

EXHIBIT J



**U.S. Immigration
and Customs
Enforcement**

May 18, 2016

Holly S. Cooper
Associate Director
Immigration Law Clinic
UC Davis School of Law
One Shield Ave. TB 30
Davis, CA 95616

RE: 2016-ICAP-00441, 2016-ICFO-21111

Dear Ms. Cooper:

This is in response to your letter dated April 18, 2016, and received by U.S. Immigration and Customs Enforcement (ICE) on April 21, 2016, appealing the constructive denial of your Freedom of Information Act/Privacy Act (FOIA/PA) request. In your FOIA request, dated February 16, 2016, you requested records pertaining to the following: detention bond amounts; number of bond denials; amount and number of bonds posted; amount and number of breached bonds; policies and forms regarding bond cancellations or bond violations; and amount and receivers of unclaimed bond money.

Your April 18, 2016 letter appeals the constructive denial of your FOIA request based upon ICE FOIA's failure to provide you with a response to your FOIA request within either the twenty (20) days provided by statute or the additional 10-day extension provided by regulation.

By letter dated May 3, 2016, ICE FOIA issued a final response to you which stated, in relevant part:

A search of the ICE Office of Enforcement and Removal Operations (ERO) and Office of Detention Policy and Planning (ODPP) produced 81 pages that are responsive to your request. After a review of those documents, ICE has determined that portions of 81 pages will be withheld pursuant to [applicable] exemptions of the FOIA...

Enclosed for your convenience is a copy of ICE FOIA's May 3, 2016 final response letter. Because the ICE FOIA Office has provided its final response to your request, ICE is administratively closing your appeal.

Holly Cooper

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Should you have any questions regarding this appeal closure, please contact ICE at ice-foia@dhs.gov. In the subject line of the email please include the word "appeal," your appeal number, which is **2016-ICAP-00441** and the FOIA case number, which is **2016-ICFO-21111**.

Sincerely,

A handwritten signature in cursive script, appearing to read "Debbie Seguin" followed by a small flourish.

Debbie Seguin
Chief
Government Information Law Division
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement

cc: The ICE FOIA Office

Freedom of Information Act Office

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



**U.S. Immigration
and Customs
Enforcement**

May 03, 2016

HOLLY COOPER
UC DAVIS LAW SCHOOL
ONE SHIELDS AVE, STE TB 30
DAVIS, CA 95616

RE: ICE FOIA Case Number 2016-ICFO-21111

Ms. Cooper:

This letter is the final response to your Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE) dated February 16, 2016. You requested information pertaining to bond policies and records (see request for details).

ICE has considered your request under the FOIA, 5 U.S.C. § 552.

A search of the ICE Office of Enforcement and Removal Operations (ERO) and Office of Detention Policy and Planning (ODPP) produced 81 pages that are responsive to your request. After a review of those documents, ICE has determined that portions of 81 pages will be withheld pursuant to exemptions of the FOIA as described below.

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

FOIA Exemption 7(C) protects records or information compiled for law enforcement purposes that could reasonably be expected to constitute an unwarranted invasion of personal privacy. This exemption takes particular note of the strong interests of individuals, whether they are suspects, witnesses, or investigators, in not being unwarrantably associated with alleged criminal activity. That interest extends to persons who are not only the subjects of the investigation, but those who may have their privacy invaded by having their identities and information about them revealed in connection with an investigation. Based upon the traditional recognition of strong privacy interest in law enforcement records, categorical withholding of information that identifies third parties in law enforcement records is ordinarily appropriate. As such, I have determined that the privacy interest in the identities of individuals in the records you have requested clearly outweigh any minimal public interest in disclosure of the information. Please

note that any private interest you may have in that information does not factor into this determination.

FOIA Exemption 7(E) protects records compiled for law enforcement purposes, the release of which would disclose techniques and/or procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. I have determined that disclosure of certain law enforcement sensitive information contained within the responsive records could reasonably be expected to risk circumvention of the law. Additionally, the techniques and procedures at issue are not well known to the public.

You have the right to appeal ICE's determination and should you wish to do so, please send your appeal following the procedures outlined in the DHS regulations at 6 Code of Federal Regulations § 5.9 and a copy of this letter to:

U.S. Immigration and Customs Enforcement
Office of Principal Legal Advisor
U.S. Department of Homeland Security
Freedom of Information Act Office
500 12th Street, S.W., Stop 5900
Washington, D.C. 20536-5900

Your appeal must be received within 60 days of the date of this letter. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

Provisions of the FOIA and Privacy Act allow us to recover part of the cost of complying with your request. In this instance, because the cost is below the \$14 minimum, there is no charge.¹

If you need to contact the FOIA office about this matter, please call (866) 633-1182 and refer to FOIA case number **2016-ICFO-21111**.

Sincerely,

R.gowins,for

Catrina M. Pavlik-Keenan
FOIA Officer

Enclosure: 81 pages

¹ 6 CFR § 5.11(d)(4).