

**EXHIBIT A**

**FOIA Request to U.S. Immigration and Customs Enforcement  
Katie Campbell/Casa Grande Dispatch  
200 W. 2nd St.  
Casa Grande, Arizona 85122**

**U.S. Immigration and Customs Enforcement  
Freedom of Information Act Office  
800 North Capitol Street, NW, Room 585  
Washington, D.C. 20536**

*June 09, 2016*

*RE: Freedom of Information Act Request*

To U.S. Immigration and Customs Enforcement,

This is a request under the Freedom of Information Act.

I request that a copy of documents containing the following information be provided to me: the full names, specific crimes, dates of the crimes committed, and dates of release for all convicted criminals released in Arizona by the U.S. Immigration and Customs Enforcement agency as a result of the 2001 Supreme Court decision in *Zadvydas v. Davis*, limiting the amount of time officials can jail immigrants who cannot be deported.

In order to help to determine my status to assess fees, you should know that I am a representative of the news media affiliated with the *Casa Grande Dispatch*, and this request is made as part of news gathering and not for a commercial use.

I request a waiver of all fees for this request. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest. The ability of this information to serve the public interest has been demonstrated by an investigation released by the *Boston Globe* on June 04, 2016 - included in this packet - which was the result of a similar records request that led to the release of thousands of names of criminals matching the description I provided above. The *Globe's* request has set precedent in this matter as a judge did order the federal government to release the requested information in 2013.

Furthermore, Pinal County Sheriff Paul Babeu has previously submitted a congressional investigation request to U.S. Congressman Darrell Issa on the matter of releasing this information for the sake of public safety. In his letter - included in this packet - Sheriff Babeu asserts ICE has acknowledged the release of 303 detainees from four facilities in Pinal County, Arizona. I have also included a story published by the *Eloy Enterprise* on August 20, 2015, that demonstrates information such as requested here has previously been released publicly in the case of three individuals released in Arizona.

If the request to waive all fees for this request is denied, I am willing to pay fees for this request up to a maximum of \$25, as stipulated on form G-639, also included in this packet. If you estimate that the fees will exceed this limit, please inform me first.

Thank you for your consideration of this request.

Sincerely,

Katie Campbell  
*Casa Grande Dispatch*  
200 W. 2nd St.  
Casa Grande, Arizona 85122

**EXHIBIT B**

*Freedom of Information Act Office*

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



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

July 15, 2016

KATIE CAMPBELL  
CASA GRANDE DISPATCH  
200 W 2ND STREET  
CASA GRANDE, AZ 85122

**RE: ICE FOIA Case Number 2016-ICFO-40300**

Ms. Campbell:

This letter is the final response to your Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE) dated June 09, 2016. You requested records pertaining to convicted criminals released in Arizona as a result of the Supreme Court decision in *Zadvydas V. Davis* (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) produced 1 Excel workbook responsive to your request. After a review of the document, ICE has determined that portions 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



ICE FOIA Number 2016-ICFO-40300

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

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](http://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.<sup>1</sup>

If you need to contact the FOIA office about this matter, please call (866) 633-1182 and refer to FOIA case number **2016-ICFO-40300**.

Sincerely,

*R. Gowins, for*

Catrina M. Pavlik-Keenan  
FOIA Officer

Enclosure: 1 Excel workbook

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<sup>1</sup> 6 CFR § 5.11(d)(4).

**EXHIBIT C**

**FOIA Request to U.S. Immigration and Customs Enforcement**  
**Katie Campbell/Casa Grande Dispatch**  
**200 W. 2<sup>nd</sup> St.**  
**Casa Grande, Arizona 85122**

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

*August 10, 2016*  
*RE: Freedom of Information Act Appeal*

To U.S. Immigration and Customs Enforcement,

This is an appeal under the Freedom of Information Act.

On June 9, 2016, I requested documents under the Freedom of Information Act. My request was assigned the following identification number: 2016-ICFO-40300. On July 15, I received a response to my request in a letter signed by Catrina M. Pavlik-Keenan. I appeal the denial of portions of my request pursuant to FOIA Exemptions 6 and 7(c). A copy of my FOIA request and the agency determination which is the subject of this appeal is included for your convenience.

I appeal the decision to withhold the names of the convicted criminals released by U.S. Immigration and Customs Enforcement agency on the grounds of protecting their privacy. These individuals are not citizens of the United States; meanwhile, information regarding crimes and release dates as well as names and addresses of citizen criminals is readily available to the public via state and federal databases.

The determination states, "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."

The public interest in this case is far greater than a "minimal" valuation. As explained in my initial request, the *Boston Globe* has already been provided with thousands of names matching my request criteria, which have been included in the news agency's own database allowing victims of illegal criminal immigrants to identify whether convicted perpetrators have been released and pose a recurring threat.

Without the names, victims and law enforcement officials are denied their rights to ensure the safety of their families and their communities; again, my request involved **convicted criminals who have been released into the states**, which victims of violent crimes may be unaware of.

The *Globe* was also initially denied names after making its own request similar to my own. The organization appealed the decision, as I am now, and the appeal was denied. However, through a federal lawsuit in New York, Judge Shira A. Scheindlin ruled in the *Globe*'s favor and ordered the names be released, which they were.

Therefore, as I previously stated in my initial request, there is precedent on this matter. A federal judge has determined the names should be released, no matter the so-called privacy concerns claimed in the agency's determination.



I, again, request the full names of all convicted criminals released in Arizona by the U.S. Immigration and Customs Enforcement agency as a result of the 2001 Supreme Court decision in *Zadvydas v. Davis*, limiting the amount of time officials can jail immigrants who cannot be deported.

I also included a telephone number at which I can be contacted during any hours, if necessary, to discuss any aspect of my appeal: 941-387-6202.

Thank you for your consideration of this appeal.

Sincerely,

Katie Campbell  
*Casa Grande Dispatch*  
200 W. 2<sup>nd</sup> St.  
Casa Grande, Arizona 85122  
941-387-6202

**EXHIBIT D**

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



U.S. Immigration  
and Customs  
Enforcement

September 7, 2016

Katie Campbell  
Casia Grande Dispatch  
200 W. 2<sup>nd</sup> St.  
Casa Grande, AZ 85122

RE: 2016-ICAP-00631, 2016-ICFO-40300

Dear Ms. Campbell:

This is in response to your letter dated August 10, 2016, received on August 22, 2016, appealing the adverse determination by the U.S. Immigration & Customs Enforcement (ICE), Freedom of Information Act Office, in response to your June 9, 2015, Freedom of Information Act (FOIA)/Privacy Act (PA) request to U.S. Citizenship and Immigration Services (USCIS). Your FOIA/PA request asked for the full names, specific crimes, dates of the crimes committed, and dates of release for all convicted criminals released in Arizona as a result of the Supreme Court decision in *Zadvydas v. Davis*.

On July 15, 2016, the ICE FOIA Office responded to your request; providing you a spreadsheet containing a list of aliens released pursuant to *Zadvydas* decision but, withholding the names and alien numbers under FOIA Exemptions (b)(6) and (b)(7)(C). You have appealed the ICE FOIA Office's decision to withhold the names and alien numbers under FOIA Exemptions (b)(6) and (b)(7)(C).

In your appeal you state: "the *Boston Globe* has already been provided with thousands of names matching my request criteria, which have been included in the news agency's own database allowing victims of illegal criminal immigrants to identify whether convicted perpetrators have been released and pose a recurring threat." You further argue that the withheld information should be provided to you because the "*Globe* was also initially denied names after making its own request similar to my own. The organization appealed the decision, as I am now, and the appeal was denied. However, through a federal lawsuit in New York, Judge Shira A. Scheindlin ruled in the *Globe's* favor and ordered the names be released, which they were."

As was explained in the ICE FOIA Office's decision letter, ICE has applied FOIA Exemptions (b)(6) and (b)(7)(C) to protect from disclosure the names of third parties contained within the record. Both Exemption (b)(6) and Exemption (b)(7) require a balancing of the relevant privacy interests and public interests.

There is a particularly strong interest of individuals in not being unwarrantably associated with criminal activity. In this case, there is a particularly strong interest in not publicizing a compilation of criminal and immigration offenses against any particular individual. Individuals released pursuant to the *Zadvydas* decision have a strong interest in avoiding any embarrassment or retaliation that



Katie Campbell  
2016-ICAP-00631, 2016-ICFO-40300

may be caused by the Government's publicly identifying them both as convicted criminals and illegal aliens.

In your request, you have not articulated a public interest sufficient to outweigh the strong privacy interest of the individuals whose names you requested. You have sought disclosure of the names in this request because the names were ordered disclosed in *New York Times Co. v. U.S. Dept. of Homeland Sec.*, 959 F. Supp. 2d 449 (S.D.N.Y. 2013). The fact that the names were disclosed in the *New York Times Co.* does not by itself establish a public interest in your case outweighing the privacy interest asserted.

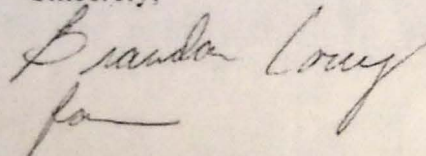
Upon a complete review of the information withheld by ICE in the initial determination on your FOIA/P A request, the withholding of this information was proper in all respects, and the information is exempt from disclosure under the applicable provisions of 5 U.S.C. § 552 cited above. The decision of the ICE FOIA Office to withhold the names from the list provided in response to your request is affirmed.

This decision is the final action of ICE concerning your FOIA/PA request. Inasmuch as you consider this to be a denial of your appeal, you may obtain judicial review of this decision pursuant to the provisions of 5 U.S.C. § 552(a)(4)(B) in the United States District Court in the district in which you reside, have your principal place of business, in which the agency records are situated, or in the District of Columbia.

The Office of Government Information Services (OGIS) also mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you wish to contact OGIS, you may email them at [ogis@nara.gov](mailto:ogis@nara.gov) or call 1-877-684-6448.

Should you have any questions regarding this appeal closure, please contact ICE at [ice-foia@dhs.gov](mailto:ice-foia@dhs.gov). In the subject line of the email, please include the word "appeal," your appeal number, which is **2016-ICAP-00631** and the FOIA case number, which is **2016-ICFO-40300**.

Sincerely,



Debbie Seguin  
Chief

Government Information Law Division  
ICE Office of the Principal Legal Advisor  
Department of Homeland Security

cc: The ICE FOIA Office