August 9, 2013

VIA PRIORITY MAIL AND ELECTRONIC MAIL: ICE-FOIA@dhs.gov

U.S. Immigration and Customs Enforcement
Freedom of Information Act Office
500 12th Street SW, Stop 5009
Washington, DC 20536-5009

Re: Freedom of Information Act (FOIA) Request

Dear FOIA Officer:

Americans for Immigrant Justice (AI Justice) submits this letter as a request for information under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, et. seq.

REQUEST FOR INFORMATION

AI Justice requests disclosure of any and all records\(^1\) that were prepared, received, transmitted, collected and/or maintained by the U.S. Department of Homeland Security (DHS) and/or U.S. Immigration and Customs Enforcement (ICE)\(^2\) regarding the following facilities that currently house or previously housed immigration detainees in the State of Florida (hereinafter “the facilities”):

1) Monroe County Jail;

\(^1\) The term “records” as used herein includes all records or communications preserved in electronic or written form, including but not limited to correspondence, directives, documents, data, videotapes, audiotapes, emails, faxes, files, guidance, standards, evaluations, instructions, analyses, memoranda, agreements, notes, orders, policies, procedures, protocols, reports, rules, technical manuals, technical specifications, training materials or studies, including records kept in written form, or electronic format on computers and/or other electronic storage devices, electronic communications and/or videotapes, as well as any reproductions thereof that differ in any way from any other reproduction, such as copies containing marginal notations.

\(^2\) The term “ICE” as used herein means ICE headquarters offices, including any divisions, subdivisions or sections therein, ICE field operations offices, including any divisions, subdivisions or sections therein; ICE immigration detention facilities, ICE contract facilities, including any divisions, subdivisions or sections therein; and any other ICE organizational structures and offices.
2) Broward Transitional Center;
3) Collier County Jail;
4) West Palm Beach County Jail;
5) Glades County Detention Center;
6) Manatee County Jail;
7) Orient Road Jail;
8) Pinellas County Jail;
9) Orange County Jail;
10) Hernando County Jail;
11) Nassau County Jail;
12) Baker County Jail;
13) Wakulla County Jail; and
14) Bay County Jail.

Specifically, please produce those records describing, referring or relating to:

(1) All Intergovernmental Service Agreements (IGSAs) that ICE has ever entered into for the facilities;

(2) All IGSAs that are currently in effect in Florida;

(3) From January 2008 through June 2013, any and all inspection records for the facilities;

(4) Any and all plans on communications enacted in response to any inspection or review of the operation of the facilities;

(5) All memoranda, reports, correspondence, communications, or other documents regarding compliance with contractual obligations with ICE for the facilities; and

(6) All memoranda, reports, correspondence, communications, or other documents regarding compliance with ICE’s Performance-Based National Detention Standards involving the facilities.

(7) From January 2008 through June 2013, all memoranda, reports, correspondence, communications, or other documents involving or relating to the Joint Intake Center (JIC) and the facilities.

(8) From January 2008 through June 2013, all memoranda, reports, correspondence, communications, or other documents involving or relating to the ICE Office of Inspector General (OIG) and the facilities.
(9) From January 2008 through June 2013, all memoranda, reports, correspondence, communications, or other documents involving or relating to the ICE Office of Professional Responsibility (OPR) and the facilities.

(10) From January 2008 through June 2013, all grievances filed by immigrant detainees in the facilities.

(11) From January 2008 through June 2013, all records relating to or regarding suicides by immigrant detainees in the facilities.

(12) From January 2008 through June 2013, all records relating to or regarding sexual abuse\(^3\) of immigrant detainees in the facilities.

(13) From January 2008 through June 2013, all records relating to or regarding deaths of immigrant detainees in the facilities.

**REQUEST FOR WAIVER OF ALL COSTS**

AI Justice requests that all fees associated with this FOIA request be waived. AI Justice is entitled to a waiver of all costs because disclosure of the information 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.” 5 U.S.C. § 522(a)(4)(A)(iii). See also 6 C.F.R. § 5.11(k) (Records furnished without charge or at a reduced rate if the information is in the public interest, and disclosure is not in commercial interest of institution). In addition, AI Justice has the ability to widely disseminate the requested information. See *Judicial Watch v. Rossotti*, 326 F.3d 1309 (D.C. Cir. 2013) (finding a fee waiver appropriate when the requester explained, in detailed and non-conclusory terms, how and to whom it would disseminate the information it received).

i. Disclosure of the Information is in the Public Interest

AI Justice aims to protect and promote the basic human rights of immigrants through a unique combination of free direct services, impact litigation, policy reform, and public education at local, state, and national levels. Grounded in real-world, real-people experience, AI Justice’s direct work with immigrant clients informs its broader policy work. Its multicultural and multilingual staff works to build alliances between immigrant and

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\(^3\) For purposes of this FOIA request, we use the term “sexual abuse” generally to encompass all forms and degrees of sexually-based harm, including but not limited to all types of sexual contact—both attempted or accomplished—through force, threats, coercion, or intimidation; sexual assault; sexual harassment; unwelcome sexual advances; and gestures or actions of a derogatory or offensive sexual nature.
nonimmigrant groups, including government, civic, social and faith-based communities. Advocates involved in immigration issues, the national media, and federal and state policy makers, consider AI Justice to be one of the most effective national groups fighting for immigrant justice.

With Comprehensive Immigration Reform on the horizon in Congress, immigration issues make up a major segment of the public discourse. Increasingly covered by U.S. media outlets, information regarding immigration matters is much more widely disseminated than ever before. The propriety of, necessity for and conditions of immigrant detention are frequently the subject of debate in Congress and the news media.4

Disclosure of the requested information will contribute significantly to public understanding of ICE contracted facilities and the conditions under which detained immigrants are kept in the facilities. In addition, the disclosed records will inform attorneys who represent noncitizens who are currently or could be detained at Florida detention facilities, the noncitizens themselves, and other members of the public who are concerned with the different immigration detention facilities in Florida and ICE policies and practices in Florida. AI Justice has the capacity and intent to disseminate widely the requested information to the public. To this end, AI Justice will analyze and compile a report about the information obtained and disseminate it by:

- Posting the report on the AI Justice website, a website that is accessible by any member of the public;
- Hold a press conference presenting the report to the press;
- Circulate the report through online and social media channels operated by both AI Justice and other NGOs;
- Present key members of congress and the administration with the information for their use and further dissemination to constituents and key stake holders.

ii. Disclosure of the Information is Not Primarily in the Commercial Interest of the Requester

AI Justice is a 501(c)(3), tax-exempt, not-for-profit, charitable legal services organization. AI

Justice’s work encompasses advocating for the basic human rights of immigrants through direct representation, policy reform, impact litigation, and public education. Therefore, AI Justice has no commercial interest that could be furthered by this FOIA request. Immigration attorneys, noncitizens and any other interested member of the public may obtain information about these Florida facilities that contract with ICE on AI Justice’s frequently updated website. As stated above, AI Justice seeks the requested information for the purpose of disseminating it to members of the public who access AI Justice’s website and not for the purpose of commercial gain.

Please inform us if the charges for this FOIA production will exceed $50.00.

Thank you in advance for your response to this request within twenty working days, as FOIA requires. See 5 U.S.C. § 552(a)(6)(A)(i). Should you have any questions or concerns, please feel free to contact me at (305) 573-1106, ext. 1380, or via email at ljimenez@aijustice.org.

Sincerely,

[Signature]
Lizmin Jimenez
Litigation Attorney