

EXHIBIT B

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General

ATTORNEY GENERAL
KARL A. RACINE



August 23, 2018

Mr. Ronald D. Vitiello
Acting Director
U.S. Immigration and Customs Enforcement
500 12th Street, SW
Washington, D.C. 20536

Re: Failure to Respond to District of Columbia's July 19, 2018 FOIA Request

Dear Mr. Vitiello:

On July 19, 2018, I submitted the attached Freedom of Information Act (FOIA) request on behalf of the District of Columbia to obtain information on recent immigration enforcement actions in Washington, D.C. According to news and community reports, up to twelve District residents were taken into custody by U.S. Immigration and Customs Enforcement (ICE) officials between July 9, and July 12, 2018. Concerns have been raised that these enforcement actions may have in part been based on racial or ethnic profiling. In an effort to allow the District to understand ICE's enforcement activities, I requested records relating to these recent detentions of District residents and ICE policies relating to immigration enforcement actions, including policies related to racial or ethnic profiling.

ICE failed to timely respond to the District's FOIA request. As of the date of this letter, my office has not received a response of any kind from your agency. FOIA imposes strict deadlines for agencies to respond to requests for records. According to 5 U.S.C. § 552(a)(6)(A), an agency must issue a determination to the requester within twenty days after receiving the request. If "unusual circumstances" exist, an agency may provide written notice to the requester that it is seeking a ten-day extension to respond to the request. As part of the determination, the agency must also make available a FOIA Public Liaison who may provide assistance to the requester.

The statutory deadline for a response passed on August 16, 2018 without ICE providing a determination of whether it will comply with the District's July 19 FOIA request, any written notice of an extension, responsive documents, or even contact information for a FOIA Public Liaison. Failure to comply with timing requirements under FOIA constitutes constructive denial of the request and satisfies the requester's requirement to exhaust administrative remedies.

Mr. Ronald D. Vitiello

August 23, 2018

Page Two

I reiterate my request for the following information about the arrests made the week of July 9:

- Names of the individuals taken into custody in the District;
- Addresses and location descriptions where those individuals were taken into custody;
- Reason(s) why each person was taken into custody, including their immigration status, criminal history, or any indication that the individual has no criminal history, whether there was a detainer or administrative warrant for the individual, and any history of claims of asylum or other relief from removal; and
- Where each individual is being held.

I also reiterate my request for the following information:

- (1) any policies related to these immigration enforcement actions;
- (2) any policies related to racial or ethnic profiling;
- (3) any policies related to the requisite level of suspicion necessary for ICE to apprehend or detain an individual;
- (4) any policies related to a requirement, or lack thereof, that ICE agents clearly identify themselves during enforcement actions; and
- (5) any policies related to immigration enforcement actions taken in public arenas, such as on the street or in places of business.

Please provide a response to this request via electronic mail at karl.racine@dc.gov no later than August 30, 2018. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Karl A. Racine', written over a circular stamp or seal.

Karl A. Racine

Attorney General for the District of Columbia

Enclosure: July 19, 2018 FOIA Request