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From: **Jason Leopold** <jasonleopold@gmail.com>

Date: Tue, Jun 19, 2018, 1:46 PM

Subject: Request for records under the Freedom of Information Act (expedited processing)

To: US DHS Immigration and Customs Enforcement FOIA Office <ice-foia@dhs.gov>, <CBPFOIA@dhs.gov>

This is a request for records under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 and the Privacy Act, 5 U.S.C. § 552a. This request should be considered under both statutes to maximize the release of records.

REQUESTER INFORMATION

Name: Jason Leopold

Position: Investigative Reporter, BuzzFeed News

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Email: jasonleopold@gmail.com

RECORDS SOUGHT

I request disclosure from Immigrations and Customs Enforcement and Customs and Border Protection the following records:

1. All unedited videos, audio, and photographs shot and recorded by Immigrations and Customs Enforcement and Customs and Border Protection employees and/or contractors working for both agencies of any and all immigration enforcement actions undertaken by the agency related to migrants and migrant children seeking asylum, criminal aliens, immigration fugitives, and re-entrants. To be clear, **I AM NOT** seeking any edited videos that have been posted online by ICE or CBP to the DVIDs website.

Exhibit A

2. All unedited videos, audio recordings, and photographs shot and recorded by Immigrations and Customs Enforcement and Customs and Border Protection employees and/or contractors working for both agencies of migrant children being separated from their parents or parent and subsequently held in US detention facilities, either those operated by the US government or private prisons and contractors.

3. A copy of the concluding document (report of investigation, final report, closing memo, referral letter) concerning investigations undertaken by OPR/IG at CBP/ICE/DHS in 2017 and 2018, thus far relating or referring to immigration, migrants, criminal aliens, aliens, asylum seekers, and personnel and/or contractor working for these agencies.

The timeframe for my request is January 20, 2017 through the date the search for responsive records is conducted.

PLEASE NOTE: I am aware that DHS/CBP/ICE is in possession of redaction software that would allow the agencies to redact personal identifiable information, such as facial features, of migrants on video and in photographs. These agencies SHOULD NOT assert Exemption 6 or 7c when responding to this request as the personal identifiable information can clearly be concealed to protect individual privacy.

Reasonably Foreseeable Harm. The FOIA Improvement Act of 2016 amended the FOIA as follows (5 USC 552(a)(8)):

- (A) An agency shall—
 - (i) withhold information under this section only if—
 - (I) the agency reasonably foresees that disclosure would harm an interest protected by an exemption described in subsection (b); or
 - (II) disclosure is prohibited by law; and
 - (ii) (I) consider whether partial disclosure of information is possible whenever the agency determines that a full disclosure of a requested record is not possible; and
 - (II) take reasonable steps necessary to segregate and release nonexempt information. . . .

ICE should not fail to comply with this mandatory part of the FOIA as recently amended by Congress. The Agency is required to identify what reasonably foreseeable harm would flow from release of the information withheld, nor did it consider a partial disclosure of the information, taking reasonable steps to segregate and release nonexempt information.

REQUEST FOR EXPEDITED PROCESSING

I request expedited processing based on an urgency to inform the public about an actual or alleged federal government activity, if made by a person who is primarily engaged in disseminating information. Because Secretary Nielsen is now heading an agency whose policies, notably immigration policies that have been condemned by lawmakers, and because Secretary Nielsen has publicly stated that the media are not to be trusted, there is an urgent need for the public to understand her approach to management of a large agency, including her policy views and discussions with federal, state, and local individuals, as well as nongovernmental individuals and organizations.

I am a person primarily engaged in dissemination information. Specifically, I am a full-time reporter at BuzzFeed news.

I certify under penalty of perjury that the foregoing statements are true and correct.
Executed: 06/19/2018 /s/ Jason Leopold_____

INSTRUCTIONS REGARDING SEARCH

1. Request for Public Records:

Please search for any records even if they are already publicly available.

2. Request for Electronic and Paper/Manual Searches:

I request that searches of all electronic and paper/manual indices, filing systems, and locations for any and all records relating or referring to the subject of my request be conducted. I further request that the agencies conduct a search of its "soft files" as well as files in its locked cabinets.

3. Request regarding Photographs and other Visual Materials:

I request that any photographs or other visual materials responsive to my request be released to me in their original or comparable forms, quality, and resolution. For example, if a photograph was taken digitally, or if the agencies maintains a photograph digitally, I request disclosure of the original digital image file, not a reduced resolution version of that image file nor a printout and scan of that image file. Likewise, if a photograph was originally taken as a color photograph, I request disclosure of that photograph as a color image, not a black and white image. Please contact me for any clarification on this point.

4. Request for Duplicate Pages:

I request disclosure of any and all supposedly "duplicate" pages. Scholars analyze records not only for the information available on any given page, but also for the relationships between that information and information on pages surrounding it. As such, though certain pages may have been previously released to me, the existence of those pages within new context renders them functionally new pages. As such, the only way to properly analyze released information is to analyze that information within its proper context. Therefore, I request disclosure of all "duplicate" pages.

5. Request to Search Emails:

Please search for emails relating to the subject matter of my request.

6. Request for Search of Records Transferred to Other Agencies:

I request that in conducting its search, the agencies disclose releasable records even if they are available publicly through other sources outside the agencies, such as NARA.

FORMAT

I request that any releases stemming from this request be provided to me in digital format (soft-copy) on a compact disk or other like media.

FEE CATEGORY AND REQUEST FOR A FEE WAIVER

I am the senior investigative reporter for BuzzFeed News and formerly senior investigative reporter and on-air correspondent for VICE News. Additionally, my reporting has been published in The Guardian, The Wall Street Journal, The Financial Times, Salon, CBS Marketwatch, The Los Angeles Times, The Nation, Truthout, Al Jazeera English and Al Jazeera America.

I request a complete waiver of all search and duplication fees. If my request for a waiver is denied, I request that I be considered a member of the news media for fee purposes.

Under 5 U.S.C. §552(a)(4)(A)(iii), "Documents shall be furnished without any charge ... if disclosure of the information 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 the commercial interest of the requester." Disclosure in this case meets the statutory criteria, as the records sought

detail the operations and activities of government. This request is also not primarily in my commercial request, as I am seeking the records as a journalist to analyze and freely release to members of the public.

If I am not granted a complete fee waiver, I request to be considered a member of the news media for fee purposes. I am willing to pay all reasonable duplication expenses incurred in processing this FOIA request.

I will appeal any denial of my request for a waiver administratively and to the courts if necessary.

Please do not hesitate to contact me if you have any questions concerning this request. Thank you. I appreciate your time and attention to this matter.



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Send me documents and tips, anonymously and securely: contact.buzzfeed.com

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