

Jeremy Singer-vine
Data Editor, BuzzFeed News
111 East 18th Street, Newsroom
New York, NY 10003
646-757-2252
jeremy.singer-vine@buzzfeed.com

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U.S. Immigration and Customs Enforcement
Freedom of Information Act Office
500 12th Street, S.W., Stop 5009
Washington, D.C. 20536-5009
Email: ICE-FOIA@dhs.gov
Fax: (202) 732-4265

To Whom It May Concern:

In June 2018, it was widely reported that ICE changed the RCA during 2017 so that assessment never recommends release:

Previously, the tool automatically recommended either “detain” or “release.” Last year, ICE spokesman [Matthew] Bourke said, the agency removed the “release” recommendation, but he noted that ICE personnel can override it.¹ (Reuters)

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552 et seq., I request copies of the all **documents produced during this modification of the Risk Classification Assessment (RCA)** containing the words or phrases "Risk Classification Assessment," "RCA," or "algorithm."

I seek these records on behalf of BuzzFeed News and for the purpose of informing the public. I request these records in their original digital format and that they be delivered by email or FTP.

Under the FOIA Improvement Act of 2016, agencies may withhold information “only if . . . disclosure would harm an interest protected by an exemption” or if “disclosure is prohibited by law.” **If it is your position that any portion of the requested records is exempt from disclosure, I request that you provide an index of those documents as required under Vaughn v. Rosen**, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974).

If you withhold any of these records, I request as required by the FOIA that you **identify the reasonably foreseeable harm** that would result in the release of the records.

¹ As referenced here: <https://www.reuters.com/investigates/special-report/usa-immigration-court/>

Because the release of this information is in the public interest, please waive any applicable duplication fees. The changes to the RCA were covered by Reuters, the ABA Journal², Vice³, and The Daily Dot⁴, among others, and stem from Executive Order 13767 (“Border Security and Immigration Enforcement Improvements,” issued on January 25, 2017)⁵. If you determine that fees will exceed \$25, please inform me first. As I am making this request as a journalist and this information is of timely value, I would appreciate you communicating with me by telephone or electronic mail — listed above — rather than by postal mail.

I look forward to your reply within 20 business days, as the statute requires. Please let me know if there are any clarifications I can make to make this request easier and/or quicker to complete.

Sincerely,
Jeremy Singer-vine

² http://www.abajournal.com/news/article/ice_risk_assessment_tool_now_only_recommends_detain

³

https://motherboard.vice.com/en_us/article/evk3kw/ice-modified-its-risk-assessment-software-so-it-automatically-recommends-detention

⁴ <https://www.dailydot.com/debug/ice-risk-assessment-software/>

⁵

<https://www.federalregister.gov/documents/2017/01/30/2017-02095/border-security-and-immigration-enforcement-improvements>