

2/6/17

Dear Administrator:

This is an appeal under the Freedom of Information Act, 5 U.S.C. § 552.

On 07/29/17, I requested any and all records in the EARM system showing a detainee, originally located in a facility administered by the ERO Field offices, or any of its sub offices, transferred to any other type of American detention facility, outside of ICE's direct control, including, but not limited to, jails, prisons, or other agencies. Please also provide records, including, but not limited to, the I-216 and any charging documents or warrants, whether these documents are from a sheriff or police office or from a task force, including, but not limited to, the Joint Terrorism Task Force, the High Intensity Drug Trafficking Area Program, or the Transnational Anti-Gang Task Force, or from any other agency. Please make sure to identify which facility the detainee was transferred to and on what date. I requested ICE to search for records from 7/28/16 until the 7/29/17.

ICE, labelled my request 2017-ICFO-40400 (2017-ICAP-00503) and provided me a spreadsheet of book in and book out dates by facility on 12/11/17 (which I appreciate), but it didn't include the meat of my request, which is the detention log comments explaining where detainees had been transferred and to what law enforcement agency. Instead it just said they had been transferred to the custody of "U.S. Marshals or other agency (explain in Detention Comments)." At the time, an ICE lawyer told me "As we discussed, the data header "Reason for Release" is not limited to releases to the U.S. Marshals," but unfortunately for those detainees, the reason for release was limited to U.S. Marshals.

On 1/05/17 I made a second FOIA request to ICE for the same data, specially for a spreadsheet containing a the book in and out dates, holding facility, and Area of Responsibility for detainees who were booked out of ICE custody and into the custody of some other U.S. law enforcement agency. This was labelled as booking out into the custody of "U.S. Marshals or other agency (explain in Detention Comments)." I requested the spreadsheet also contain a copy of the detention log comments explaining what other agency, prison, task force, etc, the detainee was sent for these 8983 book outs between January 1, 2017 and August 28, 2017.

Your office has not yet responded to the second request or provided a tracking number.

It has been over 20 days since I requested these records so I would like to appeal the constructive denial of my requests.

I trust that upon re-consideration, you will reverse the decision denying me access to this material and grant my original request.

As I have made this request in the capacity of a journalist and investigator and this information is of timely value, I would appreciate your expediting the consideration of my appeal in every way possible. In any case, I will expect to receive your decision within 20 business days, as required by the statute.

Thank you for your assistance.

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Exhibit P