

EXHIBIT A

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General

ATTORNEY GENERAL
KARL A. RACINE



July 19, 2018

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

Dear Mr. Vitiello:

I write to express concern and request information about recent immigration detentions in the District of Columbia by U.S. Immigration and Customs Enforcement (ICE). According to news and community reports, between Monday, July 9, and Thursday, July 12, 2018, as many as twelve District residents were taken into custody by ICE in predominantly Latino communities. Disturbingly, some reports suggest that individuals may have been apprehended indiscriminately or as a result of racial or ethnic profiling.

The District of Columbia strives to ensure that all its residents feel safe and secure. Last week's incidents are precisely the kind that spark fear in our city, undermine public safety by discouraging victims of and witnesses to crimes from coming forward and, more broadly, undermine the ability of our immigrant communities to participate fully in the civic life of the District. Transparency about the policies and procedures ICE follows when engaging in enforcement activity is central to the ability of our immigrant communities to feel secure here. In the past, the District has requested information through the Freedom of Information Act to clarify ICE's policies on enforcement actions in order to attain that kind of transparency.¹ I do so again now in furtherance of the same ends.

To better understand ICE's enforcement activities in the District, I request that ICE send my office the following information about the arrests made the week of July 9:

¹ FOIA Request to ICE, U.S. Citizenship & Immigration Services, and U.S. Customs & Border Protection (June 29, 2017), attached as Exhibit A to Complaint, *Massachusetts, et al v. DHS, et al.*, Case No. 1:17-cv-12022-FDS (D. Mass, filed Oct. 17, 2017).

Mr. Ronald D. Vitiello

July 19, 2018

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- 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.

In addition, I request 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.

Your prompt attention to this matter is appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read 'Karl A. Racine', with a horizontal line extending to the right.

Karl A. Racine

Attorney General for the District of Columbia

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
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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,



Karl A. Racine
Attorney General for the District of Columbia

Enclosure: July 19, 2018 FOIA Request

EXHIBIT C

Hill, Nicole (OAG)

From: Scott, Valerie L. (OAG) on behalf of Racine, Karl (OAG)
Sent: Wednesday, September 05, 2018 10:56 AM
To: Rock, Jimmy (OAG)
Subject: FW: ICE FOIA Request 2018-ICFO-58978

From: ice-foia@dhs.gov <ice-foia@dhs.gov>
Sent: Wednesday, September 5, 2018 9:31 AM
To: Racine, Karl (OAG) <Karl.Racine@dc.gov>
Subject: ICE FOIA Request 2018-ICFO-58978

CAUTION: This email originated from outside of the DC Government. Do not click on links or open attachments unless you recognize the sender and know that the content is safe. If you believe that this email is suspicious, please forward to phishing@dc.gov for additional analysis by OCTO Security Operations Center (SOC).

September 05, 2018

Karl Racine
Attorney General for the District of Columbia
441 4th Street, NW
Suite 1100 South
Washington, DC 20001

RE: ICE FOIA Case Number 2018-ICFO-58978

Dear Mr. Racine:

This acknowledges receipt of your August 23, 2018, Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), for names of 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 for the week of July 9, 2018 (see request for further details). Your request was received in this office on August 23, 2018.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Per Section 5.5(a) of the DHS FOIA regulations, 6 C.F.R. Part 5, ICE processes FOIA requests according to their order of receipt. Although ICE's goal is to respond within 20 business days of receipt of your request, the FOIA does permit a 10- day extension of this time period. As your request seeks numerous documents that will necessitate a thorough and wide-ranging search, ICE will invoke a 10-day extension for your request, as allowed by Title 5 U.S.C. § 552(a)(6)(B). If you care to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS Interim FOIA regulations as they apply to non-commercial requesters. As a non-commercial requester, you will be charged 10 cents per page for duplication; the first 100 pages are free, as are the first two hours of search time, after which you will pay the per quarter-hour rate (\$4.00 for clerical personnel, \$7.00 for professional personnel, \$10.25 for managerial personnel) of the searcher. We will construe the submission of your request as an agreement to pay up to \$25.00. You will be contacted before any further fees are accrued.

We have queried the appropriate program offices within ICE for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. Please be assured that one of the processors in our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

Your request has been assigned reference number **2018-ICFO-58978**. Please refer to this identifier in any future correspondence. To check the status of an ICE FOIA/PA request, please visit <http://www.dhs.gov/foia-status>. Please note that to check the status of a request, you must enter the 2017-ICFO-XXXXX or 2018-ICFO-XXXXX tracking number. If you need any further assistance or would like to discuss any aspect of your request, please contact the

FOIA office. You may send an e-mail to ice-foia@ice.dhs.gov, call toll free (866) 633-1182, or you may contact our FOIA Public Liaison, Fernando Pineiro, in the same manner. Additionally, you have a right to right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Regards,

ICE FOIA Office
Immigration and Customs Enforcement
Freedom of Information Act Office
500 12th Street, S.W., Stop 5009
Washington, D.C. 20536-5009
Telephone: 1-866-633-1182
Visit our FOIA website at www.ice.gov/foia