

EXHIBIT D

Office of Information Governance and Privacy

U.S. Department of Homeland Security
500 12th St., SW
Washington, D.C. 20536



U.S. Immigration
and Customs
Enforcement

May 11, 2019

Jason Gonzalez
Nixon Peabody LLP
300 S. Grand Avenue
Suite 4100
Los Angeles, CA 90071

**RE: ACLU of Southern California v. DHS; (19-cv-00983-PSG-MRW)
ICE FOIA Case Number 2019-ICLI-00020
First Interim Response**

Dear Mr. Gonzalez:

This letter is the first interim response to your Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), dated January 09, 2018. You have requested records relating to or concerning inspections, audits and reports by the Detention Standards Implementation Initiative of the ABA's Commission on Immigration of immigration detention centers from 2008 to present, including but not limited to any drafts of reports or audits, and any response or communication by ICE or a contractor operating a facility regarding a draft or final report or audit prepared by the ABA from January 1st 2008 to January 10, 2018.

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

A search of the Office of Enforcement and Removal Operations (ERO), located records that were potentially responsive to your request. For this production ICE reviewed 1,778 pages of potentially responsive records. Of those 1,778 pages, ICE determined 135 pages to be non-responsive or duplicates. ICE has determined that the attached 1,643 responsive pages of records have been Bates numbered 2019-ICLI-00020 1 through 2019-ICLI-00020 1643.

Portions of these documents have been withheld pursuant to Exemptions of the FOIA as described below.

ICE has applied FOIA Exemptions (b)(6), (b)(7)(C) and (b)(7)(e) to portions of the pages produced as described below.

Page 2 of 2

FOIA Exemption 6 exempts from disclosure information in 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 when production of such 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 interests in law enforcement records, categorical withholding of information that identifies third parties in law enforcement records is ordinarily appropriate.

ICE has applied FOIA Exemption 7(E) to protect from disclosure internal agency case numbers contained within the document.

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.

Sincerely,

Toni Fuentes for

Catrina M. Pavlik-Keenan
FOIA Officer

Enclosure(s): 1,643 page(s)