA requirement that an agency respond within five business days of a request, I look forward to hearing from you as soon as possible. If for any reason any portion of my request is denied, please inform me of the reasons for the denial in writing and provide the name and address of the person or body to whom an appeal should be directed.

This information is being sought after on behalf of FRONTLINE PBS. The requested information will be made available to the general public, and this request will not be used for commercial purposes. Therefore, pursuant to 5 U.S.C. §552(a)(4)(A)(iii), I request a waiver of all fees associated with this request. The law allows you to impose a waiver or reduction of fees when information is sought in the public interest, as is the case for this request.

If for any reason any portion of my request is denied, please inform me of the reasons for the denial in writing and provide the name and address of the person or body to whom an appeal should be directed. If my request is too broad or does not reasonably describe the records, please contact me via email so that I may clarify my request. For any documents that are withheld on the grounds of an exemption, privilege, or other reason, please justify each omission separately by reference to specific exemptions of the Act and release all reasonably segregable portions of otherwise exempt material.

As I am making this request as a journalist and this information is of timely value, I would appreciate your communicating with me by telephone and email rather than by postal mail. If you have questions regarding this request, I can be reached at [lilahassan20@gmail.com](mailto:lilahassan20@gmail.com) or (preferably) 347-935-2152.

Sincerely,  
Lila Hassan

7902 Bay Parkway, Apt. C1  
Brooklyn, NY 11214  
347-935-2152 (mobile)  
[Lilahassan20@gmail.com](mailto:Lilahassan20@gmail.com)

--

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**Fwd: ICE FOIA Request 2021-ICFO-30448**

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----- Forwarded message -----

From: <[ice-foia@dhs.gov](mailto:ice-foia@dhs.gov)>

Date: Wed, Feb 24, 2021 at 10:30 AM

Subject: ICE FOIA Request 2021-ICFO-30448

To: <[Lilahassan20@gmail.com](mailto:Lilahassan20@gmail.com)>

February 24, 2021

Lila Hassan  
Frontline PBS  
[7902 Bay Parkway, Apt. C1](#)  
[Brooklyn, NY 11214](#)

**RE: ICE FOIA Case Number 2021-ICFO-30448**

Dear Ms. Hassan:

This acknowledges receipt of your Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), dated January 4, 2021, and to your request for expedited treatment and a waiver of all assessable FOIA fees. Your request was received in this office on January 4, 2021. Specifically, you requested the following information: • The ages of all arrested individuals of all of the critical incident weapons discharges (i.e. firearms usage) of all of FY 2016, FY 2017, FY 2018, FY 2019, and FY 2020 until February. In a previous request currently underway, this information – the age – was not initially included or approved upon request for amendment. • The locations (city, state), dates, and ages of all arrested individuals of all of the critical incident weapons discharges from February 2020 until to the date the agency conducts the search.

Your request for expedited treatment is hereby granted.

As it pertains to your request for a fee waiver, ICE evaluates fee waiver requests under the legal standard set forth above and the fee waiver policy guidance issued by the Department of Justice on April 2, 1987, as incorporated into the Department of Homeland Security's Freedom of Information Act regulations. These regulations set forth six factors to examine in determining whether the applicable legal standard for fee waiver has been met. I have considered the following factors in my evaluation of your request for a fee waiver:

- (1) Whether the subject of the requested records concerns "the operations or activities of the government";
- (2) Whether the disclosure is "likely to contribute" to an understanding of government operations or activities;
- (3) Whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requestor or a narrow segment of interested persons;
- (4) Whether the contribution to public understanding of government operations or activities will be "significant";

Exhibit L

(5) Whether the requester has a commercial interest that would be furthered by the requested disclosure; and

(6) Whether the magnitude of any identified commercial interest to the requestor is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requestor.

Upon review of your request and a careful consideration of the factors listed above, I have determined to grant your request for a fee waiver.

ICE has queried the appropriate program offices within ICE for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. Please be assured that one of the processors in our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

If you have any questions or wish to discuss reformulation or an alternative time frame for the processing of your request, please contact FOIA office. You may send an e-mail to [ice-foia@ice.dhs.gov](mailto:ice-foia@ice.dhs.gov), call free (866) 633-1182, or you may contact our FOIA Public Liaison, Fernando Pineiro, in the same manner. Additionally, you have a right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Your request has been assigned reference number **2021-ICFO-30448**. Please refer to this identifier in any future correspondence. To check the status of an ICE FOIA/PA request, please visit <http://www.dhs.gov/foia-status>. Please note that to check the status of a request, you must enter the 2021-ICFO-30448 tracking number.

Regards,

ICE FOIA Office

Immigration and Customs Enforcement

Freedom of Information Act Office

500 12th Street, S.W., Stop 5009

Washington, D.C. 20536-5009

Telephone: 1-866-633-1182

Visit our FOIA website at [www.ice.gov/foia](http://www.ice.gov/foia)



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## Fwd: ICE FOIA Request 2021-ICFO-30448

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Lila Hassan <lilahassan20@gmail.com>  
To: ice-foia@dhs.gov

Mon, Mar 8, 2021 at 4:47 PM

Hello,

I am following up again, and to reiterate my questions:

- Regarding the previous request that you mention is "currently" underway, has this request (2021-ICFO-30448) been combined with that request (Appeal 2021-ICAP-00177 & FOIA case number 2020-ICFO-27750)? Will they arrive as two separate requests or part of the same one (2021-ICFO-30448)?
- If they will arrive as two separate requests, is it possible for you to check on the status of the other case Appeal 2021-ICAP-00177 & FOIA case number 2020-ICFO-27750) to let me know when I can expect its delivery as I have not heard back from multiple check-ins for over two months.
- When I check the status of the request **2021-ICFO-30448** on the link you provided, I am told there is no FOIA request in the system. See attached screenshot.

Thank you.

Best,  
Lila

On Wed, Mar 3, 2021 at 3:56 PM Lila Hassan <lilahassan20@gmail.com> wrote:

Hello - I am kindly following up on last week's email. Thank you.

Best,  
Lila

On Wed, Feb 24, 2021 at 1:34 PM Lila Hassan <lilahassan20@gmail.com> wrote:

Dear ICE FOIA Officer,

Thank you for your email. Regarding the previous request that you mention is "currently" underway, has this request (2021-ICFO-30448) been combined with that request (Appeal 2021-ICAP-00177 & FOIA case number 2020-ICFO-27750)? Will they arrive as two separate requests or part of the same one (2021-ICFO-30448)?

If they will arrive as two separate requests, is it possible for you to check on the status of the other case Appeal 2021-ICAP-00177 & FOIA case number 2020-ICFO-27750) to let me know when I can expect its delivery as I have not heard back from multiple check-ins. Thank you!

Best regards,  
Lila

On Wed, Feb 24, 2021 at 10:30 AM <ice-foia@dhs.gov> wrote:

February 24, 2021

Lila Hassan  
Frontline PBS  
7902 Bay Parkway, Apt. C1  
Brooklyn, NY 11214

**RE: ICE FOIA Case Number 2021-ICFO-30448**

Dear Ms. Hassan:

This acknowledges receipt of your Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), dated January 4, 2021, and to your request for expedited treatment and a waiver of all assessable FOIA fees. Your request was received in this office on January 4, 2021. Specifically, you requested the following information: • The ages of all arrested individuals of all of the critical incident weapons discharges (i.e. firearms usage) of all of FY 2016, FY 2017, FY 2018, FY 2019, and FY 2020 until February. In a previous request currently underway, this information – the age – was not initially included or approved upon request for amendment. • The locations (city, state), dates, and ages of all arrested individuals of all of the critical incident weapons discharges from February 2020 until to the date the agency conducts the

Exhibit M

search.

Your request for expedited treatment is hereby granted.

As it pertains to your request for a fee waiver, ICE evaluates fee waiver requests under the legal standard set forth above and the fee waiver policy guidance issued by the Department of Justice on April 2, 1987, as incorporated into the Department of Homeland Security's Freedom of Information Act regulations. These regulations set forth six factors to examine in determining whether the applicable legal standard for fee waiver has been met. I have considered the following factors in my evaluation of your request for a fee waiver:

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ICE has queried the appropriate program offices within ICE for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. Please be assured that one of the processors in our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

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Regards,

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**Lila Hassan**

Reporter

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