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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

- - - - - )  
NATIONAL IMMIGRANT JUSTICE ) Case No. :  
CENTER, ) 1:12-cv-5358  
Plaintiff, )  
vs. ) Vol. I  
UNITED STATES DEPARTMENT OF )  
HOMELAND SECURITY, and UNITED )  
STATES IMMIGRATION AND CUSTOMS )  
ENFORCEMENT, )  
Defendants. )  
- - - - - )

30(b)(6) DEPOSITION OF REGINALD SAKAMOTO  
Washington, DC  
Wednesday, January 29, 2014

Reported by:  
Kim M. Brantley, CSR  
Job No: 70294

SAKAMOTO

Wednesday, January 29, 2014  
Time: 2:56 p.m.

30(b)(6) Deposition of REGINALD SAKAMOTO,  
held at Dentons US, LLP, 1301 K Street, NW, 6th  
Floor, Washington, DC, before Kim M. Brantley,  
Court Reporter and Notary Public of the District  
of Columbia.

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APPEARANCES:

On behalf of the Plaintiff:  
ERIC ANDALMAN, ESQUIRE  
Dentons  
233 South Wacker Drive  
Chicago, Illinois 60606

On behalf of the Defendants:  
CRAIG OSWALD, ESQUIRE  
Assistant United States Attorney  
Department of Homeland Security  
219 Dearborn Street  
Chicago, Illinois 60604

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ALSO PRESENT:

CLAUDIA VALENZUELA, ESQUIRE  
National Immigrant Justice Center

DEBBIE W. SEQUIN, ESQUIRE  
Chief - Government Information Law Division  
U.S. Immigration & Customs Enforcement (ICE)

CHARLES OLEAN, ESQUIRE  
U.S. Immigration & Customs Enforcement (ICE)

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PROCEEDINGS  
REGINALD SAKAMOTO,  
called as a witness by Counsel for the Plaintiff,  
and, after having first been duly sworn by the  
Notary Public, was examined and testified as  
follows:

EXAMINATION BY COUNSEL FOR THE PLAINTIFF:  
BY MR. ANDALMAN:

Q. Please state your name for the record.

A. Reginald James Sakamoto.

Q. Where do you currently live?

A. [REDACTED]

Q. Have you ever been deposed before?

A. Yes.

Q. When?

A. The last time I was deposed was 2000.

Q. [REDACTED]

A. [REDACTED]

Q. [REDACTED]

A. [REDACTED]

[REDACTED]

Q. [REDACTED]

A. [REDACTED]

1 SAKAMOTO

2 Q. Any other lawsuits in which you were  
3 deposed?

4 A. No.

5 Q. It's fair to say you haven't been  
6 deposed in your official capacity?

7 A. No.

8 Q. Correct. So to give you a little  
9 refresher, since it's been now fourteen years or  
10 so since your last deposition, let me give you a  
11 little bit of the ground rules regarding the  
12 deposition, okay?

13 A. Okay.

14 Q. I will ask questions, and this is a  
15 question and answer format. Do you understand  
16 that?

17 A. Yes.

18 Q. You should answer my questions  
19 verbally. The court reporter can't record head  
20 nods or head shakes.

21 Is that alright?

22 A. Yes.

23 Q. If your counsel objects to one of my  
24 questions, please let your counsel state the  
25 objection on the record.

1 SAKAMOTO

2 But, unless he instructs you otherwise  
3 and you accept that instruction, please answer the  
4 question, correct?

5 A. Okay.

6 Q. If you don't understand a question,  
7 please tell me and I'll either restate or rephrase  
8 it, okay?

9 A. Okay.

10 Q. If you don't hear a question, please  
11 let me know, and I'll repeat it or have the court  
12 reporter repeat it, alright?

13 A. I understand.

14 Q. If you find a question confusing,  
15 please tell me and I'll rephrase, alright?

16 A. Yes.

17 Q. Is there anything interfering with your  
18 ability to answer the questions that I'm about to  
19 ask you candidly?

20 A. No.

21 Q. Are you under any medication or drugs?

22 A. No.

23 Q. I have to ask, I'm sorry.

24 If you need a break at any time for any  
25 reason, just let me know, but please not while a

1 SAKAMOTO

2 question is pending, alright?

3 A. Yes.

4 Q. Mr. Sakamoto, did you prepare for your  
5 deposition today?

6 A. Briefly.

7 Q. How did you prepare for your deposition  
8 today?

9 A. I just went over some of our review  
10 practices on our Internet site.

11 Q. Which Internet site is that?

12 A. Our internal, and share drive. Sorry,  
13 let me clarify; share drive.

14 Q. What is the name of the share drive?

15 A. Custody and Management.

16 Q. Did you do this on your own or at the  
17 direction of counsel?

18 A. I did this on my own.

19 Q. What documents did you look at on the  
20 shared drive?

21 A. I just looked at, you know, previous  
22 reviews going back to 2007, 2008. It was random.  
23 I just picked out some.

24 MR. ANDALMAN: To the extent it's not  
25 produced in the underlying FOIA request,

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2 we'll obviously ask for the production of it.

3 MR. OSWALD: I have no idea. I mean,  
4 it's news to me. I have no idea. I don't  
5 know how we can --

6 MR. ANDALMAN: Fair enough.

7 THE WITNESS: I mean the honestly, I  
8 can't even recall.

9 MR. OSWALD: I don't know what I can  
10 do, Eric. I'm not trying --

11 MR. ANDALMAN: Craig, I mean hopefully  
12 it's produced in the underlying --

13 MR. OSWALD: No, it will be produced.

14 MR. ANDALMAN: So it should be okay.

15 MR. OSWALD: It will all come out in  
16 the wash.

17 MR. ANDALMAN: I just have to do that.

18 BY MR. ANDALMAN:

19 Q. Did you meet with Mr. Oswald in  
20 preparation for this deposition?

21 A. Yes.

22 Q. Did you review documents with him?

23 A. Briefly.

24 Q. Do you know what documents you  
25 reviewed?

1 SAKAMOTO

2 A. The documents that we reviewed, we  
3 glanced at some of the information that was  
4 provided to you, I believe.

5 Q. Is that in a letter form?

6 A. No, it was --

7 Q. Oh.

8 A. It was on a C.D. disk.

9 Q. So you glanced at some of the documents  
10 previously produced in this litigation?

11 A. Yes, but that's what it was, it was  
12 just, you know...

13 Q. Is there anything else, any other  
14 documents that you looked at?

15 A. I looked at -- I'm just trying to  
16 remember. We've had so much stuff going on, so  
17 I'm keeping things compartmentalized.

18 Q. No problem.

19 A. No, that's basically it. I looked at  
20 who was inspecting when, due to course period, in  
21 the course of 2007, 2012, because there was  
22 changes in contracts.

23 I looked at an ODO E-mail, Office of  
24 Detention and Oversight, an E-mail that was sent  
25 to me from the Deputy Director, Nina Dozoretz.

1 SAKAMOTO

2 A. No.

3 MR. ANDALMAN: We're going to ask for  
4 the production of that, obviously.

5 THE WITNESS: I mean, I don't know --  
6 well, let me rephrase. I don't know if it  
7 was or not.

8 I wasn't present when -- I believe, was  
9 it --

10 MR. ANDALMAN: Fair enough. We'll deal  
11 with it offline, not a problem.

12 BY MR. ANDALMAN:

13 Q. Fair enough. And that's the universe  
14 of documents that you've looked at, plus or minus?

15 A. Yes.

16 Q. Fair enough.

17 I'm going to go through a couple of  
18 background questions to get a sense of your  
19 educational and job backgrounds.

20 This will lay a foundation for some of  
21 the other questions we're going to ask.

22 Did you graduate high school?

23 A. Yes.

24 Q. Where did you attend high school?

25 A. Where did I graduate high school from

1 SAKAMOTO

2 Q. Okay.

3 A. And that's pretty much it. I have seen  
4 a list of the facilities. I have seen a list of  
5 the one hundred facilities.

6 Q. Okay.

7 A. That's it. I didn't really --

8 Q. Okay.

9 A. I didn't really pay attention to those  
10 facilities or look at specifics as regards to  
11 those facilities.

12 Q. So that E-mail from ODO Ms. Nina, what  
13 was her last name, I'm sorry?

14 A. Dozoretz.

15 Q. Dozoretz, from Ms. Dozoretz to you,  
16 what was the subject of that E-mail?

17 A. It was the subject of the creation of  
18 ODO.

19 Q. Outlining the history of ODO, or --

20 A. Yes, with when they were created in  
21 2000. It was a clarification of what was the  
22 creation of ODO as well as how they maintain their  
23 records.

24 Q. Was this E-mail at the direction of  
25 counsel?

1 SAKAMOTO

2 or where did I attend high school?

3 Q. We'll just do graduate.

4 A. Big Ben, Washington.

5 Q. In Washington state, I imagine?

6 A. Yes.

7 Q. Did you attend college after graduating  
8 high school?

9 A. No.

10 Q. Did you ever attend a college?

11 A. Yes, off and on, but I didn't graduate.  
12 I went in the military.

13 Q. After graduating high school, did you  
14 immediately enter the military?

15 A. No.

16 Q. So what did you do immediately after  
17 graduating high school?

18 A. I played competitive rugby.

19 Q. That's pretty cool. And where did you  
20 do that?

21 A. I played Alberta juniors. I played in  
22 Alberta Canada, and then I played for the Alberta  
23 junior team.

24 Q. Approximately what years did you play?

25 A. Yes, that would be 1981 to 1983.

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Q. Then in 1982 what did you do?

A. Came back to here actually.

A. Went in the military.

Q. In 1995?

Q. Which division?

A. Yes.

A. Army.

Q. When you say came back here, came back to Washington state --

Q. How long were you in that?

A. To the Washington area.

A. 'Till 1992.

Q. I assume an honorable discharge?

Q. Oh, Washington, D.C.?

A. Yes.

A. Yes.

Q. What position did you have in the army?

Q. What did you do in Washington, D.C.?

A. Sergeant.

A. I ended up working for DOD, the Army Research Labs in Adelphi, Maryland.

Q. Sergeant?

A. Um-hmm.

Q. What did you do there?

Q. In 1992, what did you do, after leaving the army?

A. I was security.

A. After leaving the army I was married overseas in Germany, so I worked for the federal government, DOD.

Q. When you say security, physically a security guard?

Q. What position did you have there?

A. Yes, federal, armed.

A. I was mail clerk.

Q. How long did you have that position?

Q. How long did you have that position?

A. 'Till 1997.

A. About a year.

Q. What happened in 1997? Where did you go?

Q. So to about 1993?

A. INS.

A. No, from 1993 to 1994, almost 1995-ish.

Q. Which is the predecessor to --

Q. Okay.

A. Yes.

Q. Department of Homeland Security and

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ICE?

Task Force.

A. Not Department of Homeland Security. It is the predecessor to -- yes, to ICE.

Q. What did you specifically do for the Southwest Fugitive Task Force?

Q. In 1997, what position did you hold at the INS?

A. Warrants.

A. Deportation officer.

Q. By warrants, that was catching folks that --

Q. Which facility was that at?

A. Yes. We went after fugitives, both state and federal.

A. El Paso.

Q. In Colorado?

Q. How long did you do that for?

A. No.

A. Almost a year.

Q. In Texas?

Q. So, 2001?

A. Yes.

A. Yes.

Q. How long did you have that position?

Q. In 2001 --

A. At the facility or with the field office?

A. Well, actually yeah, the end of 2001.

Q. Let's just say the facility first.

Q. Then at the end of 2001, what did you do?

A. 1997 to about 2000.

A. I went to federal Air Marshals Service.

Q. Then in 2000 what happened?

Q. What did you do there?

A. I went to the field office.

A. I was a federal air marshal.

Q. Where was the field office located?

Q. Where were you based?

A. El Paso.

A. Las Vegas.

Q. What did you do there?

Q. Been a little bit of everywhere? How long did you have that position?

A. I was non detained. My last job while I was in El Paso was with the Southwest Fugitive

A. 'Till January 2007.

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Q. Then in January 2007, what did you do?

A. I came back to what is now ICE and Enforcement Removal Operations.

Q. So ERO?

A. Um-hmm.

Q. What position did you have at ERO in 2007?

A. Detention deportation officer, staff officer.

Q. How long did you have that position?

A. 'Till September 2009.

Q. As a deportation officer, what were your primary roles and responsibilities?

A. As a deportation officer in El Paso or --

Q. No, at the ERO?

A. Headquarters?

Q. Yes.

A. I was a staff officer for Alternatives to Detention, and then started the Juvenile Family Residential Management Unit, and then went back to ATD.

Q. What's ATD?

A. Alternatives to Detention.

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Q. Oh, got it. When you say you started at the Juvenile Family Residential Management Unit, you were just one of the founding employees?

A. Um-hmm. Yes, I started in 2008 or whatever.

Q. While we're at it, what is the role of ERO, of the Enforcement Removal Operations unit or office?

A. The program within ICE?

Q. Yes.

A. Our primary role is to safeguard our borders and our national security and to remove determined aliens from the United States.

Q. In September 2009 what did you do?

A. I transferred to Phoenix, Arizona.

Q. Were you still with the ERO?

A. Yes.

Q. Same position, deportation officer?

A. Supervisor, Detention Deportation Officer.

Q. How did your role change there?

A. I mean, I was supervising non-detained units to include fugitive operations. I worked CAP.

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Q. You worked what?

A. Criminal Alien Program, Fugitive Operations, Law Enforcement Agency Response Team.

Q. How long were you in this position?

A. Until September -- well, no, scratch that. Until June 2012.

Q. In June 2012, where did you go?

A. I was acting chief for the Detention Monitoring Unit which became permanent September 2012, to present.

Q. For Detention and Monitoring Unit, you said?

A. That's correct.

Q. What were your roles there?

A. I supervised detention service managers.

Q. In your supervision role, what sort of day-to-day tasks do you do?

A. I deal with aspects of almost everything that comes into the Custody and Management Division.

So, anything that really revolves around detention, I may be involved with it.

Q. When you say deal or be involved, you

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know, what specifically are you doing?

A. Well, I have onsite personnel at fifty-four facilities.

Q. Um-hmm.

A. So, if there's an inspection that's pending or if there's issues with standards or those types of things, my unit would be involved with that.

If there's things that come across with regard to CRCL, my unit may be involved with that.

Q. What is CRCL?

A. Civil Rights Civil Liberties. Civil Rights and Civil Liberties.

Q. Got it. When you say there's issues with standards, what do you mean by that?

A. If there's questions with regards to standards, or if there's, you know -- let me just think of something.

Key and lock control, for example, there's a question with, you know, how -- or tools, let's say tools. There's a question with how the tools are marked or what kind of shadow board do they use, or something, we would, you know, work with the service provider or the field

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office.

Or if the field office has concerns or is -- or let's rephrase that.

If the service provider is having concerns with maybe like interaction with the field office, you know, we could facilitate maybe some of that communication.

The whole gambit, I mean.

Q. Do you ever provide any written opinions regarding the standards?

A. Can you --

Q. If there is a question about standards, do you personally write opinions as to how the standards are to be implemented?

MR. OSWALD: Objection, vague.

You can answer the question.

THE WITNESS: How the standards are being implemented? I mean, there's --  
BY MR. ANDALMAN:

Q. So, let me take a step back.

You stated that one of the roles that you have is that you assist with questions regarding standards, correct?

A. Did I use the word "assist"?

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whether or not the particular facilities are adhering to DSCU's final opinion as to the implementation of the standards?

A. As Custody and Management, we have records of compliance with issues.

Q. What sort of records do you have?

A. We do responses. Like, for example, let's say CRCL has a bunch of recommendations. They go out and do a site visit and then they have recommendations how they feel.

So, what Custody and Management would do -- well, how it gets tasked. It gets tasked through tasking, come down to Custody and Management. Custody and Management would work with the entities to formulate a response to those recommendations.

It doesn't mean we agree. You know, we could concur with some things. We could disagree with some things.

Q. Right, and so my question is that, when you formulate those responses, are they in written form?

A. Those responses? Yes.

Q. Are they always in written form?

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Q. Perhaps not assist.

A. My unit, whether it's my employee that I supervise that is on the ground, in my day-to-day actions as a supervisor, I would have potential knowledge of that.

DSCU, which is another unit, which is the Detention Standards Compliance Unit, they're the ones that make decisions with regard to the standards.

Q. Okay.

A. My unit makes sure that the standards are being adhered to.

So, you know, we have through our day-to-day, you know, work, we have opinions of how the standards should be performed, the service provider would have opinions with how the standards should be performed, and then potentially the field office would have an opinion.

So we would go to DSCU and ask DSCU for clarification, and then we would ensure that all the components, once that determination is made, is complying with that.

Q. The written records that you have of

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A. No.

Q. So some of them were --

A. I mean, I don't know how I can answer that question.

Q. So, let's take the hypothetical that you provided, which is Civil Rights and Civil Liberties has an issue with how certain standards are being implemented, perhaps.

They move the issue up the chain. Your unit receives that -- let's call it an inquiry --

A. Yes.

Q. Or recommendation or so forth, correct?

A. Yes, yes.

Q. You then formulate a response to that, correct?

A. Yes. In conjunction with multiple parties.

Q. Correct. But in part you put together a response?

A. Yes.

Q. Is your formulated response then delivered in writing or is it delivered orally or does it vary?

A. Our responses back would be in writing.

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Now, to come up with a final response, it could vary.

be conversations.

Q. So what's the difference between a response and a final response?

Q. Fair enough. Is it the typical practice to memorialize those conversations?

A. Well, a final response is our official response, that is where we're responding back to CRCL in this instance.

A. No.

Q. So those are not necessarily written, but the --

Q. This position is permanent Chief of the Directing and Monitoring --

A. They are written, but to get to the final response, it could vary. I mean, there could be several conversations.

A. Detention Monitoring Unit.

Q. Got it.

Q. Detention Monitoring Unit. Is that your current position?

A. So that the brainstorming and development of this response isn't necessarily a written product, but that the final response is always written.

A. Yes.

Am I understanding you correctly?

Q. You stated that you oversee fifty personnel at fifty-four facilities?

A. Yes. For the most part it's even preliminary. It goes through several reviews and edits.

A. No, I didn't say that.

Q. Got it.

Q. Okay, then I misunderstood you.

A. It's written. But there can be, just to be clear, because you have me here, there could

A. I manage fifty-four facilities with personnel. I have some personnel that have multiple facilities.

It's roughly --

Q. Okay.

A. Yeah, it's roughly thirty-five DSMs deployed nationally, DSMs and DSCOs, to clarify that.

Q. What are DSMs and DSCOs?

A. DSMs are Detention Service Managers,

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which are management program analysts, and DSCOs are deportation officers that are Detention Standards Compliance Officers.

A. Well, there's two. So I just want to clarify, because the DSCOs are half of the total group.

Q. And those are the personnel responsible for fifty-four facilities?

Q. Right.

A. Correct.

A. And DSMs are the other half. In essence they both do the same job and they do not do reviews and inspections.

Q. Where are those facilities located?

Q. We will get into that in a second then.

A. Across the nation.

Q. They're not divided by particular teams or field offices?

A. Okay.

A. I have them divided by regions: western, central and eastern.

Q. And you said you have them divided. Does that mean that you created this division, or --

A. Yeah, I modified it.

Q. Who do you report to?

A. I report to the Deputy Assistant Director for the Detention and Management Division within Custody and Management.

Q. These DSCOs, are they the ones that perform reviews, inspections and audits?

A. No.

Q. You said that they deal with standards?

A. I mean, "involved with". What does that mean? Yes, I mean, for ATD I was involved in



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2 litigation over a contract award. I was the  
3 chairman of the committee.

4 And it was dual source. The agency  
5 wanted to go to single source, so obviously there  
6 was going to be a losing entity. So they sued.

7 Q. What is ATD?

8 A. Alternatives to Detention.

9 Q. Oh, right, right.

10 A. ankle bracelets, telephone, all that  
11 stuff.

12 Q. Okay.

13 A. So I was chairman of the award  
14 committee.

15 Q. Any other litigation?

16 A. Periphery, I mean peripherally, Hutto,  
17 T. Don Hutto, the family unit back when the whole  
18 unit was kind of wrapped up in that.

19 Q. Have you ever been named in a criminal  
20 complaint?

21 A. No.

22 Q. Have you ever been charged criminally  
23 with anything?

24 A. No.

25 Q. Are you familiar with the action of

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2 National Immigrant Justice Center vs. The  
3 Department of Homeland Security, the instant  
4 action here?

5 A. I mean, why I'm here now? Am I  
6 familiar with it?

7 Q. Yes.

8 A. I'm familiar with it; not intimately.

9 Q. Are you familiar with the Freedom of  
10 Information Act?

11 A. Yes.

12 Q. Have you handled Freedom of Information  
13 Act requests before?

14 A. Yes, as they come down to my unit.

15 Q. How would they come to your unit?

16 A. An individual or an entity would file a  
17 FOIA. The FOIA would, depending on which source I  
18 imagine they filed it through, would wind up in  
19 ERO FOIA, and once ERO FOIA gets it, then they  
20 would look at the FOIA request and determine which  
21 programs would be involved in that FOIA, and then  
22 it would get tasked out to those programs.

23 Once it's tasked out to those programs,  
24 each program would look for and acquire the  
25 pertinent information with regards to that

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2 specific program.

3 Q. Based on your experience, how long does  
4 this process typically take?

5 A. Five minutes to days, weeks.

6 Q. What's the longest one that you're  
7 aware of?

8 A. The longest one that I'm aware of I  
9 think might be this one.

10 Q. Have you been involved in any  
11 litigation regarding FOIA requests?

12 A. No.

13 Q. Have you been involved with the  
14 physical gathering and production of documents in  
15 the FOIA, as it relates to a FOIA request?

16 A. Yes.

17 Q. Approximately how many have you done?

18 A. Three or four.

19 MR. ANDALMAN: Let's take a quick  
20 break.

21 (Brief recess taken.)

22 BY MR. ANDALMAN:

23 Q. Do you understand what a 30(b)(6)  
24 deposition is?

25 A. I believe I do.

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2 Q. Well, do you understand that you are  
3 representing the knowledge and opinions of an  
4 entity in your testimony?

5 It's not just based on your personal  
6 knowledge, correct?

7 A. Yes.

8 Q. While your answer may incorporate your  
9 experience, your answers will represent the  
10 opinions --

11 A. Wait, we have to have a caucus, hold  
12 on. Seriously.

13 MR. ANDALMAN: Let's take a break. Do  
14 you want to talk to your attorney?

15 THE WITNESS: Yes.

16 MS. VALENZUELA: We can leave.  
17 (Brief recess taken.)

18 MR. ANDALMAN: We're back on the  
19 record.

20 BY MR. ANDALMAN:

21 Q. I think when we last left off we were  
22 discussing, you know, your knowledge of what a  
23 30(b)(6) deposition is, correct?

24 A. Correct.

25 Q. I mentioned that your answer, while it

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1 may incorporate your own experiences, ultimately  
2 represents the knowledge and opinions of the  
3 entity on which you're responding, correct?

4 A. Yes.

5 Q. I'm going to show you what has  
6 previously been marked I believe as Exhibit 1  
7 Neveleff. Everyone has a copy.

8 Mr. Sakamoto --

9 A. I have to say, I saw this, but I didn't  
10 tell you about it earlier. Honestly, I can't  
11 remember what you're talking about, seriously.  
12 But I did see this.

13 Q. That was going to be my next question,  
14 so we shortcut one.

15 So, given that you've seen this  
16 document, it's labeled as Exhibit 1. It is the  
17 Notice of 30(b)(6) Deposition, correct?

18 A. Yes, sir.

19 Q. If you turn to Page Five, you have been  
20 designated to address certain topics, correct?

21 A. Yes.

22 Q. Topic Number Four, "The facts and  
23 circumstances concerning or relating how records  
24 of reviews, audits and inspections are retained in

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1 on behalf of ICE?

2 A. Yes.

3 Q. Topic Number 6, "The facts and  
4 circumstances concerning or relating to the level  
5 of care exercised, including without limitation  
6 security measures taken in connection with  
7 retaining records of reviews, audits and  
8 inspections in the ordinary course of business."

9 Are you prepared to address this on  
10 behalf of DHS?

11 A. No.

12 Q. Are you prepared to address this on  
13 behalf of ICE?

14 A. Yes.

15 Q. Topic Number 8, "The facts and  
16 circumstances concerning or relating to the  
17 persons and/or entities responsible for conducting  
18 reviews, audits and inspections."

19 Are you prepared to address this on  
20 behalf of DHS?

21 A. No.

22 Q. Are you prepared to address this on  
23 behalf of ICE?

24 A. Yes.

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1 the ordinary course of business."

2 Are you prepared to address this on  
3 behalf of the Department of Homeland Security?

4 A. Yes.

5 Q. Are you prepared to address this on  
6 behalf of --

7 A. Scratch that. How about ICE?

8 Q. Okay. So --

9 A. I mean, it's ICE.

10 Q. I'll ask the question again.

11 Are you prepared to address this on  
12 behalf of the Department of Homeland Security?

13 A. No.

14 Q. Are you prepared to address this on  
15 behalf of the Immigration and Customs Enforcement?

16 A. Yes.

17 Q. Topic Number Five, "The facts and  
18 circumstances concerning or relating to the  
19 location of records, reviews, audits and  
20 inspections."

21 Are you prepared to address this on  
22 behalf of the Department of Homeland Security?

23 A. No.

24 Q. Are you prepared to address this topic

SAKAMOTO

1 Q. Topic Number Nine, "The facts and  
2 circumstances concerning or relating to the  
3 persons and/or entities responsible for preparing  
4 reviews, audits and inspections."

5 Are you prepared to address this on  
6 behalf of DHS, Department of Homeland Security?

7 A. No.

8 Q. Are you prepared to address this on  
9 behalf of ICE?

10 A. Yes.

11 Q. Topic Number 10, "The facts and  
12 circumstances concerning or relating to the  
13 preparation of reviews, audits and inspections."

14 Are you prepared to address this on  
15 behalf of the Department of Homeland Security?

16 A. No.

17 Q. Are you prepared to address this on  
18 behalf of ICE?

19 A. Yes.

20 Q. "The facts and circumstances concerning  
21 or relating to how records relating to individual  
22 detention ratings are maintained."

23 Are you prepared to address this on  
24 behalf of the Department of Homeland Security?

1 SAKAMOTO

2 A. We moved to twelve?

3 Q. Thirteen.

4 A. Thirteen. Can you repeat it, please?

5 Q. Yes. "The facts and circumstances  
6 concerning or relating to how records relating to  
7 individual detention ratings are maintained."

8 A. Yes, according to ICE.

9 Q. But not according to DHS, correct?

10 A. Correct.

11 Q. Topic Number 15, "The facts and  
12 circumstances concerning or relating to central  
13 repositories, if any, that retain or store  
14 government detention contracts and records of  
15 reviews, audits and inspections."

16 Are you prepared to address this topic  
17 to the extent it relates to reviews, audits and  
18 inspections on behalf of DHS?

19 A. No.

20 Q. Same question on behalf of ICE.

21 A. And just for clarification, so you're  
22 scratching the contract stuff, right?

23 Q. Mr. Oswald designated a different  
24 designee to --

25 A. Yes. So with regards to your question

1 SAKAMOTO

2 with that, yes.

3 Q. Are you prepared to address this topic  
4 to the extent it relates to government detention  
5 contracts?

6 MR. OSWALD: I object because it goes  
7 beyond the scope of what I designated him  
8 for.

9 So you can answer the question.

10 THE WITNESS: What I know.

11 BY MR. ANDALMAN:

12 Q. Number 16, "The facts and circumstances  
13 concerning or relating to the media on which  
14 government contracts, and the records of reviews  
15 audits and inspections are stored."

16 Are you prepared to address this topic  
17 to the extent it relates to reviews, audits and  
18 inspections on behalf of the Department of  
19 Homeland Security?

20 A. No.

21 Q. Same question with respect to ICE.

22 A. Again, same as fifteen, you know, as  
23 far as I know about with regards to the contract.

24 Q. Got it. Number 20, "The facts and  
25 circumstances concerning or relating to how

1 SAKAMOTO

2 government detention contracts and records of  
3 reviews, audits and inspections are retrieved,  
4 reviewed and produced, including without  
5 limitation in connection with a Freedom of  
6 Information Act request."

7 Are you prepared to address this topic  
8 to the extent it relates to reviews, audits and  
9 inspections on behalf of the Department of  
10 Homeland Security?

11 A. No.

12 Q. Same question with respect to ICE.

13 A. Yes, the same as fifteen and sixteen.

14 Q. As part of your responsibilities do you  
15 deal with certain reviews, audits and inspections  
16 of detention facilities?

17 A. Yes.

18 Q. When I use the terms "reviews, audits  
19 and inspections," are there distinctions between a  
20 review, an audit and an inspection, according to  
21 ICE?

22 A. Yes.

23 Q. What are the differences? What is a  
24 review?

25 A. A review could be anything, ad hoc. We

1 SAKAMOTO

2 could see a spike in detainee grievances, for  
3 example; we can order a review.

4 Q. Are reviews required to be in writing?

5 A. Yes. Official reviews would be in  
6 writing.

7 Q. Are there unofficial reviews?

8 A. There's compliance monitoring through  
9 several entities, which would be unofficial in  
10 nature.

11 Q. What does it mean to be "unofficial in  
12 nature"? I'm just trying to figure out what that  
13 means.

14 A. Well, I mean, not so much in writing.

15 I mean, you have compliance teams.  
16 Some field offices have compliance teams that go  
17 out throughout the AOR's facilities.

18 I have my DSMs and DSCOs that are day  
19 to day monitoring standards.

20 Those, you know, could be -- I mean, it  
21 all depends on what your definition of a review  
22 is, I guess.

23 Q. I'm concerned what the definition of a  
24 review is to the Immigration and Customs  
25 Enforcement, and that's what I'm trying to ask

SAKAMOTO

about.

A. ODO can conduct a review; CRCL could conduct a review, and those would be in writing.

Q. No matter what, they're required to be in writing?

A. They're external stakeholders that would put it in writing. I mean, they're within the department, but they're not part of ERO.

Q. What does it mean to be an external stakeholder?

A. With regards to enforcement rules of operations. They're not assigned to Enforcement Removal Operations.

Office of Detention Oversight is part of ICE and OPR. Civil Rights and Civil Liberties is under the Department of Homeland Security.

Q. I'm sorry, what did you say that ODO is under?

A. OPR.

Q. OPR, so that's Office of Professional Review?

A. Responsibility.

Q. Responsibility?

You testified that DSCU performs

SAKAMOTO

A. We work for DHS, so, the answer would be yes.

Q. DHS, apart from ERO, is there another unit, or is there a --

A. Yes.

Q. Okay, what is that?

A. CRCL.

Q. Any other ones?

A. Apart from ERO, ODO, OIG can, which is Office of the Inspector General.

Q. Um-hmm. Any others?

A. Not that I can think of, off the top of my head.

Q. ERO is a program within ICE you stated, correct?

A. Yes.

Q. Is there another ICE unit or program that conducts reviews?

A. It's potentially possible that it could happen, but I can think of one, off the top of my head, and that would be the Office of Detention Planning and Policy, ODPP.

Q. Why do you think it's possible that they would do a review?

SAKAMOTO

certain reviews?

A. They are the ERO unit that manages the Nakamoto contract that handles ERO's annual reviews or inspections; reviews, inspections, audits.

Q. Are those required to be put into writing?

A. The Nakamoto?

Q. Yes.

A. Yes.

Q. Do the DSCU's conduct any reviews that don't have to be in writing?

A. No.

Q. What is an audit from the perspective of Immigration Customs Enforcement?

A. An audit would be a function that happens with regards to performance.

Q. Performance of what?

A. Could be a contract. It could be statistics. It could be any number of things.

Q. Let's go back to the reviews for one second, my apologies.

Does DHS perform any reviews of the detention facilities?

SAKAMOTO

A. Because they're the Office of Detention Planning and Policy, but the way it works now is they would task that down to us in ERO.

Q. Okay.

A. So, you know, in theory, if they wanted to go out then they could.

Q. Got it. Do the U.S. Marshals ever perform reviews?

A. Yes.

Q. Do the U.S. Marshals perform reviews of facilities that are managed or operated by ICE?

MR. OSWALD: I object on the grounds that this witness is authorized to testify on behalf of ICE in the 30(b)(6) context.

He is not speaking on behalf of Marshals or anything in conjunction with that.

To that extent, you can go ahead and answer the question.

And anything that he says is going to be based on his personal knowledge and not on behalf of the organization.

MR. ANDALMAN: Well, to the extent that he is a 30(b)(6) deponent on behalf of ICE,

1 SAKAMOTO

2 he should know what is going on with ICE  
3 facilities.

4 BY MR. ANDALMAN:

5 Q. So, you can answer on that behalf?

6 A. Well, repeat the question.

7 Q. Let me repeat the question, yes.

8 Do the U.S. Marshals perform reviews of  
9 facilities that ICE manages or operates?

10 A. No.

11 Q. To the extent you know, what reviews  
12 did the U.S. Marshals perform with regards to  
13 detention facilities?

14 MR. OSWALD: Same Objection. You may  
15 answer the question.

16 THE WITNESS: Just go back to that  
17 original one.

18 I mean, I do not know specifically,  
19 however in the hypothetical there is one CDF  
20 of ours, which is Contract Detention  
21 Facility, that has U.S. Marshal detainees  
22 within it.

23 Now, what the U.S. Marshals do and how  
24 they review for their detainees, I don't  
25 know. But they do not inspect to the ICE

1 SAKAMOTO

2 National Detention Standards.

3 BY MR. ANDALMAN:

4 Q. Do the U.S. Marshals perform reviews of  
5 facilities in which detainees are in ICE custody?

6 MR. OSWALD: Same Objection. You can  
7 answer the question.

8 THE WITNESS: Can I just paraphrase or  
9 clarify?

10 BY MR. ANDALMAN:

11 Q. Yes.

12 A. So what you're asking me is do the U.S.  
13 Marshals conduct their own inspections?

14 Q. Of facilities in which there are  
15 detainees --

16 A. ICE detainees?

17 Q. ICE detainees. And just state it to  
18 the extent you know.

19 A. I think you're wording your question --  
20 okay, no.

21 Q. So --

22 MS. VALENZUELA: Can we chat quickly?

23 MR. ANDALMAN: Yes, let us chat. Let's  
24 go quickly off the record.

25 (Brief recess taken.)

1 SAKAMOTO

2 BY MR. ANDALMAN:

3 Q. Mr. Sakamoto, are there facilities,  
4 U.S. Marshal facilities that house ICE detainees?

5 A. Yes.

6 Q. Does the U.S. Marshal's --

7 A. Well, I mean, we're in a contract with  
8 the U.S. Marshals. It might not be their  
9 facility.

10 Q. Okay, fair enough, with that  
11 understanding.

12 A. Okay.

13 Q. That the U.S. Marshal's contracts or  
14 owned, for those facilities, do they perform  
15 reviews of them?

16 A. Do the U.S. Marshals?

17 Q. Yes.

18 A. To the best of my knowledge, yes.

19 Q. Do you know if they are applying U.S.  
20 Marshal or ICE standards of review?

21 A. They would apply their standard of  
22 review.

23 Q. Do private entities perform reviews?

24 A. Yes.

25 Q. Is one of those the Nakamoto Group?

1 SAKAMOTO

2 A. Yes.

3 Q. Does the Nakamoto Group physically  
4 perform inspections of these facilities, or is  
5 that outsourced?

6 MR. OSWALD: Objection, vague.

7 MR. ANDALMAN: Strike that.

8 BY MR. ANDALMAN:

9 Q. Does the Nakamoto Group, itself,  
10 perform the reviews of certain ICE facilities?

11 A. Yes.

12 Q. Contractors or employees of the  
13 Nakamoto Group are conducting those reviews,  
14 correct?

15 A. Yes.

16 Q. Are there other private entities that  
17 perform reviews of ICE facilities?

18 A. Yes.

19 Q. What are those other private groups?

20 A. Capgemini.

21 Q. Are there any others?

22 A. Well, let's just go back. I mean,  
23 because my understanding is the scope of is this  
24 is 2007 to 2012.

25 Is that what we're talking about or are

SAKAMOTO

we talking about today?

Q. Today, too, I mean, potentially.

A. Okay, well going back to 2007 there have been several contracts that have done our inspections for us.

Q. Okay.

A. Creative Corrections.

Q. Okay.

A. MTG.

A. And then we have three experts that are now with the Capgemini contract, but go back to 2007 and we're under another contract.

It's Capgemini now, but I can't remember the name.

Q. Did these private entities apply the ICE standards?

A. Yes.

Q. Who determines whether or not a review is going to be performed by a private entity or under a government entity?

A. Nakamoto handles all the ERO annual reviews.

Q. Does ERO perform reviews in any other time period, other than annually?

SAKAMOTO

writing?

A. Yes.

Q. How often does ODO perform reviews?

A. ODO does theirs off a risk-based matrix. I think that number would fluctuate. I don't have a specific number.

Q. Does ODO use the ICE standards?

A. Yes.

Q. Does CRCL use the ICE standards?

A. Yes.

Q. OIG, when they perform it, are they written reviews?

A. That's OIG. If OIG is doing a review, that would be potential criminal. So, yes.

Q. Do they utilize the ICE standards?

A. I would think not.

Q. ODPP, to the extent that they do it, do they perform their reviews in writing?

A. I don't know of one that they have done, but in the hypothetical, yes, they would.

Q. The U.S. Marshals', are those in writing?

MR. OSWALD: Objection. Beyond the scope of his designation.

SAKAMOTO

A. There potentially could be an ad hoc review, and then preoccupancy reviews that would be handled by Nakamoto or potentially could be handled by ERO.

Q. Itself?

A. Itself. Depends on, you know -- I mean, Nakamoto could be out.

Q. What is a preoccupancy review?

A. Preoccupancy review would be an assessment that would be done to determine whether or not we were either going to go back into a facility we were previously at, or potentially go into a facility at a future date.

Q. Let's go through these very quickly.

Do you know if the CRCL reviews are required to be in writing?

A. No.

Q. You don't know, or they don't need to be?

A. I would assume that they are.

Q. Okay.

A. But I don't work for them, so. All the ones I've seen are in writing.

Q. ODO, are those required to be in

SAKAMOTO

MR. ANDALMAN: Fair enough.

MR. OSWALD: You can answer if you know.

THE WITNESS: I have no idea.

BY MR. ANDALMAN:

Q. The private entity ones, the Nakamoto ones, are those in writing?

A. Yes.

Q. Capgemini?

A. Yes.

Q. Creative Connects?

A. Creative Corrections.

Q. Creative Corrections, are those?

A. Yes.

Q. MTG?

A. Yes.

Q. The experts that had been previously separate from Capgemini, are their reviews in writing?

A. No. What I was saying is they now fall under the Capgemini contract.

They were, I want to say it was the STG -- it could be MTG, STG, I could have them mixed up.

1 SAKAMOTO

2 Q. Got it.

3 A. But those three entities actually now  
4 are under the scope of the Capgemini.

5 Q. By "individual" you mean those  
6 entities, correct?

7 A. Yes.

8 Q. We started talking about audits, and  
9 you said the audits may regard performance of  
10 contracts or statistics.

11 Are there any others that audits may  
12 refer to?

13 A. Alien removals. You know, we deal in  
14 numbers, so, I mean, the whole spectrum.

15 Q. Would it be fair to say that all of  
16 these entities that we just discussed performed  
17 audits, as well?

18 A. Along the scope of doing a review  
19 inspection.

20 Q. So I guess what I'm trying to figure  
21 out is, from ICE's perspective, what is the  
22 difference between a review and an audit?

23 MR. OSWALD: Objection. This was your  
24 term, so you're asking him to use the term.

25 THE WITNESS: Yes.

1 SAKAMOTO

2 regards to detention facilities?

3 A. With regards to inspections and such,  
4 no.

5 Q. What do they use the term "audits" to  
6 refer to?

7 A. I'm just really trying to think of an  
8 example where -- there was a tasking for an audit.

9 Q. Well, let me help you maybe clarify it.

10 Earlier you testified that audits could  
11 refer to performance of contracts, statistics,  
12 numbers, and alien removals.

13 A. Right. I mean, under the basis of the  
14 contract, there has to be an audit of the  
15 performance of the contract.

16 Q. Do those differ from the inspections?

17 A. Yes, because a different entity would  
18 do that. It would be outside the scope of the  
19 standards.

20 Q. And what entity would perform these  
21 functions?

22 A. I imagine it would be the contract  
23 technical officer for --

24 Q. Got it?

25 A. I mean, they do the billing. They make

1 SAKAMOTO

2 BY MR. ANDALMAN:

3 Q. Mr. Sakamoto, earlier you began  
4 testifying that these terms do have specific  
5 meanings and --

6 A. I didn't say that.

7 Q. Okay, let me ask you that.

8 Does the term "review" have a specific  
9 meaning for ICE?

10 A. A review would be an inspection.

11 Q. So there is no difference between a  
12 review and an inspection?

13 A. Under the context of this, I mean,  
14 somebody could say, "Hey, go out and review this  
15 facility," but they mean to go out and do a  
16 preoccupation.

17 Q. So review -- the term of art might --

18 A. I mean, I've never seen a statistic  
19 that says, "We've done X amount of reviews".

20 Q. What statistics have you seen?

21 A. Inspections.

22 Q. So the term of art that ICE uses is  
23 inspections, generally?

24 A. Generally.

25 Q. Does ICE use the term "audits" with

1 SAKAMOTO

2 sure the man hours are correct.

3 Q. So audits, as a term of art, to the  
4 extent it's used by ICE, it refers to contract  
5 issues. Is that correct?

6 Typically it refers to contract issues?

7 A. Yes.

8 Q. So, for the purposes of the rest of  
9 this, is it fair to assume that when we're  
10 speaking of reviews or inspections, we're talking  
11 about the same thing?

12 A. Yes.

13 Q. So I may use them interchangeably from  
14 here on forward, but -- so that we're talking the  
15 same language, we're stipulating that it's the  
16 same thing?

17 MR. OSWALD: We will stipulate to the  
18 same thing.

19 THE WITNESS: I mean, compartments --

20 MR. OSWALD: It's stipulated to.

21 BY MR. ANDALMAN:

22 Q. Do detention facilities have ratings  
23 associated with them?

24 A. Yes.

25 Q. Are those different from these reviews

SAKAMOTO

or inspections?  
A. No.  
Q. So, are you familiar with detention ratings performed by entities such as the American Bar Association?

A. No.  
Q. So, no preparation --  
A. No, I didn't look at any of the American Bar Association stuff.

Q. I'm going to present exhibit that's been previously marked as Exhibit Number 3.

The first question I'm going to ask is have you ever seen that Website?

A. Yes.  
Q. Is this the Website you reviewed in connection with your deposition today?

A. I didn't review it. I looked at it.  
Q. If you would, would you turn to Page 12 of the exhibit.

A. Okay. Am I missing something?  
Q. It's on the bottom.

A. I got one through thirty-seven -- oh, I got you. Bear with me.

Q. No worries.

SAKAMOTO

Q. No, on top of Number 13.  
A. Oh, yes.  
Q. So, how are you prepared to testify on detention ratings?  
A. With regards to how ERO and ICE comes up with a rating.

Q. So, I'm trying to figure out how the reviews and inspections are the same or different from ratings.

Is it your testimony that the reviews and inspections are the same thing as ratings?

MR. OSWALD: Objection, mischaracterizes the testimony, but you can answer.

MR. ANDALMAN: Let me strike that question.

BY MR. ANDALMAN:

Q. Is there any difference in the eyes of ICE between reviews and inspections on the one hand and ratings on the other hand?

Are those different documents?

A. In that context I guess -- I mean, I feel like we're playing semantics. I mean, I don't know --

SAKAMOTO

A. Okay.  
Q. Do you see in the middle of the page where it says "Detention Facility Reviews Audits American Bar Association Commission on Immigration"?

A. No.  
Q. It's maybe two-thirds down the page. It's in bold?

A. Oh, yes. Okay, yes.  
Q. Are you familiar with those reviews, audits or perhaps rankings?

A. In the context of this document, no.  
Q. If you could, would you turn to Exhibit 1 for a second.

A. Sure.  
Q. You testified earlier that you were prepared to testify on Topic Thirteen on behalf of ICE.

Is that correct?

A. Yes.  
Q. And you see where it says "Detention Ratings"?

A. I see "Detention Facility Reviews and Audits".

SAKAMOTO

A rating is assigned to an inspection.  
Q. Okay.  
A. There could be a review that is done that won't have a rating, because you could review a single standard.

Q. Okay.  
A. I mean, if you are asking, "Hey, did you go and review use-of-force practices," so, I mean, yeah --

Q. And there would be a rating that's associated with that inspection?

A. It wouldn't be a rating. A rating would come from the total inspection.

Q. So it's akin, so to speak, to when a restaurant is rated on several criteria --

A. Pass or fail.  
Q. And there is a grade of A, B, C or D, or E, whatever, based on those criteria?

A. Yes.  
Q. So, in other words, the ratings are incorporated into the documents containing the inspections; is that correct?

Or are there separate documents containing ratings?



1 SAKAMOTO

2 A. Yeah. There's two ratings. There is  
3 the Nakamoto rating and then it's memorialized  
4 through the rating authority, which is the agency,  
5 ERO, Custody and Management, that is assigning the  
6 official rating.

7 Q. So is the Nakamoto rating a suggestion,  
8 a recommendation to ERO?

9 A. Yes.

10 Q. Do they use the same scale? For  
11 instance, is one numeric and one alpha, or are  
12 they the same scales?

13 A. You've got to clarify that one with me.

14 Q. Well, let me strike that.

15 When Nakamoto provides a recommendation  
16 as to a rating, is it in the same format that ERO  
17 ultimately memorializes it?

18 For instance, if there is a letter  
19 associated with it or a number associated with  
20 it --

21 A. Yes, yes. There may not be agreement,  
22 but, yes.

23 MR. OSWALD: Could we really just go  
24 off the record for a second?

25 (Discussion off the record.)

1 SAKAMOTO

2 BY MR. ANDALMAN:

3 Q. You stated that sometimes the Nakamoto  
4 recommendation and the ERO's final memorialization  
5 may not be the same, correct?

6 A. Yes.

7 Q. Are the disagreements documented in  
8 some way?

9 A. Yes.

10 Q. How are they documented?

11 A. There would be a whole remedial  
12 process.

13 Q. When you say "a whole remedial  
14 process," what does that mean?

15 A. The way that Nakamoto would provide  
16 their review to ERO, Custody and Management, in  
17 turn to DSCU, who would go in and they would  
18 review the document, at which time deficiencies  
19 would be outlined to the service provider and the  
20 field office.

21 And, you know, they would do a remedial  
22 action, and there is the potential that when all  
23 that is done there could be a change in the  
24 rating.

25 And that could go both ways. I just

1 SAKAMOTO

2 want to be clear. Nakamoto could give a rating  
3 and the agency could present a lower rating.

4 Q. Let me go back to the reviews and  
5 inspections for one second.

6 A. Um-hmm.

7 Q. Are there any policies or procedures as  
8 to when it is in written format how that format  
9 must be presented?

10 So are there templates, so to speak?

11 A. You know, I don't know about a written  
12 policy and what's in the contract. Because  
13 basically it goes by what the contract is, what  
14 the verbatim is.

15 Generally speaking, just generally  
16 speaking, across the board with our contracts,  
17 they're performance based, so we do allow leeway  
18 to the contractors.

19 So, you know, we have a broad spectrum  
20 of forms. They're basically the same, but the  
21 template could be different.

22 If it's a CCA form, or sorry, a  
23 Creative Corrections form, it can look different  
24 in aspects than a Nakamoto form.

25 Q. Okay.

1 SAKAMOTO

2 A. The content is --

3 Q. Okay.

4 A. Yeah.

5 Q. Now, is there --

6 A. So a CIS, for example, CIS might look a  
7 little bit different. When you look back at 2007  
8 and look at a Creative Corrections CIS to today, a  
9 Nakamoto CIS --

10 Q. Is it possible --

11 A. Or an MTG, for example.

12 Q. Got it.

13 Is it possible that more than one of  
14 these entities, private or governmental, is  
15 performing reviews at the same facility?

16 A. At the same time?

17 Q. Well, let's start with at the same  
18 time, yes, or during the same period of time.

19 A. Yeah, I mean, during the same period,  
20 it is. We don't like to do that, because it's  
21 just so disruptive.

22 But, a Nakamoto could be doing an  
23 inspection and ODO could be slated to go out. And  
24 a lot of that has to do with, I mean, obviously  
25 budget restraints, I mean, pre-planning, getting

1 SAKAMOTO  
 2 the travel, getting the people, getting the  
 3 subject matter experts together that things  
 4 sometimes are locked in.  
 5 And if the service provider is saying,  
 6 "Okay, we can handle it," because it's a  
 7 discussion that all the parties are involved.  
 8 I mean, there has been times when  
 9 there's been potential overlap where we said, "No,  
 10 you can't go out. One or the other".  
 11 The same with CRCL, for example. They  
 12 could be wanting to go out to a site and we could  
 13 have a Nakamoto out there and we will say, "Timing  
 14 is bad".  
 15 That's how I understood your question.  
 16 Q. No, that's exactly my question.  
 17 Is there a policy and procedure  
 18 determining which entity performs a review?  
 19 A. Yes. ERO/Nakamoto performs our  
 20 reviews. ODO, I think it was August 2009,  
 21 previously known as DEFIG, under ICE Secretary  
 22 John Morton, and the detention reform that  
 23 happened, yeah, it was August 2009, ODO then broke  
 24 off and became the DEFIG to the Office of  
 25 Detention and Oversight.

1 SAKAMOTO  
 2 inspections?  
 3 A. Generally I think I can.  
 4 Q. How about their ratings?  
 5 A. They don't provide ratings.  
 6 Q. Is ODO reviewing for something  
 7 different than ERO?  
 8 A. Yes.  
 9 Q. What are they --  
 10 A. Well...  
 11 Q. Go ahead.  
 12 A. ERO is reviewing and inspecting the  
 13 standards in totality.  
 14 ODO on the other hand is an oversight  
 15 entity that is based on a risk-based matrix.  
 16 So, where we're looking -- when I say  
 17 "we're," I'm talking about Custody and Management  
 18 and ERO -- we're inspecting and reviewing through  
 19 the whole set of standards, which is, you know, a  
 20 Three Twenty-Four, eighty pages, every single  
 21 check box, you know, unless there's "N/As"..  
 22 Where ODO has, you know, environmental  
 23 health and safety, which is usually generally what  
 24 they cover, but then they could have, you know,  
 25 significant reports, whether it's through the JCNS

1 SAKAMOTO  
 2 So they handle they're stuff.  
 3 ERO/Nakamoto handles our annual inspections.  
 4 Q. So are there certain facilities that  
 5 are ERO facilities and certain facilities that are  
 6 ODO facilities?  
 7 A. No.  
 8 Q. So how is it determined at a given time  
 9 which of those is going to perform the review?  
 10 A. That's what I'm saying. That's where  
 11 there can be overlap and it's problematic.  
 12 Q. Okay.  
 13 A. And we have to work together between  
 14 the entities and say, "Hey, look. The service  
 15 provider can't handle this."  
 16 So there are instances though that it's  
 17 okay, and both entities could potentially -- we  
 18 don't like them to be on the site at the same  
 19 time. But they're doing they're thing and we're  
 20 doing our thing.  
 21 I mean, there have been times when  
 22 they've been on one half of the facility and we've  
 23 been on one half of the facility.  
 24 Q. Are you able to speak to how ODO  
 25 prepares its documents, memorializes its

1 SAKAMOTO  
 2 (phon) or wherever, where they're going to go out  
 3 and look at, you know, very specific things.  
 4 A. Got it. Are the ODO and ERO reviews  
 5 stored in the same location.  
 6 A. I don't know what that means with  
 7 regards to the public domain.  
 8 I mean, do you consider that to be the  
 9 same location?  
 10 I don't know if I'm even right. I  
 11 mean, they're under the FOIA. I think we got some  
 12 stuff under the FOIA.  
 13 MR. OSWALD: If you could ask the  
 14 question again, listen to the question.  
 15 BY MR. ANDALMAN:  
 16 Q. Yes, are the ODO reports stored in the  
 17 same location as the ERO reports?  
 18 A. No.  
 19 Q. So ODO maintains it separately than  
 20 ERO?  
 21 A. Yes.  
 22 Q. Are the CRCL reviews and inspections  
 23 sort of in the same place as ODO?  
 24 A. Okay, let's just go back and just --  
 25 now you're talking about theirs, right?

1 SAKAMOTO

2 You're not talking about something that  
3 was maybe given to ERO?

4 Q. I'm trying to understand.

5 A. I mean you're talking about the full,  
6 complete package.

7 Q. Let me try to give you the framework.  
8 We're trying to understand all the different types  
9 of reviews.

10 A. So we're talking about their file.

11 Q. Yes. Is their file in the same  
12 location as the ODO's file?

13 A. No, all three are separate.

14 Q. Are all of these separate, the CRCL,  
15 the ODO, the OIG, to the extent that it exists,  
16 the ODPP, I feel like I'm in alphabet soup, the  
17 U.S. Marshals, to the extent they exist...

18 Are they all private entities in  
19 separate locations?

20 A. I cannot speak to the U.S. Marshals.

21 Q. Any of the other ones?

22 A. ERO keeps ERO. ODO keeps ODO. CRCL  
23 keeps CRCL. ODPP, they just call down to ERO.

24 Q. Got it.

25 A. If that helps.

1 SAKAMOTO

2 they're not on there at all, period.

3 Q. Is there a formal written policy of  
4 when ERO is provided with formal, written copies  
5 of reviews?

6 A. No.

7 Q. So it happens on an ad hoc basis?

8 A. Yes, because they don't have a set  
9 schedule.

10 Q. We spoke in Exhibit 3 about these  
11 detention facility reviews, audits of the American  
12 Bar Association Commission on Immigration.

13 A. Um-hmm.

14 Q. What's your understanding of what that  
15 is?

16 A. Oh, I mean, my understanding is that  
17 that's they're inspections and ratings that they  
18 perform.

19 Q. Are they commissioned by ICE?

20 A. The ABA?

21 Q. Those inspections that they do.

22 A. I can't speak to this. I mean, this is  
23 2001. All these dates right here go back to  
24 2001.

25 Q. Well, if you go forward to --

1 SAKAMOTO

2 Q. Thank you. Is ERO provided copies of  
3 the other entities' reviews?

4 A. That I know of as it pertains to us.

5 Q. When would it not pertain to you?

6 A. Well, you know, I mean, in the  
7 hypothetical, CRCL might be doing something  
8 criminal with OIG, so we wouldn't see it,  
9 necessarily.

10 I wouldn't see it. I'm not saying that  
11 the director wouldn't see it.

12 Q. Got it.

13 A. But with regards to us, for the most  
14 part, yeah, we get a copy of their file. Well,  
15 ODO, what goes on the FOIA site, we get a copy of  
16 it.

17 Q. Is the FOIA listing a complete listing  
18 of all the reviews and inspections?

19 A. I don't know.

20 Q. Is there a policy for putting reviews  
21 and inspections on the FOIA site?

22 A. No, not that I'm aware of. Now with  
23 regards to ODO, that's a whole separate animal.

24 Q. Fair enough.

25 A. And CRCL, to the best of my knowledge,

1 SAKAMOTO

2 A. I have no knowledge of --

3 Q. Well, if you go forward to Page 15,  
4 there's at least a couple, you know. There's  
5 several since 2007.

6 A. The ABA? I mean, they could be --

7 Q. And it's fine if you don't know.

8 A. Yeah, I mean, they could be -- I don't  
9 know. I don't know.

10 Q. Generally speaking, are you familiar  
11 about the ABA audits and inspections?

12 A. No.

13 Q. On Page 15 there is something that  
14 says, "Detention Facility Reviews, Audits,  
15 Commission on Accreditation For Corrections".

16 A. ACA?

17 Q. Do you see that, the bold print on  
18 fifteen?

19 A. Yes.

20 Q. Are you familiar with that review or  
21 audit?

22 A. Is this referring to the ACA, the  
23 American -- was it the CAC back then.

24 Again, no.

25 Q. Then if you turn the page to sixteen.

1 SAKAMOTO

2 A. Um-hmm.

3 Q. Do you see the Detention and Removal  
4 Operations? That's what ERO is now today,  
5 correct?

6 A. Yes.

7 Q. So, those are the ERO reviews that have  
8 been made publicly available on this Website?

9 A. According to this document, yes.

10 Q. Does that appear to be every one or are  
11 there other ones that you read?

12 A. Well, I mean, based on the parameters  
13 of, you know, who was to be inspected, by looking  
14 at this document I couldn't answer that question.

15 Q. Is every facility required every year  
16 to have an inspection, annually?

17 A. No.

18 Q. How is that determined?

19 A. Alright, that's a monster.

20 Q. Okay.

21 A. No, it's not really. Like today,  
22 roughly, we have two hundred and fifty-five  
23 facilities. I think scheduled for an annual  
24 review at some point this year, and then this is  
25 just, I'm guessing, it's roughly a hundred and

1 SAKAMOTO

2 thirty-three of those facilities.

3 Q. Okay.

4 A. Then you have ORSA.

5 Q. Okay.

6 A. Facilities, which are self-assessment  
7 facilities that the field office does.

8 And so this goes back to the original  
9 questions, I guess. This will probably fall into  
10 the original questions that you were asking about  
11 who does them.

12 Q. Right.

13 A. You know, sorry.

14 Q. No problem.

15 A. I wasn't thinking about it. So the  
16 ORSA is self-reviewed. There would be a portion  
17 of those, and then another portion would be on the  
18 biannual. Another portion would be on the  
19 biannual.

20 And those, when you are talking about  
21 under seventy-two hours, under seventy-two-hour  
22 facilities, where we only hold for seventy-two  
23 hours or less, and then, based upon average daily  
24 population.

25 And so there is a whole gambit of

1 SAKAMOTO

2 reviews to get to be on the ORSA program.

3 Q. Okay, let's take a step back.

4 A. Okay.

5 Q. What is ORSA?

6 A. I always forget this acronym. It's  
7 the -- Organizational Review Self-Assessment.  
8 Don't quote me on that, but that's the gist of it.

9 MR. OSWALD: It's only a deposition.  
10 BY MR. ANDALMAN:

11 Q. That's fine. I think you said, and I  
12 just want to clarify, that the ORSA review is the  
13 one where detainees can be there for over  
14 seventy-two hours?

15 A. They can be. I didn't get to that  
16 part. They can be, and again, you're asking me  
17 stuff that is specific numbers that, you know, is  
18 not in my day-to-day.

19 A. Fair enough.

20 Q. So how it works is for over seventy-two  
21 hours I believe they have to be less than ten ADP?

22 Q. What is ten ADP?

23 A. Average daily population.

24 Q. Okay.

25 A. I mean, otherwise it would just cost us

1 SAKAMOTO

2 a fortune to go out and --

3 Q. Got it.

4 A. And then there is the biannual group.

5 Q. And the biannual group is groups of  
6 facilities that are reviewed once every two years?

7 A. Passed the criteria, and they are more  
8 than ten, less than fifty, over seventy-two.

9 Q. More than ten, less than fifty.

10 A. Now you've got to remember, that's why  
11 that number is always fluctuating, because need  
12 and things can shift.

13 Q. Got it.

14 A. So any time you come outside of that  
15 parameter, you would go into the annual.

16 Q. So, when you say more than ten, less  
17 than fifty, that's average daily population?

18 A. Correct.

19 Q. And when you say passed the criteria,  
20 those are facilities that --

21 A. Previously passed, I believe for the  
22 biannually it's two consecutive "meets standards".

23 Q. Okay.

24 A. So, that's why you'll never, ever see  
25 all our facilities with an annual review.

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Q. So the hundred and thirty-three annual review facilities, are those reviews required to be in writing?

A. Yes.

Q. How ever many ORSA facilities, are those reviews required to be in writing?

A. Yes.

Q. And the biannual ones, are those required to be in writing?

A. Yes.

Q. So the hundred and thirty-three facilities that have annual reviews, those have greater than fifty ADP?

Is that the idea?

A. Yeah, well -- no, you could have somebody come off the list. You could have somebody go on the list. Depends upon need.

Let's say you had a Nakamoto setup, and all of a sudden operationally they said they were going to deviate from the loop flight or something.

I'm just throwing something out there.

Q. Right.

A. And now all of a sudden X facility's

SAKAMOTO

format or both?

A. Within the guidelines of both.

Q. Okay.

MR. OSWALD: Can we take a break here?

MR. ANDALMAN: Yes, let's take a break? (Brief recess taken.)

BY MR. ANDALMAN:

Q. So you mentioned earlier about these biannual reviews, right?

A. Yes.

Q. The question that I have is, you said if it fails, or if it has two consecutive meet standards, it stays on the biannual --

A. Within the parameters of the ADP.

Q. Within the parameters of the ADP, exactly.

When you say meet standards, that means meets standards on every item?

A. No. Overall and in totality, the rating, the final rating.

Q. Do employees of ERO receive training with regards to the storage and promulgation of these reviews and inspections and ratings?

A. Yes.

SAKAMOTO

ADP is now going to go down to less than fifty. They could potentially, because last year they had a pass, they could potentially go on the ORSA.

Or, I'm sorry --

Q. Let me ask the question real quick. So these self-assessments...

A. Um-hmm.

Q. First of all, with this whole schematic, is there a written policy that exists to discuss, these are the ones that are going to get annual assessments, these are the ones that are going to get biannual assessments, these are the --

A. I believe they're working on it.

Q. So there doesn't currently exist one, to your knowledge?

A. Correct.

Q. The ORSA self-assessment, are there protocols or templates that the ORSA people have, or that facilities fill out?

A. Yes.

Q. Where are those templates stored?

A. ERO.

Q. ERO? In paper format or electronic

SAKAMOTO

Q. Who provides that training?

A. Virtual University.

Q. Virtual University?

A. Yeah. It's the training Website. I believe that they're a contract for them.

Q. So are they contracted by ICE?

A. It's the ERO training and development division that handles Virtual University, and I believe that Virtual University is a subcontractor or a contract to them.

Q. As part of that training do you learn specifically how to store these documents?

A. Not the specifics on how to store them.

Q. Okay.

A. Other than safeguarding.

Q. When you say "safeguarding," does that mean encryption, or lock and keys, or what does that mean?

A. No, it's -- I'm trying to remember. It's the register; it's the length of service; it's all those types of things.

And then, you know, other than classified material, I don't believe that it gets into, you know, specific lock and key.

1 SAKAMOTO

2 Q. Okay.

3 A. It just goes into how long you need to  
4 maintain them.

5 Q. How long do these inspections need to  
6 be maintained?

7 A. I think it's six years.

8 Q. Is that pursuant to the FAR  
9 requirements?

10 A. No, no, I mean, I'm talking hard copy.

11 Q. What about electronic copies?

12 A. Electronic copies, we have them. I  
13 take that back, scratch that.

14 It's six years, to include electronic  
15 copies.

16 Q. Is there any protocol or standard  
17 requiring that review and inspection documents are  
18 scanned into some electronic format?

19 A. Well, I believe that the class does go  
20 into the transfer of files into media. We do do  
21 it, but with regards to a written policy.

22 Q. We'll take a step back. I'm sorry, I  
23 didn't let you finish.

24 A. Yeah, I haven't read a written policy  
25 with regards to scanning.

1 SAKAMOTO

2 Q. Is there any requirement, regardless if  
3 it's written, that the reviews and inspections  
4 must be put into electronic format?

5 A. I believe there is within the timeframe  
6 parameters.

7 Q. When you say "timeframe parameters,"  
8 does that mean --

9 A. Given the, yeah, for whatever the  
10 federal guidelines are with maintaining and  
11 storing federal records.

12 Q. Okay. So --

13 A. So, I mean, you know, the register, I'm  
14 sure that the register is somewhere.

15 I mean, there's federal governing  
16 policy on how the federal government maintains  
17 records, which would include these.

18 Q. You're not certain whether or not every  
19 review and inspection, in the relevant time  
20 period, from 2007 onward, has been put in  
21 electronic format?

22 A. Yes.

23 Q. Well, is that a no, you're not sure?

24 A. No.

25 Q. If it is put in electronic format, is

1 SAKAMOTO

2 it in searchable format?

3 A. Yes, yes.

4 Q. If it's in searchable -- when it's put  
5 in electronic format, is it stored on a server?

6 A. Yes.

7 Q. Are the ERO ones stored in the same  
8 server as the DOD ones?

9 A. I don't know about the ODO server.

10 Q. Let me restate that. Does ODO have a  
11 different server than ERO?

12 A. They have a different share drive.

13 Q. Okay.

14 A. I don't know about the server.

15 Q. What types of documents are on this  
16 shared drive?

17 A. All the inspection reviews and ratings.

18 Q. Can someone in ERO access ODO's share  
19 drive?

20 A. No.

21 Q. Can someone in ERO --

22 A. Well, let me go back and say, I could  
23 if they gave me permissions to do so, or an access  
24 and a link to that domain.

25 Q. How difficult is it to get permissions?

1 SAKAMOTO

2 A. Well, it's program driven. I mean,  
3 it's need-to-know.

4 Q. Right.

5 A. So, I mean, that's why I don't have  
6 access to ODO's.

7 Q. If someone were --

8 A. I'm not saying it's impossible.

9 Q. Right. If someone were provided  
10 permissions, how long does that typically take?

11 A. You know, it would have to go to  
12 whatever, you know, the level of the approving  
13 authority is.

14 Q. Okay.

15 A. Because ODO is an investigative OPR  
16 authority. You know, it probably would take  
17 several levels of approval.

18 Q. Is there someone high enough ranked at  
19 ERO that would have the ability to have access to  
20 this?

21 A. EAD Homeland could? I mean, I don't  
22 know why he would want to. I mean, that's as high  
23 level ERO you can go, the Executive Assistant  
24 Director, who is under the assistant secretary.

25 Q. Is there anyone lower than him that

1 SAKAMOTO  
 2 might have access?  
 3 MR. OSWALD: Calls for speculation.  
 4 Objection, but you can answer if you want.  
 5 THE WITNESS: Nobody in Custody and  
 6 Management that I'm aware of it has it.  
 7 BY MR. ANDALMAN:  
 8 Q. ICE has a FOIA office, correct?  
 9 A. Yes.  
 10 Q. Can the FOIA office access the various  
 11 shared drives?  
 12 A. Again, if they were granted permissions  
 13 to do so, they would be able to do it.  
 14 Q. Are there classified documents on the  
 15 shared drives?  
 16 A. Within the parameters of classified  
 17 documents. Those would be clearly on, you know, a  
 18 classified server, and, you know, you'd have to  
 19 have the appropriate need-to-know and levels of  
 20 access for that stuff.  
 21 Q. Are any reviews or inspections  
 22 classified?  
 23 A. Not that I'm aware of.  
 24 Q. So, to your knowledge, and as the  
 25 deponent of ICE, there's not a document that would

1 SAKAMOTO  
 2 documents, just hypothetically, on ERO's shared  
 3 drive, is there a way to block those classified  
 4 documents from other people who don't have that  
 5 clearance?  
 6 A. Well, yeah, you have to safeguard  
 7 classified documents. That's a given.  
 8 But with regards to what measures need  
 9 to be put in place to potentially separate  
 10 classified documents from whatever might be  
 11 compartmentalized with those documents, I don't  
 12 know what that would take. That would be, you  
 13 know, an IT question.  
 14 Q. We spoke and we brushed up on it that  
 15 there are certain detention standards, correct?  
 16 A. Yes.  
 17 Q. When is the earliest known detention  
 18 standard that you're aware of?  
 19 A. 2000 National Detention Standards.  
 20 MR. ANDALMAN: Mark this as Exhibit 7.  
 21 Just continue it.  
 22 You have no objection to continuing the  
 23 exhibits, right?  
 24 MR. OSWALD: No.  
 25

1 SAKAMOTO  
 2 be so prohibitive to grant permissions to one  
 3 department of ICE or the other, one program of ICE  
 4 or the other?  
 5 MR. OSWALD: Objection,  
 6 mischaracterizes his testimony.  
 7 You can answer it.  
 8 THE WITNESS: Yes. I mean, there could  
 9 be documents that would permit ERO to go into  
 10 ODR servers, absolutely.  
 11 If they're doing a criminal  
 12 investigation...  
 13 BY MR. ANDALMAN:  
 14 Q. Fair enough.  
 15 Are there ways to prevent provide  
 16 limited access to the different drives, share  
 17 drives?  
 18 A. Not knowing the specific files and the  
 19 content of those specific files, I couldn't answer  
 20 that question.  
 21 Q. Let me restate it.  
 22 Is there a way to provide access to  
 23 some of the files on a particular shared drive and  
 24 not others?  
 25 For instance, if you have classified

1 SAKAMOTO  
 2 (2000 Detention Operations Manual was  
 3 marked Deposition Sakamoto Exhibit 7, for  
 4 identification.)  
 5 BY MR. ANDALMAN:  
 6 Q. You've been handed what's now been  
 7 marked as Exhibit 7, 2000 Detention Operations  
 8 Manual.  
 9 A. Um-hmm.  
 10 Q. Does that refer to that 2000 operations  
 11 standard?  
 12 A. Yes.  
 13 Q. I'm going to hand you what's marked as  
 14 Exhibit 8.  
 15 (2008 Performance-Based National  
 16 Detention Standards were marked Deposition  
 17 Sakamoto Exhibit 8, for identification.)  
 18 BY MR. ANDALMAN:  
 19 Q. You've been handed now what's marked as  
 20 Exhibit 8. Is this another one of the standards?  
 21 A. Yes.  
 22 Q. What standard is this?  
 23 A. The Performance-Based National  
 24 Detention Standards of 2008.  
 25 Q. Generally speaking, how did the 2000

1 SAKAMOTO  
 2 and 2008 standards differ?  
 3 A. The 2008 standards were created to  
 4 better enforce health and safety issues and expand  
 5 upon the National Detention Standards of 2000.  
 6 Q. Did they require assessment of  
 7 different and more items?  
 8 A. Yes.  
 9 (2011 Detention Operations Manual was  
 10 marked Deposition Sakamoto Exhibit 9, for  
 11 identification.)  
 12 BY MR. ANDALMAN:  
 13 Q. You've been handed what's marked as  
 14 Exhibit 9. Does this reflect or summarize the  
 15 2011 standard?  
 16 A. Yes.  
 17 Q. How does the 2011 standard differ from  
 18 the 2008 standard?  
 19 A. There were increases in, you know,  
 20 outcomes such as women's medical services that are  
 21 going to be provided, expanded recreation, you  
 22 know, mental health services, increased access to  
 23 legal services, visitation, those types of things.  
 24 Q. So between the 2000, Exhibit 7, 2008  
 25 and 2011, Exhibits 7 through 9, was there

1 SAKAMOTO  
 2 additional paperwork that needed to be filled out  
 3 as a result of the different standards?  
 4 A. What do you mean additional paperwork  
 5 that had to be filled out?  
 6 Q. Did these standards require additional  
 7 items, like a worksheet, for instance?  
 8 A. Do you mean changes to the Three  
 9 Twenty-Four?  
 10 Q. Correct.  
 11 A. Yes.  
 12 Q. Just for the record, what is the Three  
 13 Twenty-Four?  
 14 A. That's a standards checklist.  
 15 Q. Did the 2000 standard have a standards  
 16 checklist?  
 17 A. A Three Twenty-Four?  
 18 Q. Yes.  
 19 A. Yes.  
 20 Q. Did the 2008 have a Three Twenty-Four?  
 21 A. Yes.  
 22 Q. Did the 2011 have a Three Twenty-Four?  
 23 A. Yes.  
 24 Q. Are there any other standards that ICE  
 25 uses?

1 SAKAMOTO  
 2 A. Yes.  
 3 Q. What are those other standards?  
 4 A. The residential -- I'm glad I remember.  
 5 You see, I almost forgot. The Family Residential  
 6 Standards.  
 7 Q. Where is that memorialized?  
 8 A. What do you mean "where is it  
 9 memorialized"?  
 10 Q. Where is it publically? Is it  
 11 publically available on the ICE Website?  
 12 A. I believe it is, yes.  
 13 Q. Are there any other ones other than the  
 14 Family Residential Standards?  
 15 A. No.  
 16 Q. Are all facilities evaluated under the  
 17 Residential Family Standards?  
 18 A. No, there's only one.  
 19 Q. What is that one?  
 20 A. Burkes, Family Residential Center, to  
 21 be specific.  
 22 Q. Is there something called a 2013  
 23 Segregation Directive?  
 24 A. It's not a standard.  
 25 Q. Is that at all incorporated into any of

1 SAKAMOTO  
 2 the evaluations or audits --  
 3 MR. OSWALD: I would object first on  
 4 the grounds that this case deals with things  
 5 that happened no later than 2012. So, that  
 6 is my first objection.  
 7 The second, he's already answered the  
 8 question.  
 9 MR. ANDALMAN: Well, he can answer it.  
 10 MR. OSWALD: You can answer it if you  
 11 wish.  
 12 THE WITNESS: Yeah, there is a  
 13 segregation directive that just came out.  
 14 BY MR. ANDALMAN:  
 15 Q. Okay.  
 16 A. That came out within the last few  
 17 months.  
 18 Q. I did have a follow-up question.  
 19 Is that incorporated into reviews going  
 20 forward, or it's unclear at this point?  
 21 A. Segregation is an ongoing priority for  
 22 ERO right now, that we are looking into those  
 23 avenues.  
 24 Q. So no decision has been determined?  
 25 A. The directive is specific -- well, the



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directive is not based on standards. It's based on segregation operations.

Q. I'm glad we clarified that.

These form Three-Twenty-Fours, are they in paper format when they're filled out?

A. Yeah, I mean, but today -- well, we're not talking about today, so.

Q. Well, are they also in electronic format?

A. They will become electronic format.

Q. Okay.

A. I mean, onsite, you know, the different reviewers can have different mediums to, I believe.

Q. So, there's --

A. The final is in paper format.

Q. How about drafts?

A. So, to the best of my knowledge, the reviewers will go out, and they will have a form. You know, at least for sure 2007, they had a form. They would go out and do the form.

And then they would come together to the LCI, who is the Lead Compliance Investigator, provide all of those, and a completed document

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Q. Is there any way of knowing when I pick up a particular inspection report which standard is being used?

A. Yes.

Q. How would that be determined?

A. It should state it. Then you can go and, you know, obviously through the timeframe, I mean, and the facility, you can determine.

Q. Is there any review or oversight to ensure that the entity performing the review is using the correct standard?

A. That would be DSCU.

Q. Does DSCU promulgate or create documents saying whether or not the correct standard is being utilized?

A. When the reviews are set up, it's set up under which standards will be used.

Q. Are there still facilities using an older standard?

A. Yes.

Q. Is there a policy or procedure to determine which ones --

MR. OSWALD: Objection. This specifically relates to Item Number 11, which

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would be generated by the LCI, or the RIC, depending on the timeframe and the period we're talking about.

Q. What is an LCI?

A. Lead Compliance Inspector.

Q. And then R-I-C, RIC?

A. Yes, Review Inspector in Charge.

Q. Is it fair to say that there is no protocol as to the format in which drafts of the Three Twenty-Four need to be recorded?

MR. OSWALD: Objection, one, vague, two, it mischaracterizes the testimony. You can feel free to answer.

THE WITNESS: Can you --  
BY MR. ANDALMAN:

Q. Let me restate. Is there a protocol that requires drafts to be in a specific, drafts of the Three Twenty-Four form, to be in a specific format?

A. No.

Q. These standards form the basis for the reviews and inspections that we spoke about, correct?

A. Yes.

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the protective order, it covers... "The facts and circumstances concerning or relating to which standards, whether Department of Homeland Security standards or any other corrections or performance-based standards, reviews, audits and inspections are intended to track."

MR. ANDALMAN: Okay, so I'm not --

MR. OSWALD: It's specifically covered by that.

MR. ANDALMAN: I won't go any further than to ask whether or not a document exists.

MR. OSWALD: With the question being whether a document exists, you may answer the question.

THE WITNESS: Can you repeat the question?

BY MR. ANDALMAN:

Q. Is there a document that exists saying under what circumstances a given standard should be utilized by an entity reviewing a facility?

A. Yes.

Q. What is that document?

A. It's a contract.

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2 Q. Do all contracts state this?

3 A. Yes.

4 Q. Let's talk a little bit more about the  
5 form Three Twenty-Four.

6 Is the form Three Twenty-Four utilized  
7 by all the various entities that do the reviewing?

8 A. No.

9 Q. Which entities use the Three  
10 Twenty-Four?

11 A. Nakamoto.

12 Q. Any others?

13 A. I mean, that's today. So, all the  
14 contractors that were doing our annual reviews  
15 through your timeframe would use it.

16 Q. Does ODO use a Three Twenty-Four?

17 A. ODO can use a Three Twenty-Four if they  
18 want to, but generally speaking they're looking at  
19 aspects of specific items. So, they already know  
20 going in to do their review, you know --

21 The checklist, it's all the standards.  
22 That's what our annual review is. It's from A to  
23 Z.

24 ODO is primarily health, safety, those  
25 issues, and then whatever else reason they're

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2 going in, you know, whether it's grievances,  
3 allegations or whatever.

4 So they would delve a lot further into,  
5 you know, a confined space than what we would  
6 cover.

7 Q. Are there any worksheets that ODO uses  
8 other than the Three Twenty-Four?

9 A. I'm not clear on what they use for  
10 worksheets.

11 Q. How about CRCL? Did they use the Three  
12 Twenty-Four?

13 A. Again, they can use the Three  
14 Twenty-Four, but generally they don't.

15 Q. How about OIG?

16 A. Again, that would be principally a  
17 criminal investigation.

18 Q. Got it. It's getting a little clearer  
19 to me.

20 And you wouldn't know for the U.S.  
21 Marshal, correct?

22 A. Correct.

23 Q. So after the form Three Twenty-Four is  
24 created or filled out, let's say...

25 A. Um-hmm.

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2 Q. Is the requirement that it's provided  
3 to a certain entity?

4 A. Yes.

5 Q. Which entity is it provided to?

6 A. It's provided to the Contract Technical  
7 Representative.

8 Q. The contract -- sorry, go on.

9 A. I mean, it goes through their  
10 hierarchy, and I believe it goes from the LCI to  
11 the Nakamoto operations team, and from the  
12 Nakamoto operations team it gets packaged and sent  
13 to us, then to the Contract Technical Rep who  
14 works for DSCU.

15 Q. When you say "their hierarchy," you  
16 mean the inspecting entity's hierarchy?

17 A. Yeah, their operations.

18 Q. Are there any protocols with regards to  
19 that?

20 A. What do you mean?

21 Q. What I'm trying to figure out is, is  
22 there any paper trail that the government has  
23 access to when it goes between the outsourced  
24 entity?

25 MR. OSWALD: It's vague. You can

1 SAKAMOTO

2 answer it.

3 MR. ANDALMAN: Let me restate.  
4 BY MR. ANDALMAN:

5 Q. Is there a paper trail that ICE has  
6 access to when the form Three Twenty-Four goes  
7 through the entity's hierarchy?

8 MR. OSWALD: Objection, vague. If you  
9 want to answer...

10 THE WITNESS: I can only speculate.  
11 BY MR. ANDALMAN:

12 Q. Okay.

13 MR. OSWALD: And the cause for  
14 speculation is?

15 THE WITNESS: The cause for speculation  
16 is, you know, it's a contract mechanism the  
17 way we establish our contractor is basically  
18 performance based, meaning that the  
19 contractor has latitude to get to the final  
20 result.

21 BY MR. ANDALMAN:

22 Q. Got it. So potentially a document  
23 could be modified within the outsourced entity and  
24 ICE would not have access to records of that?

25 A. Again, I'm speculating that

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potentially.

were they using the Three Twenty-Fours?

Q. And you mentioned an LCI? What is an LCI?

A. Yes. It would be the same --

A. That's a Lead Compliance Inspector.

Q. Okay.

Q. Okay.

A. That's why the likelihood of that happening is not very likely, because, I mean obviously it's the LCI whose signature is on that final Three Twenty-Four.

A. -- but the LCI, the reviewer in charge, would be a DRO employee at the time. So you would see a difference.

Q. And is the LCI an ICE employee?

Q. Let's take the, I'll call them private entity review inspections on the one hand.

A. No, a Nakamoto employee.

A. Okay.

Q. When is the first --

Q. And the government ones on another -- the ERO or DRO ones --

A. I just want to say. I mean, this is going back to 2007, correct? Right?

A. Right.

Q. Correct.

Q. That are done specifically in-house.

A. I mean, so, you know, it's not always been Nakamoto.

A. Okay.

Q. Fair enough.

Q. With regards to the private entity reviews, when is the first instance when ICE receives a form Three Twenty-Four?

A. So we all know that, right?

A. There are time parameters that are set.

And at points in 2007, DRO was conducting their own inspections simultaneously along with Creative Corrections and MGT and these types of groups.

I mean, this is like in the weeds.

Q. When DRO was doing these inspections,

Q. I guess I'm not asking time, necessarily the time.

A. So, basically --

Q. I'm asking, where does the handoff occur?

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A. There's time parameters that are set.

there another step in between?

Q. Okay.

A. Yeah, that's what I'm saying. It goes -- because they could be in, you know --

A. They have to have it to us sooner if there's life-safety issues.

because their subject matters experts, and Nakamoto has their staff in different parts of the country, and they have to Fed. Ex. obviously --

Q. Okay.

Q. Okay.

A. If there's no life-safety issues, they have a little bit more leeway, so there is a time requirement for them to get us the Three Twenty-Four.

A. So, if you are coming from Seattle, you know, they have X amount of days.

Q. Is that contractually based, the time requirement?

Q. Okay. Got it. I get that. What I'm trying to say is, is there another non-ICE hand that touches --

A. I haven't seen the written contract, but they do have time parameters.

A. Yes, like I said, it goes to their operational -- I believe it's --

Q. I guess what I'm asking is something slightly different.

Q. Got it.

I'm asking, in the process --

A. What's west of DC? Rockville. I believe their operation center is in Rockville, Maryland.

A. Um-hmm.

Q. It goes through the private entity's hierarchy.

Q. And that's Nakamoto, still?

A. Um-hmm.

A. Yes.

Q. There's a lead compliance officer that signs off on it.

Q. After it goes to the operation center, does ICE get it next?

A. Um-hmm.

A. Yes.

Q. Is it then delivered to ICE, or is

Q. What format does ICE get it in at that

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2 point? Is it in a paper form or is it in an  
3 electronic form?

4 A. You know, at some point we get both.

5 Q. So the electronic worksheet is  
6 somehow --

7 A. Yes, one might come a day before the  
8 other, or vice versa.

9 Q. So Nakamoto is required to put it in  
10 both electronic and paper formats?

11 A. We have a hard file.

12 Q. And an electronic file?

13 A. Yes, and at some point all hard files  
14 will be transferred into an electronic file.

15 Q. During the time period of 2007 to the  
16 present, at least for the time period there is a  
17 paper file and an electronic file, that is of the  
18 form Three Twenty-Four, that is delivered to ICE.

19 Is that correct?

20 A. That was the procedure, yes.

21 Q. When did that procedure end?

22 A. Well, I mean, going all the way back to  
23 2007, like I said, we don't have a hard copy going  
24 all the way back to 2007.

25 Q. Okay.

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2 in Seattle, right?

3 THE WITNESS: I think I got to explain.

4 MR. OSWALD: Go ahead.

5 BY MR. ANDALMAN:

6 Q. Yes, go ahead and explain.

7 A. So I have last year's file for facility  
8 X.

9 Q. Okay.

10 A. Now we're doing this year's. So the  
11 Nakamoto paperwork for this inspection would go  
12 into the file.

13 We're retaining the hard file for  
14 whatever the time requirement is to maintain those  
15 files.

16 Q. I think I'm asking a slightly different  
17 question, and maybe I'm the one that has been  
18 confused.

19 Let's use your hypothetical of Seattle,  
20 of the facility in Seattle?

21 A. Was that my hypothetical?

22 Q. You said that there was a facility in  
23 the west in Seattle. They have X number of days  
24 to hand it off to Rockville?

25 A. Oh, that's right, Rockville.

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2 A. We have media. We have an electronic  
3 copy.

4 Q. Okay.

5 A. You know, I believe the requirement is  
6 that we need to keep the hard copies for, you  
7 know, however long it is, and then they're allowed  
8 to be destroyed.

9 Q. I got it. I think we're kind of  
10 confusing two different things.

11 A. Okay.

12 Q. Not currently what is in the  
13 possession, custody and control of ICE.

14 When that delivery occurs, I think  
15 you're saying that there is a hard copy and an  
16 electronic copy that are provided to ICE.

17 Is that correct?

18 A. There's documents provided to ICE and  
19 then ICE will create the hard copy.

20 Q. Create the hard copy --

21 A. Create the file, the file.

22 Q. So I'm still a little bit confused and  
23 I just want to be clear as to this.

24 A. Well, because --

25 Q. Let's take your hypothetical of the one

1 SAKAMOTO

2 Q. Correct?

3 A. Yes.

4 Q. The Rockville facility is a Nakamoto  
5 facility, correct?

6 A. Yes.

7 Q. After Nakamoto gets it, I think you  
8 testified that it goes to ICE, the form Three  
9 Twenty-Four.

10 Is that correct?

11 A. Yes.

12 Q. When that transfer occurs between  
13 Rockville and ICE here in DC, I imagine, what  
14 format or formats is the Three Twenty-Four  
15 document in?

16 A. At some point we get the signed copy of  
17 the Three Twenty-Four with the LCI.

18 Q. Okay.

19 A. At some point we get -- well, scratch  
20 that. Scratch that.

21 We might create the electronic version.

22 Q. Okay, that's what I'm trying to get to.

23 A. Yes.

24 Q. So, it may come in paper form. It may  
25 come in electronic form --

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A. We always get a paper form.

Q. You always get a paper form. It may or may not come in electronic form, correct?

A. Correct.

Q. And if it doesn't come in electronic form, it's the policy and procedure to make it into -- make the paper copy into an electronic form, correct?

A. Yes, based on the retention requirement, the Federal Retention Requirements.

Q. Got you.

A. So, just to be specific, I mean, we could get an electronic file in advance, like I said if, for example, there's a life, health, safety --

Q. I got it.

A. And it will come through for immediate action.

Q. And you might not get a paper file in that --

A. 'Till it catches up.

Q. That makes sense.

Let's take them one at a time. When ICE gets Nakamoto's form Three Twenty-Four, in

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paper form --

A. Yes.

Q. -- what does ICE do with it?

A. ICE will load it up into, now, today, into SharePoint. We'll also turn it over to Capgemini to put it into FPMS.

Q. What is FPMS?

A. Sorry, FMPS.

Q. What is that?

A. The Facility Management Program System.

Q. Is that a database?

A. No, it's not a database. It's just a way that we can track, you know, Three Twenty-Fours and deficiencies. Like I said, I'm not a computer expert.

Q. Okay.

A. But it's more of a Three Twenty-Four shell.

Well, I know that they had to go in and basically, they just put the line items in. So they could punch in numbers.

Q. I see.

A. It really doesn't have anything to do with the actual inspection.

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Q. What is done with the paper document?

A. It goes into the file.

Q. And it's preserved, as you said, for roughly six years?

A. No, I believe the whole preservation requirement is six years.

Q. Okay.

A. So whatever the hard copy paper document is required by the federal register to be preserved, it is preserved.

Q. Where is that paper file physically located?

A. ERO, PCN, the Potomac Center North, 500 12th Street.

Q. Do you know how it's organized?

A. I know where it is. I don't know how it's specifically organized, whether it's alphabetical or by year.

Q. And that's not information that you looked at in preparation for this deposition?

A. No.

Q. Let's quickly talk about the electronic ones, the electronic form of the Three Twenty-Four form.

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A. Okay.

Q. When it's either created by ICE or given to you by Nakamoto, is it in PDF format? Is there a standard --

A. No, I'm assuming it's PDF.

Q. Do you know if it's searchable?

A. Yes.

Q. When you get that format, other than loading it into that -- I'll call it a computer database --

A. It's a shell.

Q. The shell, do you maintain the document?

A. Yes. I believe it's 2007 to 2010 is on our share drive. 2010 to present is on SharePoint.

Q. What is SharePoint?

A. It's another new share drive type.

Q. Can the share drive be searched?

A. Yes.

Q. Can SharePoint be searched?

A. Yes.

MR. ANDALMAN: I think that's it for now. I mean, I think we can call it a day at

1 SAKAMOTO  
 2 this point. I have a little bit tomorrow.  
 3 Probably like an hour and a half or so.  
 4 We'll do 9:30.  
 5 MR. OSWALD: 9:30 okay.  
 6 MR. ANDALMAN: I apologize. There's a  
 7 couple more things to get through.  
 8 (Whereupon at 5:59 p.m. the deposition  
 9 of Reginald Sakamoto adjourned until January 30,  
 10 2013, at 9:30 a.m.)  
 11  
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 18 Signature of Deponent  
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1 SAKAMOTO  
 2 I N D E X  
 3 DEPOSITION OF REGINALD SAKAMOTO  
 4 EXAMINATION BY: PAGE:  
 5 Mr. Andalman 5  
 6  
 7 INDEX OF DEPOSITION EXHIBITS:  
 8 SAKAMOTO EXHIBITS: PAGE:  
 9 Exhibit 7. 2000 Detention Operations  
 10 Manual 89  
 11 Exhibit 8. 2008 Performance-Based  
 12 National Detention Standards 89  
 13 Exhibit 9. 2011 Detention Operations  
 14 Manual  
 15  
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1 SAKAMOTO  
 2 CERTIFICATE OF NOTARY PUBLIC  
 3 I, Kim M. Brantley, the officer before  
 4 whom the foregoing deposition was taken, do hereby  
 5 certify that the witness whose testimony appears  
 6 in the foregoing deposition was duly sworn by me;  
 7 that the testimony of said witness was taken by me  
 8 in stenotype and thereafter reduced to  
 9 computerized transcription under my direction;  
 10 that said deposition is a true record of the  
 11 testimony given by said witness; that I am neither  
 12 counsel for, related to, nor employed by any of  
 13 the parties to the action in which this deposition  
 14 was taken; and, further, that I am not a relative  
 15 or employee of any attorney or counsel employed by  
 16 the parties hereto, nor financially or otherwise  
 17 interested in the outcome of the action.  
 18 Date: 2/10/2014  
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 21  
 22 \_\_\_\_\_  
 23 Notary Public in and for  
 24 The District of Columbia  
 25 My Commission Expires: October 14, 2014

1 SAKAMOTO  
 2 ERRATA SHEET FOR THE TRANSCRIPT OF:  
 3 Case Name: NATIONAL IMMIGRANT JUSTICE CENTER vs.  
 4 UNITED STATES DEPARTMENT OF HOMELAND SECURITY  
 5 Dep. Date: JANUARY 29, 2014  
 6 Deponent: REGINALD SAKAMOTO  
 7  
 8 CORRECTIONS:  
 9 Pg. Ln. Now Reads Should Read Reason  
 10 \_\_\_\_\_  
 11 \_\_\_\_\_  
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 21 \_\_\_\_\_  
 22 Signature of Deponent  
 23 SUBSCRIBED AND SWORN BEFORE ME  
 24 THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2014  
 25  
 \_\_\_\_\_  
 (Notary Public) MY COMMISSION EXPIRES: \_\_\_\_\_

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

- - - - - )  
NATIONAL IMMIGRANT JUSTICE ) Case No. :  
CENTER, ) 1:12-cv-5358  
Plaintiff, )  
vs. ) Vol. II  
UNITED STATES DEPARTMENT OF )  
HOMELAND SECURITY, and UNITED )  
STATES IMMIGRATION AND CUSTOMS )  
ENFORCEMENT, )  
Defendants. )  
- - - - - )

CONTINUED 30(b)(6) DEPOSITION OF REGINALD SAKAMOTO  
Washington, DC  
Thursday, January 30, 2014

Reported by:  
Kim M. Brantley, CSR  
Job No: 70293

1 SAKAMOTO  
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 4 Thursday, January 30, 2014  
 5 Time: 9:39 a.m.  
 6  
 7  
 8 Continued 30(b)(6) Deposition of REGINALD  
 9 SAKAMOTO, held at Dentons US, LLP, 1301 K Street,  
 10 NW, Suite 600, Washington, DC, before Kim M.  
 11 Brantley, Court Reporter and Notary Public of the  
 12 District of Columbia.  
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1 SAKAMOTO  
 2 APPEARANCES:  
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 5 On behalf of the Plaintiff:  
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 24  
 25

1 SAKAMOTO  
 2 ALSO PRESENT:  
 3  
 4 ROYCE MURRAY, ESQUIRE  
 5 National Immigrant Justice Center  
 6  
 7 CHARLES OLEAN, ESQUIRE  
 8 U.S. Immigration & Customs Enforcement (ICE)  
 9  
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1 SAKAMOTO  
 2 P R O C E E D I N G S  
 3 R E G I N A L D S A K A M O T O,  
 4 called as a witness by Counsel for the Plaintiff,  
 5 and, after having first been duly sworn by the  
 6 Notary Public, was examined and further testified  
 7 as follows:  
 8 EXAMINATION BY COUNSEL FOR THE PLAINTIFF:  
 9 BY MR. ANDALMAN:  
 10 Q. Your counsel stated prior to the  
 11 deposition that you had an issue that you'd like  
 12 to clarify based on your testimony yesterday. Mr.  
 13 Sakamoto, feel free to do that.  
 14 A. Yes, I just wanted to clarify with  
 15 respect to ODO and their records maintenance, they  
 16 only keep electric -- electric --  
 17 MS. MURRAY: Electronic?  
 18 MR. OSWALD: Electronic.  
 19 THE WITNESS: Electronic documentation.  
 20 They have only kept electronic documentation  
 21 since 2010.  
 22 BY MR. ANDALMAN:  
 23 Q. And since 2010 --  
 24 MR. ANDALMAN: Let's go off the record.  
 25 (Brief interruption.)

1 SAKAMOTO

2 BY MR. ANDALMAN:

3 Q. Going along that line, I presume that  
4 prior to 2010 it was only in paper form. Is that  
5 correct?

6 A. It was --

7 Q. Was there a mix between electronic and  
8 paper?

9 A. I mean, obviously, ODO, I don't work  
10 for ODO. What I believe is it was both.

11 Q. But you do not know?

12 A. I do not know, no, for sure. But I do  
13 know as of 2010 to present, it's only electronic.

14 Q. And you said those would be on a  
15 different share drive, to the extent that they're  
16 electronic, than the ones that are EROs that are  
17 on a share drive, for instance --

18 A. Yes.

19 Q. -- perhaps on the same server?

20 A. Yes. I'm not sure where the servers  
21 break off.

22 Q. A couple of things from yesterday that  
23 we wanted to clarify...

24 I'm trying to figure out, we talked a  
25 little bit about the generation of the

1 SAKAMOTO

2 Q. Let me just clarify this so that I  
3 understand this. The status of being annual,  
4 biannual or ORSA is assigned to each facility. Is  
5 that correct?

6 A. Yes, but it's living, so it can always  
7 change based on ADP.

8 Q. Which is the average --

9 A. Daily population.

10 Q. Daily population.

11 A. Correct.

12 Q. So, ODO could go to a facility and  
13 review it, that is annual or biannual, correct?

14 A. Well, ODO doesn't do annuals or  
15 biannuals.

16 Q. So this is only --

17 A. It's only Nakamoto, ODO.

18 Q. Got it. Does ODO have a timetable in  
19 which it reviews facilities?

20 A. Like I said yesterday, they set their  
21 facilities up based on a risk-based matrix.

22 Q. Okay.

23 A. And obviously budget restraints and all  
24 those other things. So, I mean, they try to set  
25 their facilities up and give us as much advanced

1 SAKAMOTO

2 inspections, and, correct me if I am wrong, I  
3 believe those were the Nakamoto Group's  
4 inspections with annual, biannual and ORSA ones.

5 Is that correct? Those are mainly --

6 A. Three Twenty-Four inspections?

7 Q. Correct. Three Twenty-Four inspections  
8 were mainly for the Nakamoto Group?

9 A. Yes.

10 Q. Right.

11 A. They are for the Nakamoto Group.

12 Q. Right.

13 A. Now, what you had asked yesterday with  
14 regards to the other entities, could they use a  
15 Three Twenty-Four, my answer is yes, they could  
16 use a Three Twenty-Four.

17 Do they primarily use a Three  
18 Twenty-Four? No. Their format is usually in  
19 executive summary type.

20 Q. Got it.

21 A. And the ORSA is not Nakamoto, just to  
22 clarify that.

23 Q. Okay.

24 A. The ORSA is internal ERO,  
25 self-inspection.

1 SAKAMOTO

2 notice as possible. But that's always changing,  
3 as well.

4 Q. When you say a risk-based matrix, is  
5 there a document that states certain criteria on  
6 which a facility will be up for review?

7 A. Again, not working for ODO, but my  
8 understanding is that in working with ODPP, there  
9 was a risk-based matrix developed.

10 Q. Is that a document or is that a  
11 computer program?

12 A. I haven't seen it.

13 Q. You're not otherwise familiar with it?

14 A. No.

15 Q. As you said, OIG is a criminal-based  
16 system, so there is no timetable on them either.  
17 Is that correct?

18 A. Correct.

19 Q. It's an as-needed?

20 A. Correct. Any time there's a complaint,  
21 potential criminal or allegation, first tier is  
22 OIG; they will defer down to ODR, and then from  
23 there...

24 Q. And then CRCL, is that again an  
25 as-needed, or is it a timetable-based review?

1 SAKAMOTO

2 A. It's as needed, as well.

3 Q. So, is it fair to say that the only  
4 timetable-based reviews, regular reviews, are ones  
5 that are either ERO or the Nakamoto Group?

6 A. The Nakamoto Group is ERO.

7 Q. Correct.

8 A. And as you stated earlier, through the  
9 biannual, the annual --

10 Q. Got it.

11 A. And ORSA is set up on a schedule, yes.

12 Q. So I had a question about ORSA.

13 You said that ORSA is not performed by  
14 the Nakamoto Group. Does ORSA use the Three  
15 Twenty-Four form?

16 A. Yes, they use the Three Twenty-Four  
17 form.

18 Q. Is there any auditing of the ORSA,  
19 random auditing or regular auditing of the  
20 facilities that do the ORSA reviews?

21 A. The procedures are the same with the  
22 Nakamoto.

23 Q. Okay.

24 A. So, it would come to DSCU.

25 Q. Just to clarify, DSCU comes in and

1 SAKAMOTO

2 ensures that the reviews are being done properly?  
3 Is that correct?

4 A. Yes, the detention standards  
5 compliance.

6 Q. Are they reviewing the physical  
7 documents, or are they going in and performing a  
8 separate investigation on themselves?

9 Let me clarify. It seems that the ORSA  
10 facilities will do a self-assessment, correct?

11 A. Correct.

12 Q. And they will fill out a form Three  
13 Twenty-Four --

14 A. Not the facilities, the field office.

15 Q. The field office. The ORSA field  
16 office will perform a --

17 A. ORSA.

18 Q. An ORSA. A self-assessment?

19 A. The field office will conduct the ORSA.

20 Q. The field office will conduct a  
21 self-assessment and fill out a form Three  
22 Twenty-Four, correct?

23 A. Correct.

24 Q. Does DSCU then come in and review the  
25 form Three Twenty-Four, or do they do their own

1 SAKAMOTO

2 separate investigation or inspection or, you know,  
3 what have you of the facility?

4 A. It's done the same way that the  
5 Nakamoto is done. The Three Twenty-Four and the  
6 documents will come up to DSCU, which they will  
7 then review.

8 Q. Okay.

9 A. And then at some point an RA will be  
10 issued.

11 Q. What is an RA?

12 A. That's the final agency rating.

13 Q. When they review it, are they reviewing  
14 for completeness, or what are they reviewing for?

15 A. They're reviewing the inspection.

16 Q. When they are reviewing the inspection,  
17 are they reviewing for completeness or are they  
18 reviewing for accuracy?

19 A. All the above. And I mean, if there  
20 are any discrepancies or a need for clarification  
21 or further understanding, then they would perform  
22 that.

23 Q. Is there a document that they create if  
24 they send it back to the field office saying that  
25 this is incomplete or inaccurate?

1 SAKAMOTO

2 A. Yes.

3 Q. What is that document called?

4 A. UCAP.

5 Q. U-C-A-P?

6 A. Um-hmm.

7 Q. What does that stand for?

8 A. You know, we have all these acronyms.  
9 That is the Corrective Action Plan. That's the  
10 uniform -- it's the Corrective Action Plan.

11 Q. And this --

12 A. Now, just to be clear...

13 Q. Go ahead.

14 A. Previously, I mean in years past, just  
15 because the timeframe we're talking about, 2007,  
16 it used to be called a POA at some point. But I  
17 don't know if it's all on what you have seen.

18 But just to clarify, in case you have  
19 seen that and there was some confusion. It's now  
20 called the UCAP. Before it was called a POA.

21 Q. The POA, is that standard Plan of  
22 Action?

23 A. Yes.

24 Q. But a UCAP and the POA, they don't  
25 differ in any way except for their being acronyms?



SAKAMOTO

Is that correct? Or is there any distinction between the two?

A. No, they're the same.

Q. Is a Plan of Action a document which outlines the ways to improve the inspection, or is it a way to improve the facility?

A. The Plan of Action or UCAP would be a way to clarify an issue, whether it's a deficiency or something else.

Q. Is that a substantive deficiency, or a deficiency in the actual reviews?

A. It would be with regards to the facility.

Q. Now I guess I'm asking a slightly different question, which is, if there's a problem with the document, with the form Three Twenty-Four, not substantive...

A. Um-hmm.

Q. That it's incomplete...

A. Um-hmm.

Q. Or they have reason to believe that there is an improper process that is going on in reviewing and inspecting these...

A. Um-hmm.

SAKAMOTO

You know, I don't believe that there's a correction document.

Q. Okay.

A. I mean, it would be more like an E-mail. Now Nakamoto's a little bit different in the fact that there is a COTR that's involved. The office is the headquarters to the field office, which is government federal staff. Nakamoto is a contract of that.

So there is the middle person being the contract technical representative. So the DSCU officer with would go to the COTR. The COTR could go to the -- it's just a formality.

Q. What is a COTR?

A. Contract Officer's Technical Representative.

Q. When DSCU is reviewing the accuracy or precision of the report, are they physically onsite at the facility, or are they reviewing them separately?

MR. OSWALD: I'm going to object at this point, because we're now asking just a series of questions that are all covered by nineteen, which is struck from the Notice of

SAKAMOTO

Q. In a particular facility, is there then a document that is created?

Or what happens to that form Three Twenty-Four when the DSCU is reviewing it?

A. My understanding is the DSCU at that point, the officer, the docket officer would then need to go back for clarification or if there is something that needs to be corrected within the document.

Q. Okay.

A. Can you give me the question again.

Q. I can restate it if that's helpful?

A. Yes.

Q. So, the question is, when the DSCU determines that there is something missing or that they have questions as to the process or accuracy of the form Three Twenty-Four.

A. Um-hmm.

Q. Do they generate a separate document memorializing those thoughts, or is there a standard operating procedure for sending it back to the field office, or is there some other --

A. Well, for ORSA that would be done through the course-of-day business.

SAKAMOTO

Deposition, which is "The facts and circumstances concerning the development and implementation of a Plan of Action to remedy any deficiencies identified in reviews, audits, inspections and how these are incorporated into the reviews, audits and inspections."

These questions are all covered by that, in my view, and if we're going to continue on...

I mean, I'm trying to give you some leeway so you understand, you know, some parts of the process in terms of what the documents are, but I think we're going into, you know, an entire area that's specifically covered by the protective order.

MR. ANDALMAN: Well, and that's a good point. I'm not discussing the Plan of Action. I'm discussing these corrections and what documents are generated and how they're generated.

So I'm asking specifically, and I appreciate that, Craig, because I'm not talking about the Plan of Action in this

1 SAKAMOTO

2 instance.

3 BY MR. ANDALMAN:

4 Q. Let me restate the question.

5 When the DSCU is reviewing the  
6 underlying form Three Twenty-Four, are they onsite  
7 or are they elsewhere?

8 A. Well, through the time period 2007,  
9 2012, I mean, it could have been both. At, you  
10 know, 2007, DSCU officers from headquarters may  
11 have been the lead reviewer. That wouldn't be the  
12 case today.

13 Q. Okay, what would it be today?

14 A. Today they would be reviewing from  
15 here.

16 Q. So they may never even see the  
17 facility?

18 A. Today, correct.

19 Q. When you say lead reviewer, does that  
20 mean the -- \*\*\*

21 A. The LCI, I'm sorry. Like we said  
22 yesterday, the LCI or the RIC. Generally it would  
23 be the LCI. So the LCI would be the Lead  
24 Compliance Inspector, which should be the  
25 contractor.

1 SAKAMOTO

2 MR. OSWALD: I don't understand why  
3 we're in a group, a series of questions  
4 within this context, which is all follow-up  
5 action to the reviews.

6 So, if we're going to go much further,  
7 I don't --

8 MR. ANDALMAN: We're close to the end  
9 of the road. I'm trying to figure out,  
10 Craig, what documents are created and knowing  
11 what, you know, modifications are made and  
12 whether or not that is memorialized in any  
13 sort of meaningful way.

14 I'm trying to understand from the  
15 witness' perspective, and that's the type of  
16 question.

17 MR. OSWALD: I understand it, but then  
18 you're saying "documents," which I would  
19 agree to, you know, within the spirit here,  
20 to try to go to documents, so --

21 MR. ANDALMAN: Let me try to narrow it.  
22 Let me try to narrow it.

23 MR. OSWALD: Okay.

24 BY MR. ANDALMAN:

25 Q. Is there any protocol discussing what

1 SAKAMOTO

2 The RIC, Review Inspector in Charge,  
3 would be an ERO employee.

4 Q. And the LCI, maybe or maybe not at ERO,  
5 could be Nakamoto?

6 A. I don't know. I don't believe that  
7 I've seen a document with an LCI that was an ERO  
8 employee.

9 Q. So most likely they would be Nakamoto?

10 A. Or Creative Corrections or MGT.

11 Q. Or one of those parties?

12 A. Yes.

13 Q. That's very helpful. Is it fair to say  
14 that there is no standard operating procedure or  
15 protocol for the DSCU to formalize comments on the  
16 Three Twenty-Four document?

17 MR. OSWALD: Again, I would object,  
18 again, citing Paragraph 19, "The facts and  
19 circumstances concerning the development and  
20 implementation of a Plan of Action to remedy  
21 any deficiencies identified in reviews,  
22 audits, inspections and how these are  
23 incorporated into the reviews, audits and  
24 inspections."

25 MR. ANDALMAN: And I'll tell you --

1 SAKAMOTO

2 sorts of documents or how the comments on the  
3 Three Twenty-Four need to be memorialized with  
4 regards to, we'll start with ORSA?

5 A. No.

6 Q. Is there a protocol or standard  
7 operating procedure with regards to how comments  
8 on the Three Twenty-Four need to be memorialized  
9 for annual reviews?

10 A. No.

11 Q. Is there a standard operating procedure  
12 or protocol for how comments or modifications --

13 A. I'm going back. I'm not speaking for  
14 Nakamoto. I don't know if they have guidance down  
15 to their subject matter expert, if they want  
16 comments on that.

17 I don't know if that's what you are  
18 asking.

19 Q. No, it's not what I'm asking, and just  
20 let me finish the question, because it gets kind  
21 of difficult to read in the transcript. So let me  
22 restate that question.

23 I'm asking specifically documents that  
24 would ultimately be in the possession, custody and  
25 control of ICE, eventually of ICE.

SAKAMOTO

So the question becomes, is there a standard operating procedure or protocol for how comments or modifications would be memorialized for biannual reviews?

A. Modifications to the Three Twenty-Four or comments to the Three Twenty-Four would be done through the UCAP or the POA.

Q. I thought you testified earlier that --

A. I understand that, but I didn't understand -- I mean, I thought you were talking about with regards to the actual Three Twenty-Four and making changes to the Three Twenty-Four (indicating).

Q. That is what I'm asking.

A. Oh, okay. I mean, we don't have policy that says "changes to Three Twenty-Four".

Q. Let me take a step back.

We were discussing earlier that the DSCU's are kind of a second-level review of the underlying inspection.

Am I understanding that correctly?

A. Yes.

Q. If they approve it, I assume it goes on to the next step of the process. Is that correct?

SAKAMOTO

A. Yes.

Q. If they say that there is a problem with it...

A. Yes.

Q. You said that they send it back to the field office, right?

A. Correct.

Q. My question is --

A. For the --

Q. For the ORSA --

A. For the ORSA.

Q. For the ORSA, annual and biannual reviews...

A. Yes.

Q. When DSCU notices a deficiency, a problem, a need to modify...

A. Yes.

Q. Something on the worksheet, is there a standard operating procedure on how those comments, those recommendations, et cetera, need to be memorialized?

A. Yes.

Q. There is one?

A. Yes.

SAKAMOTO

Q. What is the procedure?

A. It would be done through the POA and the UCAP.

Q. Even if it's not substantive to the facility, it's just a matter of --

A. No, if it's not substantive to the facility, it could be an E-mail for clarification.

Q. So that's what I'm asking.

A. Okay.

Q. Nonsubstantive changes, not to say "we need to have better beds," or "we need to have better medical," et cetera --

A. Okay. That would be --

Q. Let me finish real quickly.

When DSCU discovers a problem in the worksheet, is it my understanding, am I correct that there is no protocol or standard operating procedure to articulate those changes or those modifications to the field office?

A. Nonsubstantive, yes.

Q. Got it. Let's hopefully move past the form Three Twenty-Four at this point.

So the Three Twenty-Four, in all of these reviews, we'll forget the other ones that

SAKAMOTO

perhaps use different procedures, like the ODO, the CRCO, et cetera, just for the ERO ones for the time being...

When the Three Twenty-Four document has been approved by DSCU, where does it go next?

A. To the review authority.

Q. Is that different from an ORSA facility, an annual facility or a biannual facility?

A. No.

Q. So who is the review authority?

A. The Assistant Director for Custody and Management, which could be delegated to the Deputy Assistant Director, or used in his acting capacity.

Q. When the acting director or the deputy director receive --

A. It would be the assistant director or the DAD, if the DAD is acting for the assistant director.

Q. DAD being Deputy Assistant Director?

A. Yes.

Q. Thank you for the clarification.

When the assistant director or the

1 SAKAMOTO

2 deputy assistant director receives the Three  
3 Twenty-Four, what form is the document in? Is it  
4 in paper format or electronic format?

5 A. It's the file.

6 Q. When you say "the file," what do you  
7 mean?

8 A. It's the facility file. As we  
9 discussed yesterday, if there's previous reviews,  
10 for as long as we're maintaining the physical file  
11 as per the federal regulations, it would be that  
12 file, with the Three Twenty-Four in there. If  
13 there is any UCAP or POA, that would be in there.

14 Q. Now, does the file include previous  
15 years' reviews or just the current year's review?

16 A. It could.

17 Q. Is there a standard operating procedure  
18 or protocol as to what needs to be in the file?

19 A. I don't know if there's a file set up.

20 Q. After it goes to these, let's call  
21 them, as you said, DAD, or assistant directors,  
22 after it goes to them, where do they hand it off  
23 to?

24 A. Well, just let me clarify. There's a  
25 whole other level that comes in, and that's the

1 SAKAMOTO

2 A. The assistant director or the Deputy  
3 Assistant Director.

4 Q. After they get it, where does the file  
5 go?

6 A. It goes back to DSCU for filing.

7 Q. When you say "filing," what does that  
8 mean?

9 A. To be stored in --

10 Q. Okay.

11 A. A PCA.

12 Q. And it's stored in paper format?

13 A. Yes.

14 Q. You spoke earlier that the documents  
15 are also in electronic format, correct?

16 A. Correct.

17 Q. Why don't you take me through the  
18 transmission and creation of those electronic  
19 documents.

20 A. Well, we're talking about the end of  
21 the file, and yesterday we were talking about the  
22 beginning of the file.

23 Q. Okay.

24 A. So, I mean, I'm not clear on what you  
25 want now.

1 SAKAMOTO

2 DSCU chief.

3 Q. Okay.

4 A. So the DSCU chief would obviously see  
5 the whole thing, and then it would go from the  
6 chief to the deputy.

7 Q. So, it goes from the DSCU --

8 A. Chief.

9 Q. Officer originally?

10 A. Yes.

11 Q. To the DSCU chief, to the ADs, or the  
12 DADs, correct?

13 A. Correct. So the chief would make sure  
14 that it's prepared and it's ready.

15 Q. Is the file kept intact through each  
16 process?

17 A. To the best of my knowledge.

18 Q. And it's in paper, or is it in  
19 electronic format?

20 A. I've only seen paper.

21 Q. After it goes to the ADs...

22 A. Um-hmm.

23 Q. Or the DADs, which is the acting  
24 assistant director and the Deputy Assistant  
25 Director --

1 SAKAMOTO

2 Q. Well, I'm trying to figure out when it  
3 becomes electronic and when it is paper.

4 A. That would be during the whole process.  
5 That would be from the beginning through the  
6 process. That's with the DSCU officer.

7 Q. I'm a little unclear. Could you  
8 explain on that?

9 A. So, as I said yesterday, if there was a  
10 previous annual inspection, there was an  
11 inspection last year, we would have the file.

12 The DSCU officer would go pull that  
13 file with last year's inspection. They would have  
14 the inspection that maybe happened last week, so  
15 now they have the new documents.

16 The new documents will be scanned and  
17 put onto the share drive. They will go into that  
18 file, and they would review the Three Twenty-Four,  
19 line by line, if a UCAP or POA is required.

20 If there needs to be further  
21 communication from the headquarters element to  
22 whoever did the review, then that would be  
23 performed.

24 When DSCU is satisfied with the rating,  
25 it will then go and be packaged to go to the chief

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2 as prepared. The chief will generate the RA memo,  
3 which will go to the AD, or the deputy. The RA  
4 memo will be signed off as a review authority,  
5 with the final agency rating.

6 Q. Got it.

7 A. And then once that's signed, then that  
8 would get scanned and put in the electronic file.

9 Q. So, all of --

10 A. The files are maintained, paper files  
11 are maintained as according to the federal  
12 register and the requirements we have to maintain  
13 files, paper files.

14 Q. Okay.

15 A. When that timeframe expires, then --

16 Q. I understand that. But throughout the  
17 process, and correct me if I am wrong, there is no  
18 protocol or standard operating procedure that the  
19 file needs to be kept together all along the way.

20 Is that correct?

21 MR. OSWALD: Objection,  
22 mischaracterizes the testimony. You can feel  
23 free to answer.

24 THE WITNESS: The operating procedure  
25 is a unit. I'm sure the unit has SOPs in

1 SAKAMOTO

2 place on how they conduct their day-to-day  
3 business, but with regards to agency policy  
4 on that, no.

5 BY MR. ANDALMAN:

6 Q. SOP means standard operating procedure,  
7 right?

8 A. Yes.

9 Q. It's possible that, for instance, a  
10 form Three Twenty-Four could be separate from a  
11 POA?

12 A. Yes.

13 Q. Are you aware of a situation where a  
14 POA may have been misplaced?

15 A. No.

16 Q. Let's talk about how the Three  
17 Twenty-Four gets turned into a final inspection  
18 report. I.

19 Think you said the DSCU chief takes the  
20 final report and puts it into some sort of --

21 So how does that work? I just want you  
22 to explain that.

23 MR. OSWALD: I just want to object,  
24 because he just ran through the entire  
25 procedure, I believe.

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2 MR. ANDALMAN: Well, I want to  
3 understand a little bit better about how the  
4 Three Twenty-Four goes from a worksheet to a  
5 final report.

6 MR. OSWALD: And I object because it's  
7 asked and answered, because he just ran  
8 through the entire procedure.

9 MR. ANDALMAN: Fair enough.

10 MR. OSWALD: You can go ahead and do it  
11 again.

12 BY MR. ANDALMAN:

13 Q. Once you have a finalized Three  
14 Twenty-Four that is approved by DSCU, take me  
15 through the steps that gets it into a final  
16 report, or as you said, a rating at the end.

17 A. The Three Twenty-Four, to include the  
18 SIS, the S-I-S, the S-I-S, the last page of the  
19 S-I-S has the Lead Compliance Instructor's  
20 recommended rating, along with the Three  
21 Twenty-Four.

22 It goes to DSCU. The DSCU officer goes  
23 through the Three Twenty-Four, line by line, and  
24 if there are no deficiencies, it gets packaged and  
25 it goes to the chief, as concurrence based on that

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2 officer's recommendation, to the chief for another  
3 review.

4 Once the DSCU chief is satisfied with  
5 that review, the RA is created.

6 Now, I mean, I don't know who actually  
7 prints out the RA. I'm assuming that the unit  
8 chief prints out the RA to go to the AD level. It  
9 goes up to the AD level. It gets signed off on,  
10 it's done.

11 (Glades County Detention Center Quality  
12 Assurance Review was marked Deposition  
13 Sakamoto Exhibit 10, for identification.)

14 BY MR. ANDALMAN:

15 Q. You've been handed what has been marked  
16 as Exhibit 10. Does this appear to be a true and  
17 correct copy of the Management Inspection Unit's  
18 Detention Facility and Inspection Report Group  
19 Quality Assurance Review for Glades County  
20 Detention Center

21 A. Yes.

22 MR. OSWALD: Can I just clarify. Did  
23 you pull this off the Internet, or is this  
24 something that we produced?

25 MR. ANDALMAN: This was a document

1 SAKAMOTO  
 2 produced in this action.  
 3 MR. OSWALD: Okay.  
 4 MR. ANDALMAN: Yes.  
 5 MR. OSWALD: I know we produced it from  
 6 this when I was going through the disk. I  
 7 just want to make sure.  
 8 It's from the stuff we gave you as  
 9 opposed to the stuff that's posted on the  
 10 Internet?  
 11 MR. ANDALMAN: Yes. This was not from  
 12 the FOIA Website.  
 13 MR. OSWALD: Okay.  
 14 MR. ANDALMAN: This was from a document  
 15 transmitted --  
 16 MR. OSWALD: Right, when we were making  
 17 the disclosures.  
 18 MR. ANDALMAN: Yes, correct.  
 19 THE WITNESS: Can we have a break for a  
 20 second.  
 21 MR. ANDALMAN: We will start again in a  
 22 couple minutes. Let's take a five-minute  
 23 break.  
 24 (Brief recess taken.)  
 25

1 SAKAMOTO  
 2 Q. So, let me clarify. Is it initially  
 3 put into a document, like a Word document, and  
 4 then saved as a PDF?  
 5 A. I don't know.  
 6 Q. You wouldn't know if metadata or  
 7 anything were saved when that transition occurred?  
 8 A. Right.  
 9 Q. So the actual Three Twenty-Four  
 10 document, it's a worksheet, correct?  
 11 A. Yes.  
 12 Q. Does the worksheet have a rating system  
 13 on it, or that, you know, a certain box is checked  
 14 off, "yes or no," or is there another way that --  
 15 A. You have the standard, then you have  
 16 the components, and then you have the  
 17 subcomponents, and then you have check boxes along  
 18 the right-hand column.  
 19 Q. So it's a "yes or no," check "yes or  
 20 no"?  
 21 A. Or "N/A," I believe.  
 22 Q. So that's that it doesn't apply, or  
 23 "not applicable"?  
 24 A. Yes, yes.  
 25 Q. That's very helpful.

1 SAKAMOTO  
 2 BY MR. ANDALMAN:  
 3 Q. Before we move to this exhibit, I want  
 4 to just close two other things with regards to the  
 5 Three Twenty-Four.  
 6 How long is the Three Twenty-Four  
 7 generally, the form, how many pages?  
 8 A. Right around eighty pages. PBN desk,  
 9 eleven -- hold on. Now I've got to clarify.  
 10 It depends on the format that it's  
 11 saved in.  
 12 Q. Okay.  
 13 A. So a PDF, obviously because of the  
 14 formatting, it changes, so it could be more pages,  
 15 whereas a template document it could be less, or  
 16 in the file.  
 17 Q. And --  
 18 A. So, the media document could be much  
 19 larger because of megabytes and all those things,  
 20 as opposed to the file.  
 21 Q. Let me try to figure this out. Are  
 22 additional pages added to the media --  
 23 A. No, it's just the way it's saved.  
 24 Q. Okay.  
 25 A. Because you're asking.

1 SAKAMOTO  
 2 We spoke about the movement of this  
 3 physical or electronic Three Twenty-Four document,  
 4 and we mentioned that at some point it goes from  
 5 the worksheet into, as an example, what you see in  
 6 Exhibit 10, correct?  
 7 A. No. I mean, this is not ours.  
 8 Q. Mr. Sakamoto, you've been handed  
 9 Exhibit Number 10, correct?  
 10 A. Yes.  
 11 Q. If you would turn to the third page, it  
 12 says that, "The Office of Detention and Removal  
 13 Operations Miami's field office are authorized to  
 14 use this facility to detain and process aliens."  
 15 A. Um-hmm.  
 16 Q. In the first paragraph, do you see  
 17 that?  
 18 A. Yes, I see the first paragraph.  
 19 Q. Then what does that say? Does that say  
 20 that it's a DRO facility?  
 21 A. It's a DRO facility, but this document  
 22 is not a DRO document.  
 23 Q. Well, how do you know it's not a DRO?  
 24 A. Because it's OPR. This is Office of  
 25 Professional Responsibility. This is a DFEG

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2 document, which is the predecessor to ODO.

3 Q. It says on the bottom of this document,  
4 in the background it says "DRO Detention Standards  
5 Compliance Units conducted National Detention  
6 Unit's annual reviews of DCGC in July of 2008."

7 A. Um-hmm.

8 Q. That's not incorporated?

9 A. I don't know, because I don't know what  
10 they use to gather this information. It looks  
11 like --

12 MR. OSWALD: I would object. We're  
13 getting into specific questions of a 30(b)(6)  
14 witness about specifically what goes on in  
15 these documents.

16 You know, these are clearly things that  
17 are in his individual knowledge and not what  
18 he's speaking of on behalf of the agency.

19 It is not fair to ask the 30(b)(6)  
20 witness for reports he's never even seen to  
21 find out what specifically was applied in  
22 this review.

23 And also you're mixing and matching  
24 entities that are doing reviews.  
25

1 SAKAMOTO

2 BY MR. ANDALMAN:

3 Q. When the eighty-page Three Twenty-Four  
4 document is received by, I think you said the DSCU  
5 chief, it is then formulated into a report,  
6 correct?

7 A. No.

8 Q. It's not?

9 A. No. The Three Twenty-Four goes to the  
10 DSCU staff officer.

11 Q. Right.

12 A. What goes to the chief is the file,  
13 completed.

14 Q. Is that the complete --

15 A. In preparation for a final rating.

16 Q. Is there ever a narrative report like  
17 the one that you see in front of you that is  
18 drafted?

19 A. You'll see the LCI, which is the SIS,  
20 from the review team, the lead, whether it's the  
21 RIC or the LCI, then you will have all the  
22 remedial information, the UCAP, POA, those types  
23 of things.

24 Q. So you're not going to see necessarily  
25 a narrative like you see in this ODO review before

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2 you?

3 A. This is an executive summary.

4 Q. Do you --

5 A. We do Three Twenty-Four annual reviews.  
6 ODO, CRCL and those types, and we said this  
7 yesterday, they do executive summaries.

8 Q. Got it.

9 A. Now, what I said yesterday was they  
10 could use a Three Twenty-Four. They could use a  
11 type of checklist. I mean, they're free to take  
12 our Three Twenty-Four and however they go, line by  
13 line, but at the end of the day their final is an  
14 executive summary.

15 Q. Is that dictated by policy and  
16 procedure, that the EROs use a Three Twenty-Four?

17 A. Yes, your inspection annual process is  
18 dictated by policy. Yes.

19 Q. There is a policy manual for that,  
20 that's written down?

21 A. It's an SOP, not a policy.

22 Q. So the standard operating procedure is  
23 written down saying how it needs to be formed?

24 A. The DSCU should have a standard  
25 operating plan. I have not seen it, but with

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2 regards to a policy, no.

3 Q. When the final rating comes out, what  
4 form is that in? Is that in numeric form, or is  
5 that a qualitative form?

6 A. The RA is roughly two paragraphs, and  
7 this says "meets standards," "does not meet  
8 standards".

9 Q. If it doesn't meet standards, is that  
10 when the POA is issued?

11 A. No. We're going back to --

12 MR. OSWALD: It's asked and answered.  
13 BY MR. ANDALMAN:

14 Q. So what remedial steps are taken?

15 A. That's when the UCAP and the POA is all  
16 conducted, from the point the staff officer  
17 receives the Three Twenty-Four from the inspection  
18 group, all the remedial action goes through when  
19 headquarters, DSCU is prepared to issue a final  
20 rating, that's when the RA is prepared.

21 MR. OSWALD: You know what, let's go  
22 off the record for just one second.

23 (Discussion off the record.)

24 BY MR. ANDALMAN:

25 Q. We may have covered this, but I just

1 SAKAMOTO

2 want to close the knot on it.

3 With regards to changes to the Three  
4 Twenty-Four, if there's let's say an E-mail,  
5 saying there is a deficiency in the way that the  
6 Three Twenty-Four was filled out, is that kept  
7 with the file?

8 A. You need to clarify "deficiency,"  
9 because before we were talking about like  
10 editorial things. I can't read the line, or a  
11 deficiency to the facility.

12 Q. Yes.

13 A. I mean, what are you talking about?

14 Q. And thank you. I mean a nonsubstantive  
15 deficiency, that they did not fill out on Line  
16 112, for instance, whatever it is...

17 You said that at times someone would  
18 write an E-mail back to perhaps the field office  
19 saying that "You need to go back and fill this  
20 out".

21 Is that correct?

22 A. No. It would go back to the review  
23 team.

24 Q. The review team?

25 A. It would go back to the lead, actually.

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2 about it on his own personal knowledge and  
3 are not binding on behalf of the agency.

4 These questions are so specific that,  
5 you know, I understand and am giving you  
6 leeway, but I do want to make it clear that  
7 these are really specific questions that are  
8 talking about him within his personal  
9 knowledge and not as a 30(b)(6) witness.

10 MR. ANDALMAN: So noted.

11 Can you reread the question.

12 THE COURT REPORTER: "Question: Are  
13 these forms ever track-changed or redlined?"

14 "Answer: I have not seen an official  
15 Three Twenty-Four that has had track changes  
16 on it, after inspection.

17 "Question: Are there ever handwritten  
18 comments on maybe a paper form sent back to  
19 the review team?"

20 THE WITNESS: You mean handwritten  
21 comments from a DSCU officer?

22 BY MR. ANDALMAN:

23 Q. Correct.

24 A. No, I have not seen that. I'm not  
25 saying it won't happen, but I mean, they would

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2 The DSCU officer, staff officer, would send it  
3 back to the team lead for clarification, or  
4 correction. It could be clarification, because it  
5 can't make out a word.

6 Q. Let's take it one at a time. If that  
7 is written in E-mail form, is that included in the  
8 file?

9 A. If the officer prints out the E-mail  
10 and puts it in the file, I can't say -- I don't --

11 Q. Is there any requirement that it be put  
12 in the file?

13 A. I don't believe so.

14 Q. Are these forms ever track-changed or  
15 redlined?

16 A. I have not seen an official Three  
17 Twenty-Four that has had track changes on it,  
18 after inspection.

19 Q. Are there ever handwritten comments on  
20 maybe a paper form sent back to the review team?

21 MR. OSWALD: Just for the record, I'm  
22 going to object on the grounds that this is  
23 beyond the scope of the 30(b)(6) witness.

24 All of these questions today are based  
25 upon his individual knowledge, that he speak

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2 have to then scan the document. It doesn't make  
3 sense.

4 Q. Okay.

5 A. Now there could be DSCU officer notes  
6 that they put on that didn't go back.

7 Q. What do you mean it "didn't go back"?

8 A. Well, while they're reviewing it, to  
9 ask this or clarify this --

10 MS. MURRAY: Notes to the file.

11 THE WITNESS: Yes, notes to the file.

12 BY MR. ANDALMAN:

13 Q. So those may or may not make it into  
14 the file?

15 A. No, if they wrote on the Three  
16 Twenty-Four, obviously that would be in the file.

17 Q. Just so that I'm clear, this entire  
18 file is then ultimately sent to that location in  
19 Maryland you discussed yesterday?

20 A. No.

21 Q. Where is it ultimately stored?

22 A. PCN is there.

23 Q. What is PCN?

24 A. That's the Potomac Center North, ICE  
25 building.



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Q. Is that in Maryland?

A. No.

Q. Where is Potomac Center North?

A. Washington, D.C.

Q. My apologies.

So the entire file is ultimately placed in the Potomac facility, correct?

A. Correct.

Q. The paper file is filed in a building on Floor Nine, correct?

A. Eight.

Q. Eight. And it's secured?

A. Yes.

Q. And it's in file cabinets?

A. Yes.

Q. So in the context of a FOIA, let's say, and I wanted to get a review for a certain year in a certain facility, I could go to the Potomac facility on Floor Eight, if I had to access it, and pull that file, correct?

A. Yes.

Q. And if I wanted --

A. Well, as long as it's within the retention period.

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Q. So long as it's within the required --

A. Yes.

Q. I appreciate that.

As long as it's within the retention period, if I wanted to go and get an electronic copy of that review, and I had such access, I could go onto the shared drive and get that document, correct?

A. The share drive or SharePoint.

Q. The share drive or SharePoint, depending on the time period, as we discussed yesterday?

A. Correct.

Q. I think you said that the SharePoint or share drive were both searchable, correct?

A. Yes.

Q. And I think you said also that some of the documents that are past the retention period may go to a different storage site.

Am I incorrect in that?

A. No.

Q. What happens to the documents after the six-year retention period? Are they destroyed?

A. Yes.

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Q. Has there ever been an audit that you're familiar with of the Potomac facility's maintenance of the files?

A. No, I do not know one that happened with Custody and Management. There probably has been one that I'm just not aware of.

Q. Do you know of any audit that's been done of the electronic document management system?

A. Again, same answer.

Q. Is the storage system, the electronic one, password protected, the shared drive?

A. It's need-to-know access. So, what you have is you have the computer folks, and, so, if an individual employee, federal employee, needs to have access, they will be granted permissions into whatever portion.

Q. And the computer recognizes that based on credentials --

A. I don't know if the computer recognizes it. I just know you've got to have access. You can access the share drive, and you click on a file, and it won't let you have access.

Q. You're not sure how that works, whether or not it's based on your credentials or so forth?

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MR. OSWALD: Again, I object on incorrectly specific questions that are relying on his personal knowledge, the personal knowledge of a 30(b)(6) witness.

You can feel free to answer, if you know.

THE WITNESS: Yes. I mean, you either have access or you don't have access to the share drive. Once you have access to the share drive, you have access to the components within the shared drive that you need to have access to. And then within the components you have access to whatever files you need.

At any level you can be denied or you can be granted.

BY MR. ANDALMAN:

Q. One last question about the actual reports that are generated. Where on the document would it say which standard is being used, when you said the 2000, 2008 or 2011 standard?

Is there a specific location on the document that it would say that?

A. You have to re --

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2 Q. Let me restate.

3 We discussed yesterday about the three  
4 different, the primarily three different standards  
5 that are used for the reports.

6 A. Yes.

7 Q. Where on the document would it say  
8 which standard is being used for that particular  
9 facility's review?

10 A. Are you talking about the Three  
11 Twenty-Four?

12 Q. Let's start with the Three Twenty-Four.  
13 Where would it say it?

14 A. The PTS 2011 is so new, actually. I  
15 don't know if they have the actual --

16 I mean, you would know, I would know by  
17 looking at the form which standard, because it's  
18 an NDS and the PBOS -- 2000 and 2008 are  
19 different, not in template, but in content.

20 Off the top of my head, I can't  
21 remember in the header if it says national  
22 detention centers or PBNOS.

23 Q. Where would it be reflected in the  
24 final report?

25 A. I don't know if it's in the RA memo. I

1 SAKAMOTO

2 standard or the 2008 standard that's being  
3 applied?

4 A. It would be in the facility  
5 notification, for sure.

6 Q. In the report?

7 A. Yes. It would be in the -- well, no.  
8 The facility notification is the notification that  
9 gets sent out to the facility.

10 Q. But in the final --

11 A. Yes, so that notification would be part  
12 of the file.

13 Q. But in the final report it may not be  
14 on the actual document?

15 MR. OSWALD: Objection,  
16 mischaracterizes the testimony.

17 THE WITNESS: I haven't looked at all,  
18 you know.

19 BY MR. ANDALMAN:

20 Q. You're not aware of a policy stating  
21 that it has to be in the final report?

22 MR. OSWALD: Objection.

23 THE WITNESS: No.

24 MR. ANDALMAN: Let's take a quick  
25 break. I may be able to finish pretty

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2 mean, obviously, in advance with the SIS, the  
3 notification that the facility is going to be  
4 reviewed, everybody knows which standards are  
5 going to be reviewed.

6 Q. But in the final report it may not  
7 be --

8 A. The final report, I don't specifically  
9 recall exactly in which form it outlines.

10 Q. So let me just clarify.

11 In the final report it may not be  
12 articulated which standard is being used to  
13 assess --

14 MR. OSWALD: Objection,  
15 mischaracterizes the testimony.

16 You can feel free to answer.

17 THE WITNESS: No, it should. I mean,  
18 yeah.

19 Well, from up until 2008 it would be  
20 all NDS. So there would be no need to say.

21 Everybody would know, it would be all NDS.

22 BY MR. ANDALMAN:

23 Q. Let's take after 2008. After 2008,  
24 after all these rules got in place, how would we  
25 know looking at the report that it's the 2000

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2 quickly.

3 MR. OSWALD: Okay.  
4 (Brief recess taken.)

5 BY MR. ANDALMAN:

6 Q. One piece of housekeeping.

7 We discussed yesterday, if you recall,  
8 that the U.S. Marshal's has certain facilities  
9 that house ICE detainees, right?

10 A. Yes.

11 Q. Does ICE inspect those facilities ever?

12 A. Yes.

13 Q. When they inspect it, is it according  
14 to the Three Twenty-Four form?

15 A. Yes.

16 Q. Are those stored in the same location,  
17 in the Potomac facility, in the same Potomac  
18 facility as EROs?

19 A. On the eighth floor, yes.

20 Q. On the eighth floor, okay.

21 Is there any meaningful difference  
22 between when ICE inspects a U.S. Marshal facility  
23 and when ERO does for instance, or the Nakamoto  
24 Group does?

25 Is there any differences between the

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2 paper form between those used --

3 A. No. Strictly based on the standards.

4 Q. When CRCL performs a review of the  
5 facility, is the paper file stored in the Potomac  
6 facility?

7 A. No, that's CRCL.

8 Q. Where are those --

9 A. I don't even know what their address  
10 is. They work for the department. As a matter of  
11 fact, they just moved. I believe they're at L  
12 Street somewhere.

13 Q. But presumably they would have a  
14 storage facility?

15 A. You're asking me to presume.

16 Q. Okay.

17 A. I would presume so.

18 Q. When ODO performs a review of the  
19 facility, are those paper files stored in the  
20 Potomac facility?

21 A. Within the guidelines of the federal  
22 register, and with regards to management of files,  
23 and as I understand, after 2010 it's electronic  
24 only.

25 Q. Prior to 2010?

1 SAKAMOTO

2 A. Yes, I mean, I couldn't tell you if  
3 it's within the requirements to maintain.

4 Q. OIG, when they perform a review, are  
5 those in the same location?

6 A. Well, again, I have no knowledge of how  
7 they --

8 Q. You said that ODPP may do reviews, but  
9 you weren't familiar with one?

10 A. No. What I said was ODPP could  
11 potentially do a review, but I don't know of any.

12 Q. Got it.

13 A. Or to clarify even further, know of any  
14 that they've done.

15 Q. When a third-party private entity, like  
16 the Nakamoto Group, performs a review, would the  
17 file be put in the Potomac facility?

18 A. Yes.

19 Q. When OPR performs a review, would that  
20 be put into the Potomac facility?

21 A. No, that would be with OPR.

22 Q. So essentially it could be with OPR,  
23 with CRCL, or in the Potomac facility, correct?

24 A. Yes.

25 MR. ANDALMAN: Let's go off the record.

1 SAKAMOTO

2 (Discussion off the record.)

3 BY MR. ANDALMAN:

4 Q. And I think you said that, to the best  
5 of your knowledge, each of these has a shared  
6 drive or a SharePoint to the extent documents are  
7 available, correct?

8 A. "Each" being who?

9 Q. CRCL, ODO, OIG, ODPP, and ERO?

10 A. I can't speak for U.S. Marshals; I  
11 can't speak for OIG, but everybody else within the  
12 department --

13 The Department of Homeland Security  
14 means CRCL, ODPP, ERO, ODO. To the best of my  
15 knowledge, they all have a shared drive.

16 Now, SharePoint, I don't know.

17 Q. But to the extent that these reviews,  
18 audits and inspections are in electronic form,  
19 they could be accessed, to the best of your  
20 knowledge, on these shared drivers or on  
21 SharePoint?

22 A. With regards to ERO and ODO, yes.

23 Q. We spoke briefly about in response to a  
24 FOIA request how documents are collected and  
25 produced.

1 SAKAMOTO

2 A. Um-hmm.

3 Q. Once a document request is received by  
4 the FOIA office, how is it communicated by the  
5 ERO?

6 A. Depending on how the FOIA request comes  
7 in, whether it comes in through ICE FOIA or  
8 department FOIA, those have different tiers of  
9 dissemination.

10 Once it gets down to ERO FOIA, ERO FOIA  
11 reviews the request, will make a determination on  
12 which programs are involved with the FOIA, or may  
13 have pertinent information with regards to the  
14 FOIA. That will then get tasked out to those  
15 programs.

16 Q. Once it's tasked out to those programs,  
17 as you said, is there any obstacle in collecting a  
18 document, like a review, audit and inspection?

19 A. "Obstacle" you mean?

20 Q. Let me clarify.

21 If I want to get a document that is at  
22 the Potomac facility, is there any obstacle in  
23 going to the Potomac facility in a number of days  
24 or number of weeks, as you mentioned, and getting  
25 it?

1 SAKAMOTO  
 2 A. It depends. It depends on who has  
 3 access to retrieve that document. There's factors  
 4 that come into play there.  
 5 Q. Let me restate.  
 6 Presuming someone has access to it, are  
 7 there any obstacles of physically going and  
 8 getting the documents and making appropriate  
 9 copies?  
 10 A. No.  
 11 Q. And my last question is, do you know if  
 12 the standard FOIA process was followed in this  
 13 FOIA request?  
 14 MR. OSWALD: Objection. That's calling  
 15 upon personal knowledge and not as a 30(b)(6)  
 16 witness.  
 17 You can answer, if you know.  
 18 THE WITNESS: Yes, I do not know what  
 19 the standard practice is.  
 20 MR. ANDALMAN: Pass the witness.  
 21 MR. OSWALD: I have nothing. We would  
 22 reserve signature.  
 23 (Whereupon the deposition of Reginald  
 24 Nakamoto concluded at 11:14 a.m.)  
 25

1 SAKAMOTO  
 2 I N D E X  
 3 CONTINUED DEPOSITION OF REGINALD SAKAMOTO  
 4 EXAMINATION BY: PAGE:  
 5 Mr. Andalman 122  
 6  
 7 INDEX OF DEPOSITION EXHIBITS:  
 8 SAKAMOTO EXHIBITS: PAGE:  
 9 Exhibit 10. 150  
 10  
 11  
 12  
 13  
 14  
 15  
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1 SAKAMOTO  
 2 CERTIFICATE OF NOTARY PUBLIC  
 3 I, Kim M. Brantley, the officer before  
 4 whom the foregoing deposition was taken, do hereby  
 5 certify that the witness whose testimony appears  
 6 in the foregoing deposition was duly sworn by me;  
 7 that the testimony of said witness was taken by me  
 8 in stenotype and thereafter reduced to  
 9 computerized transcription under my direction;  
 10 that said deposition is a true record of the  
 11 testimony given by said witness; that I am neither  
 12 counsel for, related to, nor employed by any of  
 13 the parties to the action in which this deposition  
 14 was taken; and, further, that I am not a relative  
 15 or employee of any attorney or counsel employed by  
 16 the parties hereto, nor financially or otherwise  
 17 interested in the outcome of the action.  
 18 Notary Public in and for  
 19 The District of Columbia  
 20 My Commission Expires:  
 21 October 14, 2014  
 22  
 23 \_\_\_\_\_  
 24 Kim M. Brantley  
 25 Date: 2/11/2014

1 SAKAMOTO  
 2 ERRATA SHEET FOR THE TRANSCRIPT OF:  
 3 Case Name: NATIONAL IMMIGRANT JUSTICE CENTER vs.  
 4 UNITED STATES DEPARTMENT OF HOMELAND SECURITY  
 5 Dep. Date: JANUARY 30, 2014  
 6 Deponent: REGINALD SAKAMOTO  
 7  
 8 CORRECTIONS:  
 9 Pg. Ln. Now Reads Should Read Reason  
 10 \_\_\_\_\_  
 11 \_\_\_\_\_  
 12 \_\_\_\_\_  
 13 \_\_\_\_\_  
 14 \_\_\_\_\_  
 15 \_\_\_\_\_  
 16 \_\_\_\_\_  
 17 \_\_\_\_\_  
 18 \_\_\_\_\_  
 19 \_\_\_\_\_  
 20  
 21 \_\_\_\_\_  
 22 Signature of Deponent  
 23  
 24 SUBSCRIBED AND SWORN BEFORE ME  
 25 THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2014  
 \_\_\_\_\_  
 (Notary Public) MY COMMISSION EXPIRES: \_\_\_\_\_

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