

EXHIBIT 4

U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

Privacy Office, Mail Stop 0655

July 15, 2020

SENT VIA E-MAIL TO: jmcgee@nmilc.org

Jasmine McGee
P.O. Box 7040
Albuquerque, NM 87194

Re: **2020-HQFO-01414**

Dear Ms. McGee:

This letter acknowledges receipt of your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), dated July 13, 2020, and to your request for expedited handling and a waiver of all assessable FOIA fees. Our office received your request on July 14, 2020.

You also submitted your request to the U.S. Immigration and Customs Enforcement (ICE) and the Office of Inspector General (OIG). The Privacy Office will be coordinating a search with the U.S. Immigration and Customs Enforcement (ICE) and will respond to your request on behalf of DHS and its components. We will also transfer your request to the Office of Inspector General (OIG) for their direct response to you.

Specifically, you requested:

1. Any and all contracts/agreements (IGSA) between Torrance County, CoreCivic and ICE signed from 2019-2020.
2. Records regarding the management of hunger strikes within Torrance.
3. Any email communication between CoreCivic staff and ICE staff in regards to hunger strikes and management of hunger strikes in April and May 2020.
4. All audio and visual recordings from any force used on May 14, 2020. All audio and visual recordings of or concerning the Incident, including but not limited to recordings from any and all installed cameras, handheld or mobile cameras, mobile phones, and body cameras. We understand this would include, but is not limited to, all audio and visual recordings of 2 Alpha of the Torrance detention facility, and events taking place therein, from 10:00 a.m. to 6:00 p.m. on May 14, 2020.
5. All still photographs of or concerning the Incident on May 14, 2020;
6. All reports detailing any force used on May 14, 2020. All reports and other records prepared by Torrance employees, agents, and contractors concerning the Incident, including, but not limited to, reports describing the Incident, and any reports describing Torrance's response to the Incident (including any reports documenting or concerning any use of force, chemical agents,

and/or ammunition).

7. All records collected, made, or prepared during any investigation of the Incident and a complete copy of any investigation file concerning the Incident.
8. All records collected, made, or prepared during any investigation of the Incident by DHS, ICE, or DHS OIG, and a complete copy of any investigation file concerning the Incident.
9. All records containing any findings, conclusions, recommendations, or other results of any investigation by DHS, ICE, or DHS OIG concerning the Incident.
10. All records containing communications between CoreCivic employees and DHS, ICE, or DHS OIG concerning the Incident. The requested records include, but are not limited to, any such electronic mail and any and all attachments thereto.
11. All documents, audio and visual recordings, and other records concerning the Incident provided by CoreCivic to DHS, ICE, or DHS OIG.
12. All communications concerning the incident, including electronic mail, from DHS, ICE, or DHS OIG to any other office, agency, or department of the federal government, including the Executive Office of the President.
13. All communications concerning the incident with the County of Torrance.
14. All reports and after-action reports prepared after investigation by DHS, ICE or DHS OIG concerning the Incident.
15. All evidence of medical approval for the use of intermediate force and in particular the use of chemical agents/pepper spray on May 14, 2020, in accordance with PBSDN 2011, 2.15. Use of Force.
16. Medical files, with names and other personal identifying information redacted, of detainees who were treated after the use of chemical agents on May 14, 2020, detailing the treatment and date and time of treatment.
17. Monthly Inventory of Chemical agents for Torrance County Detention Facility from January 2020 to June 1, 2020.
18. Any notices or field policy authorizing the use of Oleoresin Capsicum Aerosol Spray (OC Spray) at the Torrance facility.
19. Any information on trainings provided by ICE, including dates of trainings, number of trainings, a number of and a list of who is certified and trained to use OC Spray. including a breakdown of whether or not they are CoreCivic employees or ICE employees.

Your request for expedited treatment is hereby granted.

You have requested a fee waiver. The DHS FOIA regulations at 6 C.F.R. Part 5 § 5.11(k) set forth six factors DHS must evaluate to determine whether the applicable legal standard for a fee waiver has been met: (1) Whether the subject of the requested records concerns “the operations or activities of the government,” (2) Whether the disclosure is “likely to contribute” to an understanding of government operations or activities, (3) Whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requester or a narrow segment of interested persons, (4) Whether the contribution to public understanding of government operations or activities will be “significant,” (5) Whether the requester has a commercial interest that would be furthered by the requested disclosure, and (6) Whether the magnitude of any identified commercial interest to the requester is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requester.

Upon review of the subject matter of your request, and an evaluation of the six factors identified above, DHS has determined that it will conditionally grant your request for a fee waiver. The fee waiver determination will be based upon a sampling of the responsive documents received from the various DHS program offices as a result of the searches conducted in response to your FOIA request. DHS will, pursuant to DHS FOIA regulations applicable to non-commercial requesters, provide two hours of search time and process the first 100 pages at no charge to you. If upon review of these documents, DHS determines that the disclosure of the information contained in those documents does not meet the factors permitting DHS to waive the fees, then DHS will at that time either deny your request for a fee waiver entirely, or will allow for a percentage reduction in the amount of the fees corresponding to the amount of relevant material found that meets the factors allowing for a fee waiver. In either case, DHS will promptly notify you of its final decision regarding your request for a fee waiver and provide you with the responsive records as required by applicable law.

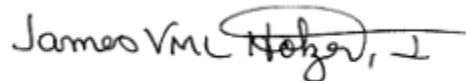
In the event that your fee waiver is denied, and you determine that you still want the records, provisions of the FOIA allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS FOIA regulations as they apply to non-commercial requesters. As a non-commercial requester you will be charged for any search time and duplication beyond the free two hours and 100 pages mentioned in the previous paragraph. You will be charged 10 cents per page for duplication and search time at the per quarter-hour rate (\$4.00 for clerical personnel, \$7.00 for professional personnel, \$10.25 for managerial personnel) of the searcher. In the event that your fee waiver is denied, we will construe the submission of your request as an agreement to pay up to \$25.00. This office will contact you before accruing any additional fees.

We have queried the appropriate component(s) of DHS for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. Please be assured that one of the analysts in our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

Your request has been assigned reference number **2020-HQFO-01414**. Please refer to this identifier in any future correspondence. The status of your FOIA request is now available online and can be accessed at: <https://www.dhs.gov/foia-status>, by using this FOIA request number.

If you have any questions, or would like to discuss this matter, please feel free to contact this office at 1-866-431-0486 or 202-343-1743.

Sincerely,



James Holzer
Deputy Chief Privacy Office (A)
Deputy Chief FOIA Officer