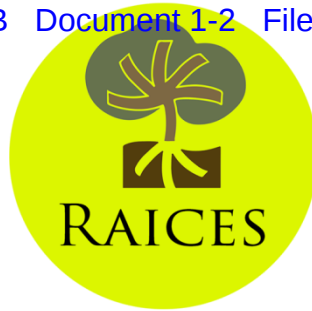


# **EXHIBIT A**



Sent via electronic mail: [ice-foia@ice.dhs.gov](mailto:ice-foia@ice.dhs.gov)

April 19, 2021

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

**RE: Freedom of Information Act Request  
Orlan Ariel Carcamo Navarro, A213-563-372**

To whom it may concern:

This letter constitutes a request for information pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 on behalf of the Refugee and Immigrant Center for Education and Legal Services (“RAICES”). RAICES is a 501(c)(3) nonprofit agency that promotes justice by providing legal services to indigent immigrants, including unaccompanied minors, families, and refugees. RAICES seeks information regarding Mr. Orlan Ariel Carcamo Navarro (“Mr. Orlan Carcamo”), A213-563-372. To that end, RAICES seeks disclosure of any and all responsive records, including all electronic documents and communications in the custody of the U.S. Immigration and Customs Enforcement (“ICE”) and the Department of Homeland Security (“DHS”), and any other subcomponents or subcontractors (collectively the “DHS”), as described in the specific requests listed below.

As Mr. Orlan Carcamo died on or about March 18, 2020, attached is his death certificate, which serves as sufficient proof that the subject of this request is deceased, in accordance with 6 CFR § 5.3(a).

Against this backdrop, and as further discussed below, RAICES is entitled to a fee waiver pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) and even absent the grant of such a fee waiver, “fees shall be limited to reasonable standard charge for document duplication,” and *no search charges may be assessed* for these requests, because RAICES qualifies as a “representative of the news media” under 5 U.S.C. § 552(a)(4)(A)(ii)(II)-(III). RAICES is also entitled to expedited processing of these requests under 5 U.S.C. § 552(a)(6)(E).

### **Specific Requests and Instructions**

**Definition:** The term “records” as used in the Request includes all records preserved in electronic or written form, including but not limited to: e-mails; text communications between phones or other electronic devices (including but not limited to, communications sent via SMS or other text, BlackBerry Messenger, iMessage, WhatsApp, Signal, G-chat, or Twitter direct message); images, video, and audio recorded on cell phones; voicemail messages; social-media posts; formal and informal presentations; alerts; bulletins; advisories; and minutes or notes of meetings and phone calls.

1. Please provide all physical and electronic records regarding Orlan Ariel Carcamo Navarro, A213-563-372 including, but not limited to:
  - Records of, regarding, or related to Mr. Orlan Carcamo;
  - The medical treatment, care, symptoms, observation, history, and diagnoses of Mr. Orlan Carcamo, *on and before* March 18, 2020;
  - The dental treatment, care, symptoms, observation, history, and diagnoses of Mr. Orlan Carcamo, *on and before* March 18, 2020;
  - The psychiatric, psychological, counseling, behavioral therapy, and mental health treatment, care, symptoms, observation, history, and diagnoses of Mr. Orlan Carcamo, *on and before* March 18, 2020;
  - Mr. Orlan Carcamo’s custody, detention, discipline, and conditions thereof;
  - Mr. Orlan Carcamo’s patient files, client files, detainee files, “A file,” and inmate files;
  - Mr. Orlan Carcamo’s classification, work, finances, commissary, telephone use, and correspondence;
  - Detainee or inmate grievances, complaints, “papelitos”, sick call requests, and “kites” submitted by or about Mr. Orlan Carcamo;
  - Photographs, visual recordings, audio recordings, fingerprints, and biometrics of Mr. Orlan Carcamo (specifically including but *not limited to* all phone calls of Mr. Orlan Carcamo, and all Records showing Mr. Orlan Carcamo’s face or body, including video within and around the facilities and vehicles);
  - Records signed, written, prepared, or completed by Mr. Orlan Carcamo;
  - Identification of all staff, contractors, and others who observed, monitored, transported, cared for, treated, diagnosed, dispensed medication to, prescribed for, secured, disciplined, searched, restrained, or unrestrained Mr. Orlan Carcamo, and all Records evidencing them doing so;
  - Identification of all detainees, inmates, and patients who resided with, were transported in the same vehicle with, or shared a room overnight with Mr. Orlan Carcamo;
  - Identification of all detainees, inmates, and patients who were in segregation (however termed or classified, including but not limited to administrative, disciplinary, medical, psychiatric, suicide watch, solitary, special housing unit, etc.) on any date when Mr. Orlan Carcamo was also in segregation (however termed or classified) at that facility;
  - Identification of all detainees, inmates, and patients who were in the medical unit (however termed or classified, including but not limited to administrative,

disciplinary, medical, psychiatric, suicide watch, solitary, special housing unit, etc.) on any date when Mr. Orlan Carcamo was also in the medical unit (however termed or classified) at that facility;

- Communications (of whatever form) between DHS and any media, press, and/or journalist, regarding Mr. Orlan Carcamo or his death or DHS involvement therein;
- Communications (of whatever form) between DHS and any governmental entity or staff person regarding Mr. Orlan Carcamo or his death or DHS involvement therein;
- Public records requests made and public records provided regarding Mr. Orlan Carcamo;
- Actions taken to prevent or reduce Mr. Orlan Carcamo's death, suicide, or self-harm;
- Mr. Orlan Carcamo's injuries and death on or around March 17-18, 2020;
- Actions taken in response to or in investigation of Mr. Orlan Carcamo's injuries and/or death on or around March 17-18, 2020;
- Transportation and removal of Mr. Orlan Carcamo and/or his bodily remains on or around March 17-18, 2020;
- Requests for, notifications to, arrival of, delays of, actions of, movement through the facility, and departure of medical, emergency, ambulance, fire, police, sheriff, and first responders, at, for, or from Karnes County Family Residential Center on March 17-19, 2020;
- Interior and exterior photographs, visual recordings, and audio recordings through the Karnes County Family Residential Center and/or within any vehicle transporting Mr. Orlan Carcamo and/or of all treatment or handling of Mr. Orlan Carcamo between 12:01 a.m. Tuesday March 17, 2020 and 12:01 am Thursday, March 19, 2020;
- Identification of all DHS staff, contractors, volunteers, and others who worked at or for Karnes County Family Residential Center between 12:01 a.m. Tuesday, March 17, 2020 and 12:01 a.m. Thursday, March 19, 2020, and their assignments, posts, shifts, and details (actual, as-worked, as-scheduled, and as-assigned);
- Reports, inquiries, notifications, requests, staff logs, control logs, observation, suicide watch, mental health watch, supervisor reports, complaints, and incident reports, referencing or regarding Mr. Orlan Carcamo;
- Reports, inquiries, notifications, requests, staff logs, control logs, observation, suicide watch, mental health watch, supervisor reports, complaints, and incident reports, at, for, or regarding Karnes County Family Residential Center, created between 12:01 a.m. Tuesday, March 17, 2020 and 12:01 a.m. Thursday, March 19, 2020;
- Requests, notifications, reports, inquiries, instructions, and investigations made by, within, or at the request of DHS organization, regarding Mr. Orlan Carcamo's injuries and/or death;
- Discipline, training, employee instruction, contractor instruction, policy changes, procedure changes, facility changes, staffing changes, contractor changes, and/or remedial measures, provided, announced, implemented, or

- taken after October 1, 2019, which relate in any way to Mr. Orlan Carcamo's care, observation, treatment, diagnosis, handling, injury, death, or experiences;
- Requests, notifications, reports, inquiries, and instructions made to individual(s) and/or entities outside of DHS organization, regarding Mr. Orlan Carcamo's injuries and/or death;
  - Communications with, inquiries to, notifications to, and information provided to any insurer or claims department regarding the death or injuries of Mr. Orlan Carcamo;
  - Compliance matters, complaints, notifications, inquiries, or tips regarding Mr. Orlan Carcamo, his injuries, his death, or DHS actions or omissions associated therewith;
  - Documentation of who worked, where, doing what, at or for Karnes County Family Residential Center, between 12:01 a.m. Tuesday, March 17, 2020 and 12:01 a.m. Thursday, March 19, 2020, including Records in whatever form of, regarding or related to: schedules, schedule changes, absences, tardiness, on-the-clock time, off-the-clock time, paid and unpaid time, turnkey activities, ID swipes, card swipes, grants and denials of access, code entries, biometrics scans, signing-in, signing-out, security clearance, gate opening, secured door opening, rosters, control logs, staff logs, staff notes, billing, and invoicing.

**Time frame:** This Request covers all records as specified above through the date the Agency initiates its search for responsive records.

**Exemptions:** RAICES is not seeking records, or portions of records, that address the issuance or rejection of a visa or that implicate national security or Privacy Act issues. If any of the information sought in this Request is deemed by the Agency to be properly withheld under a FOIA exemption, 5 U.S.C. § 552(b), please provide redacted records where possible. Further, RAICES asks that the Agency provide for each record or portion of a record that is withheld, an explanation sufficient to identify the record and the particular exemption(s) claimed.

**Agency's search obligation:** RAICES asks that the Agency search all electronic and paper/manual indices, filing systems, and locations for any and all records relating or referring to the subject of their Request. This includes any email accounts and cell phones used by employees and former employees for agency business, whether they are personal or Agency systems. For each relevant email account identified, all storage areas are included in this Request, including, but not limited to, the inbox "folder" (and all subfolders therein), sent folder, deleted folder, outbox folder, and all relevant archive files.

If any records responsive or potentially responsive to the Request have been destroyed, the Request includes, but is not limited to, any and all records relating or referring to the destruction, or the events leading to the destruction, of those records.

**Format of production:** RAICES asks that responsive electronic records be provided in their native file format if possible, but for the ease of administration and to conserve resources, RAICES will accept documents produced in any readily accessible electronic format.

### **Request for Expedited Processing**

RAICES seek expedited processing based on two independent grounds described below, and they certify that the statements made in support of those grounds to be true and correct under 5 U.S.C. § 552(a)(6)(E)(vi) and 6 C.F.R. § 5.5(e)(3). Please provide a determination regarding expedited processing within 10 days. *See* 5 U.S.C. § 552(a)(6)(E)(ii)(I); 6 C.F.R. § 5.5(e)(4).

#### **The Request Should Be Expedited Because of Compelling Need.**

RAICES seek expedited processing under 5 U.S.C. § 552(a)(6)(E)(i)(I) because of a “compelling need” for the requested records. There is “compelling need,” as defined by the statute, because RAICES is an organization “primarily engaged in disseminating information” and has an “urgency to inform the public about an actual or alleged Federal Government activity.” 5 U.S.C. § 552(a)(6)(E)(v)(II); 6 C.F.R. § 5.5(e)(1)(ii).

First, dissemination of information is an integral component of RAICES’ mission to empower individuals and communities and advocate for liberty and justice. *See Leadership Conference on Civil Rights v. Gonzales*, 404 F. Supp. 2d 246, 260 (D.D.C. 2005) (finding that an organization whose mission is to serve as the site of record for relevant and up-to-the-minute civil rights news and information is primarily engaged in disseminating information). RAICES routinely engages in gathering information for its legal and policy work through FOIA, analyzing the information, and distributing it. RAICES intends to review, analyze, and disseminate the records by hosting them on its web presence, thereby making the information available to the public at large and members of the media who can then further disseminate the information through additional reports or articles that will likely be published nationwide and internationally. RAICES’s web presence (including its website, Facebook, and Twitter pages) are frequented by the public at large, including attorneys, members of the media, members of major universities and institutes of learning, impacted communities, and government officials and employees. RAICES is active on Twitter and currently has nearly 195,000 followers.<sup>1</sup> RAICES will also issue press releases and post documents on its web presence, and ask employees to appear on radio and television to discuss these matters.

Second, there is an urgency to inform the public about the records subject to this Request. The deaths of ICE detainees, and those in immigration custody generally, have been the subject of extensive media coverage, reflecting public interest in the issue. 6 C.F.R. § 5.5(e)(3) (explaining that “[t]he existence of numerous articles published on a given subject can be helpful to establishing the requirement that there be an ‘urgency to inform’ the public on the topic”). The death of Mr. Carcamo, the subject of this request, was covered by numerous sources including ABC News, NBC News, BuzzFeed, and The Guardian.<sup>2</sup> ICE detainee deaths are regularly

<sup>1</sup> See RAICES (@RAICESTexas), Twitter, <https://twitter.com/RAICESTexas>

<sup>2</sup> See, e.g., “Man dies by apparent suicide in ICE family detention center”, ABC News (March 19, 2020), <https://abcnews.go.com/US/wireStory/man-dies-apparent-suicide-ice-family-detention-center-69685614>; “Man dies at ICE family detention center, ninth death since October, NBC News (March 19, 2020), <https://www.nbcnews.com/news/us-news/man-dies-ice-family-detention-center-ninth-death-october-n1164071>; Hamed Aleaziz, “An Immigrant Has Killed Himself In An ICE Family Detention Facility,” BuzzFeed (March 19, 2020), <https://www.buzzfeednews.com/article/hamedaleaziz/immigrant-man-suicide-ice-detention>; “Texas: man dies by

tracked by ICE, but also by government oversight agencies and media.

RAICES represented Mr. Orlan Carcamo in his removal proceedings during his detention at the Karnes County Family Residential Center. RAICES is highly invested in this request and informing the community of the circumstances that lead to his death.

There Is Widespread and Exceptional Media Interest.

Additionally, the records sought should be processed on an expedited basis because the Request involves “[a] matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity which affect public confidence.” 6 C.F.R. § 5.5(e)(1)(iv).

As described above, the subject matter of the Request has been subject of extensive media coverage. *See supra* Section I. Mr. Orlan Carcamo’s death has also raised questions about the safety and security of ICE’s family detention facilities at a time of global pandemic in COVID-19, and significant litigation throughout the country seeking to ensure safety of ICE detainees. ICE has provided almost no information about medical and mental health care in ICE detention or about Mr. Orlan Carcamo’s death, leaving requesters frustrated and concerned by the government’s failure to provide information to the public regarding its safety measures with affected populations. *See Am. Civil Liberties Union v. U.S. Dep’t of Justice*, 321 F. Supp. 2d 24, 32 (D.D.C. 2004) (holding, under an identical expedited processing regulation, that “suggestions of possible violations of privacy rights” presented by news articles raised questions about government integrity).

**Request of Waiver of or Limitation on Fees**

RAICES seeks fee waivers on the grounds described below. Fee waivers should be granted here, given that Congress intended FOIA to be construed liberally in favor of granting waivers for noncommercial entities like RAICES. *See Judicial Watch Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003) (“Congress amended FOIA to ensure that it be liberally construed in favor of waivers for noncommercial RAICES.” (internal quotation marks and citations omitted)).

All Fees Should Be Waived Because Disclosure is In the Public Interest.

RAICES ask that all fees associated with this FOIA request be waived because the disclosure of the requested records is “in the public interest.” 5 U.S.C. § 552(a)(4)(A)(iii). This is so because disclosure is “likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the RAICES.” *Id.*; 6 C.F.R. § 5.11 (k)(1).

The Request meets each of the factors that the agency should consider under 6 C.F.R. § 5.11(k)(2) in determining whether the disclosure is “likely to contribute significantly to public understanding of the operations or activities of the government.” First, the Request pertains

---

apparent suicide at Ice family detention center,” The Guardian (March 19, 2020), <https://www.theguardian.com/us-news/2020/mar/19/texas-ice-suicide-karnes-county-detention>.

directly to “operations or activities of the federal government.” *Id.* § 5.11(k)(2)(i).

Second, the Request is “likely to contribute” to “an increased public understanding of” the government’s operations or activities, *id.* § 5.11(k)(2)(ii), specifically by helping the public better understand medical and mental healthcare in detention centers, and what protocols exist to provide treatment, suicide prevention and education, and safety and security to staff and detainees.

Third, the disclosure of the requested records will contribute to “the understanding of a reasonably broad audience of persons interested in the subject,” *id.* § 5.11(k)(2)(iii), because RAICES intends to analyze the responsive records and publish its findings in support of its policy and advocacy work to ensure safe detention conditions and promote improved access to suicide prevention resources and improve training of staff and contractors.

Finally, disclosure will enhance the public’s understanding of the subject of the Request “to a significant extent.” *Id.* § 5.11(k)(2)(iv). Although there has been significant media and public interest in Mr. Orlan Carcamo’s death, as described above, much remains unknown and the requested records will shed light on exactly the exact circumstances surrounding his death.

The Request is also not in the commercial interest of RAICES. Any records obtained as a result of this FOIA request will be made available to the public at no cost.

Search and Review Fees Should Be Waived Because RAICES is a Representative of the News Media.

Further, the Agency should waive search and review fees because RAICES meets the statutory and regulatory definitions of “representative of the news media.” 5 U.S.C. § 552(a)(4)(A)(ii)(II); 6 C.F.R. § 5.11(b)(6). This term refers to any “entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience.” 5 U.S.C. § 552(a)(4)(A)(ii); *see also* 6 C.F.R. § 5.11(b)(6).

As described above, RAICES routinely gathers information through its legal and policy work, including through FOIA requests, processes the information, and distributes that work to a broad audience. *See supra* Section II. Other non-profit organizations who similarly engage in media advocacy, in addition to other policy advocacy and legal work, have been found to be a “representative of a news media” for purposes of a fee waiver. *See, e.g., Serv. Women’s Action Network v. Dep’t of Def.*, 888 F. Supp. 2d 282, 287-88 (D. Conn. 2012) (concluding that the ACLU is a news representative); *Elec. Privacy Info. Ctr. v. Dep’t of Def.*, 241 F. Supp. 2d 5, 10-15 (D.D.C. 2003) (same for the EPIC); *Judicial Watch, Inc. v. U.S. Dep’t of Justice*, 133 F. Supp. 2d 52, 53-54 (D.D.C. 2000) (same).

**Conclusion**



RAICES ask for a response from the Agency within the statutorily prescribed twenty (20) business days. 5 U.S.C. § 552(a)(6)(A)(i). Please notify me in advance if the costs relating to the Request exceed \$100.00.

If you have any questions regarding this request, please feel free to contact me via email at [yvette.changuin@raicetexas.org](mailto:yvette.changuin@raicetexas.org) or at 210-526-0042. Thank you in advance for your attention to this matter.

Sincerely,

A rectangular box containing a handwritten signature in black ink, which appears to be "Yvette Changuin".

Yvette Changuin  
Staff Attorney  
RAICES