

# Exhibit 2



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U.S. Department of Homeland Security  
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STOP-0655  
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To Whom It May Concern:

I am a reporter and producer with National Public Radio (“NPR News”), and I am writing to request the following records from the Department of Homeland Security (“DHS”) Office for Civil Rights and Civil Liberties (“CRCL”) under the Freedom of Information Act:

**I. Record(s) Requested**

1. A copy of all CRCL inspection and investigative reports from CRCL examinations of immigration detention facilities under the auspices of U.S. Immigration and Customs Enforcement (ICE) from January 1, 2014 to December 5, 2019.

As the FOIA requires, please release all reasonably segregable nonexempt portions of these documents. To the extent these documents contain certain personal identifying information about employees and detainees of immigration detention facilities (such as names, dates of birth, employee numbers, or Alien Registration Numbers), this request specifically excludes such information from its scope and accepts redactions withholding such information.

I am requesting electronic copies of these records, to be delivered by email, if possible. If that is not possible, please contact me to discuss additional options for disclosure.

## **II. Relevant Background Regarding Requested Records**

According to the DHS website, “The Office for Civil Rights and Civil Liberties (CRCL) reviews and investigates civil rights and civil liberties complaints made by the public regarding U.S. Department of Homeland Security (DHS) policies and activities. Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL reviews and assesses allegations involving a range of alleged civil rights and civil liberties abuses”.<sup>1</sup>

According to a December 2016 report by the Homeland Security Advisory Council (“HSAC”), the CRCL also conducts a review of such complaints, and “Based on its review of complaints and further inquiry, it makes recommendations to the Department for changed practices.”<sup>2</sup>

The HSAC report also states that CRCL, “schedules 10-15 intensive site visits each year to ICE detention facilities, led by experienced CRCL officers and also involving subject matter experts.”

For example, from November 13-14, 2017, CRCL conducted a “progress review and investigation” at the Adelanto ICE Processing Center (also known as the Adelanto Correctional Facility). The reports from that review have previously been released to me in response to FOIA request 2018-HQFO-01360. (That request was also granted expedited processing and a fee waiver.)

With this new FOIA request, I am seeking copies of all inspection and/or investigative reports from CRCL examinations of all immigration detention facilities under the auspices of U.S. Immigration and Customs Enforcement (ICE) from Jan. 1, 2014 to Dec. 5, 2019.

## **III. Request For Expedited Processing And Fee Waiver**

I am requesting expedited processing for this records request and a waiver for all applicable fees.

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<sup>1</sup> <https://www.dhs.gov/file-civil-rights-complaint>

<sup>2</sup> “Report of the Subcommittee on Privatized Immigration Detention Facilities,” 1 Dec. 2016  
<https://www.dhs.gov/sites/default/files/publications/DHS%20HSAC%20PIDF%20Final%20Report.pdf>

Under the FOIA, a request for records may be expedited if there is, “An urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information.”<sup>3</sup>

This request meets that requirement for the following reasons:

1. The actual or alleged government activity involves the treatment of detainees in immigration detention and detainees and government inspectors have found inadequate care and treatment that could require urgent remedy by the federal government to prevent further misconduct. For example:
  - a. Conditions at facilities in the ICE detention system and treatment of detainees in that system have received considerable media attention in recent days.<sup>4 5 6 7</sup> The disclosure of additional information about conditions and treatment at ICE detention facilities would further help inform the public about this issue of urgent public concern.
  - b. The treatment of detainees in ICE custody is also an urgent issue identified the Office of Inspector General for the Department of Homeland Security. A recent report by that office found that, “Although ICE’s inspections, follow-up processes, and onsite monitoring of facilities help correct some deficiencies, they do not ensure adequate oversight or systemic improvements in detention conditions, with some deficiencies remaining unaddressed for years.”<sup>8</sup> Disclosing the inspection reports from CRCL would help the public better understand the ways in which ICE maintains standards of detention.

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<sup>3</sup> 6 C.F.R. § 5.5(e)(1) ; *see also* 5 U.S.C. § 552(a)(6)(E)(i)(I) (expedited processing of requests for records warranted “in cases in which the person requesting the records demonstrates a compelling need”); *id.* § 552(a)(6)(E)(v)(II) (defining “compelling need” to be “with respect to a request made by a person primarily engaged in disseminating information, urgency to inform the public concerning actual or alleged Federal Government activity”).

<sup>4</sup> The New York Times, July 2, 2019, “Squalid Conditions at Border Detention Centers, Government Report Finds,” <https://www.nytimes.com/2019/07/02/us/politics/border-center-migrant-detention.html>

<sup>5</sup> CNN, June 18, 2018, “The media surges to the border as family separation crisis grows,” <https://money.cnn.com/2018/06/18/media/media-border-surge-separation-policy/index.html>

<sup>6</sup> The Intercept, July 27, 2018, “ICE DETAINEE DIAGNOSED WITH SCHIZOPHRENIA SPENT 21 DAYS IN SOLITARY CONFINEMENT, THEN TOOK HIS OWN LIFE,” <https://theintercept.com/2018/07/27/immigrant-detention-suicides-ice-corecivic/>

<sup>7</sup> Los Angeles Times, Aug. 8, 2017, “‘We don't feel OK here': Detainee deaths, suicide attempts and hunger strikes plague California immigration facility,” <http://www.latimes.com/local/lanow/la-me-ln-adelanto-detention-20170808-story.html>

<sup>8</sup> <https://www.oig.dhs.gov/sites/default/files/assets/2018-06/OIG-18-67-Jun18.pdf>

- c. ICE is in charge of the care of tens of thousands of detainees every day, and is required to maintain certain standards of detention under federal law. According to data from the federal government, the Department of Homeland Security detained 352,880 non-citizens in Fiscal Year 2016<sup>9</sup>, and DHS proposed in its FY 2018 budget an average daily population (ADP) of ICE detainees of 51,379.<sup>10</sup> Given the allegations of mistreatment in federal court and the media, and the high number of detainees, there exists an urgent need to inform the public about whether national standards of detention have been being properly upheld in the past, are currently being upheld, and will be upheld going forward.
2. I am a member of the news media primarily engaged in disseminating information.<sup>11</sup>
    - a. As a reporter and producer with NPR News, I am primarily engaged in disseminating information to the American public through reporting both online and via broadcast outlets.<sup>12</sup> NPR News is a non-profit, non-commercial news network that is chiefly engaged in journalism in the public interest, and I will use this information solely for the purpose of informing the public about the operations of the federal government.<sup>13</sup>

For the above stated reasons, I also request a waiver of all fees for this request.

Disclosure of the requested information is in the public interest, because, as indicated above, it relates to an issue of urgent public concern: conditions at facilities in the ICE detention system.

In the event that fees are not waived, I am willing to pay fees for this request up to a maximum of \$50. If you estimate that the fees will exceed this limit, please inform me before processing my request.

If you have any questions regarding this request, please contact me by phone at 310-815-4376 or by email at [tdreisbach@npr.org](mailto:tdreisbach@npr.org). I look forward to receiving your response within the twenty day statutory time period.

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<sup>9</sup> Congressional Research Service, June, 22, 2018, "A Primer on U.S. Immigration Policy" (Accessed at: <https://fas.org/sgp/crs/homesecc/R45020.pdf>)

<sup>10</sup>

[https://www.dhs.gov/sites/default/files/publications/CFO/17\\_0524\\_U.S.\\_Immigration\\_and\\_Customs\\_Enforcement.pdf](https://www.dhs.gov/sites/default/files/publications/CFO/17_0524_U.S._Immigration_and_Customs_Enforcement.pdf)

<sup>11</sup> See, e.g., *Protect Democracy Project, Inc. v. U.S. Dep't of Def.*, 263 F. Supp. 3d 293, 298 (D.D.C. 2017) (requirement met where "information dissemination [is] the main [and not merely an incidental] activity of the requestor").

<sup>12</sup> <https://www.npr.org/people/349305392/tom-dreisbach>

<sup>13</sup> <https://www.npr.org/about-npr/192827079/overview-and-history>

Thank you for your consideration of this request.

Best regards,

Tom Dreisbach  
NPR News