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constitutional  
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**BY UPS OVERNIGHT MAIL**

July 12, 2011

Department of Homeland Security  
Attn: Office of Inspector General  
Inspector General Charles K. Edwards  
Assistant Inspector General for Audits Anne Richards  
245 Murray Drive, SW, Bldg. 410  
Washington, DC 20528

Re: Secure Communities Office of Inspector General Audit

Dear Inspector General Edwards and Assistant Inspector General Richards:

We write on behalf of the National Day Laborer Organizing Network (NDLON), the Center for Constitutional Rights (CCR) and the Benjamin N. Cardozo Law School Immigration Justice Clinic (the Clinic) to request a meeting and to provide information relevant to your audit of the Department of Homeland Security (DHS) Immigration and Customs Enforcement (ICE) Secure Communities program.

NDLON, CCR and the Clinic are Plaintiffs in a Freedom of Information Act (FOIA) lawsuit in the Southern District of New York.<sup>1</sup> Our lawsuit has led to the disclosure of over 40,000 documents about Secure Communities from five defendant agencies,<sup>2</sup> including the internal ICE communications about its "opt out" policy that first prompted Representative Zoe Lofgren to request that the DHS Office of Inspector General (OIG) conduct the instant audit. Given the urgency of issues involved, we were pleased to learn that the OIG will conduct its review this summer.

<sup>1</sup> All FOIA disclosures cited in this letter have been disclosed as a result of the federal lawsuit in the U.S. District Court for the Southern District of New York, *NDLON et al. v. ICE et al.*, 10-cv-3488 (SAS).

<sup>2</sup> Defendants include: DHS, ICE, Federal Bureau of Investigation (FBI), Executive Office of Immigration Review, and Office of Legal Counsel.

Enclosed are three disks containing documents we received through the FOIA litigation, which we share as a resource for your investigation.<sup>3</sup> This letter provides a guide to key documents. The FOIA disclosures cited are enclosed in hard copy at tabs A-DD.<sup>4</sup>

We have organized the letter and key documents according to topics we believe are essential to any thorough review of Secure Communities: (A) racial profiling, (B) the opt-out controversy and the legal authority to compel local participation, (C) the expansion of Secure Communities beyond its stated target of serious criminals, (D) privacy concerns and the role of the FBI, (E) impact on vulnerable populations, (F) costs at the state and local level, (G) the role of sub-contractors, and, (H) the significance of modifications announced by ICE on June 17, 2011.

## A. RACIAL PROFILING

Both the Criminal Alien Program (CAP) and the 287(g) Program, two ICE ACCESS programs that are similar in design to Secure Communities in that they rely on encounters with local law enforcement officials to identify individuals to target for immigration enforcement have been associated with racial profiling.<sup>5</sup> The risk raised by CAP and 287g—and shared by Secure Communities—is that local law enforcement officers, aware that any arrest leads to an immigration background check, may engage in pre-textual, race, ethnicity, and national origin-based arrests of people of color in order to verify their immigration status.

Despite its similarities with CAP and 287(g), ICE initially denied that Secure Communities carried any risk of racial profiling. Indeed, ICE Director John Morton suggested repeatedly in meetings with stakeholders that Secure Communities would solve racial profiling defects associated with the 287(g) program. For nearly the first two years of Secure Communities' operation, ICE did not disclose arrest and deportation data by jurisdiction. When FOIA litigation finally led to the release of limited jurisdictional data in August 2010, it revealed unexplained disparities in the rates of non-criminal deportations from jurisdiction to jurisdiction. The disparities raised serious concerns that local law enforcement in jurisdictions with high rates

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<sup>3</sup> Note that additional disclosures related to Secure Communities, including the Memoranda of Agreement with the states, are posted on ICE's FOIA Reading Room website: <http://www.ice.gov/foia/library/>.

<sup>4</sup> The FOIA disclosures cited in the guide are also included on the enclosed Disk 1 and Disk 2, and can be located by the Bates number referenced.

<sup>5</sup> The 287(g) program, which allows state and local agencies to enter into agreements with ICE to deputize their agents to enforce federal immigration law, has been the subject of scrutiny for lacking in controls and oversight to prevent civil rights violations by local officers. See e.g., DHS, OIG, *The Performance of 287(g) Agreements*, Mar. 2010; Government Accountability Office, *Better Controls Needed Over Program Authorizing State and Local Enforcement of Federal Immigration Laws*, Jan. 2009; ACLU of Georgia, *Terror and Isolation in Cobb County: How Unchecked Police Power under 287(g) has Torn Families Apart and Threatened Public Safety* (Oct. 2009). The Department of Justice Civil Rights Division is conducting an investigation of Sheriff Joe Arpaio of Maricopa County, Arizona for civil rights violations and abuse of power granted through a 287(g) agreement. ICE announced changes in an attempt to address the concerns in summer of 2009. See Migration Policy Institute, *Delegation and Divergence: A Study of 287(g) State and Local Enforcement*, 11, Jan. 2011. Advocates have dismissed the reforms as token and failing to address the underlying concerns. *Id.* at 32. Like 287(g), the Criminal Alien Program (CAP), another precursor jail enforcement program in which ICE CAP agents identify individuals suspected of being subject to deportation in local jails that often works in tandem with Secure Communities, has also been subject to criticism for causing racial profiling in the communities where it operates. Trevor Gardner II and Aarti Kohli, *The C.A.P. Effect: Racial Profiling in the ICE Criminal Alien Program*, Warren Institute, Berkeley Law, Sept. 2009; Andrea Guttin, Esq., *The Criminal Alien Program: Immigration Enforcement in Travis County, Texas*, Immigration Policy Center, Feb. 2010.

of non-criminal deportations were engaging in pre-textual arrests.<sup>6</sup> Despite that data, ICE refused to acknowledge the validity of profiling concerns.<sup>7</sup> It was not until almost a year later, after growing nationwide criticism of the program, that ICE finally acknowledged publicly that Secure Communities may be associated with racial profiling. However, the agency has failed to put forth a realistic or meaningful plan to measure and address this serious problem.

### Key Documents

ICE FOIA 10-2674.000087 – ICE FOIA 10-2674.000094, **TAB D**: These documents released by ICE in August 2010 show significant disparities in the percentage of non-criminals deported through Secure Communities, including a high of 82 percent in Travis County, TX. The high percentage of non-criminals deported in certain jurisdictions raised a red flag that local law enforcement in those areas may be engaging in pre-textual arrests for low-level crimes with the true motivation of investigating immigration status.

ICE FOIA 10-2674.000080, Excerpt, SECURE COMMUNITIES NATIONWIDE INTEROPERABILITY STATISTICS THROUGH JUNE 2010, **TAB E**: These statistics show that the national average of non-criminals deported through Secure Communities through June 2010 was 26%. This average provided a point of comparison from which to identify outlier jurisdictions.

SECURE COMMUNITIES NATIONWIDE INTEROPERABILITY STATISTICS THROUGH AUGUST 31, 2010, **TAB F**: Later in August 2010, ICE released new cumulative data on deportations. The new data contained smaller disparities. In some cases, the *total* number of non-criminal deportations had been reduced. ICE declined to disclose publicly the process by which it updated the data, or to explain how cumulative numbers could show an absolute decrease.<sup>8</sup> The “updated” data and subsequent cumulative data reports continued to contain unexplained disparities between the rate of deportations of non-criminals in certain jurisdictions and the national average.

SECURE COMMUNITIES NATIONWIDE INTEROPERABILITY STATISTICS THROUGH MAY 31, 2011<sup>9</sup>, **TAB G**: The latest Secure Communities data continue to show significant county-to-county disparities in rates of non-criminal deportations. Jefferson Parish in Louisiana, for example, has a non-criminal deportation rate of 71%. Suffolk County in Massachusetts, and Miami-Dade County in Florida show non-criminal deportation rates

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<sup>6</sup> NDLO, CCR, Cardozo, *Briefing Guide to “Secure Communities” ICE’s Controversial Immigration Enforcement Program- New Statistics and Information Reveal Disturbing Trends and Leave Crucial Questions Unanswered*, Aug. 10, 2010, **Tab A**.

<sup>7</sup> ICE, *Secure Communities: Setting the Record Straight*, Aug. 17, 2010, **Tab B**. Setting the Record Straight first appeared on the ICE website in October 2010 but was later removed. Setting the Record Straight cites cumulative data from a new report from August 2010. NDLO, CCR, Cardozo, *Response to ICE Spin*, Sept. 9, 2010, **Tab C**.

<sup>8</sup> See Shankar Vedantam, WASHINGTON POST, U.S. Program to Deport Criminal Illegal Immigrants Has Deported High Percentages of Non-Criminals in Some Areas, Dec. 20, 2010 (noting that immigration officials declined to explain disparities and citing a “manual audit” by ICE to account for changes in the cumulative data).

<sup>9</sup> ICE began releasing quarterly statistics on Secure Communities following the FOIA litigation. The statistics are available on its FOIA Reading Room at <http://www.ice.gov/foia/library/>.

of over 50%, and Wake County shows a rate of 38%, all significant departures from the current national average of 29%.

## **B. THE OPT-OUT CONTROVERSY AND LEGAL AUTHORITY TO COMPEL LOCAL PARTICIPATION IN SECURE COMMUNITIES**

It is indisputable that ICE misled local, state, and federal government officials about Secure Communities' scope, legal authority, and ostensibly compulsory nature. The FOIA documents reveal that ICE deliberately engaged in misrepresentations about "opt-out" questions for over an extended period. The documents also reveal that ICE initially questioned its own legal authority to make Secure Communities compulsory for states. ICE has since changed its policy position, but has refused to disclose the legal basis for that changed position.

### Key Documents

LETTER FROM DAVID VENTURELLA TO LINDA DENLY OF THE CALIFORNIA BUREAU OF CRIMINAL IDENTIFICATION AND INFORMATION, JAN. 23, 2009, **TAB H**: ICE initially stated and implied that Secure Communities was a voluntary program, predicated on agreements with state and local officials. For example, in this January 2009 letter to officials in California, then-Secure Communities Director David Venturella explained: "Access to the Secure Communities program is predicated at the state level on a signed MOA between ICE and the State Identification Bureau (SIB) executive. Deployment at the county and local level requires a signed Statement of Intent (SOI) by participating agencies that oversee booking locations to ensure those agencies understand and adhere to the principles set forth in the MOA and a set of Standard Operation Procedures."

ICE FOIA 10-2674.0001832, **TAB I**: In response to a Question on the Record from Congressman David Price, ICE stated that localities can opt out of Secure Communities: "ICE does not require any entity to participate in the information sharing technology at the state or local level."

ICE FOIA 10-2674.001811-1812, **TAB J**: This February 2009 email chain discusses the "[s]trategy for difficult interoperability deployment locales." The chain hints at ICE's counter-intuitive definition of "opt-out." Under that definition, "opting out" means ceasing participation in one minor aspect of Secure Communities (i.e. receiving information from ICE), but continuing to participate in the program's major component, running an immigration background check on all arrestees.

ICE FOIA 10-2674.0001831, **TAB K**: In August 2009, Randi Greenberg, Secure Communities Program Outreach and Communication Director explained to ICE officials: "The SC initiative will remain voluntary at both the State and Local level. Once activated, 30-days written notice will be required in order to suspend or terminate the information-sharing. Until such time as localities begin to push back on participation, we will continue with this current line of thinking."

ICE FOIA 10-2674.0013498-0013500, E-mail, Oct. 7, 2009, **TAB L**: "Re: voluntary vs. mandatory issue paper;" In a draft of an issue paper, a Secure Communities staff member

concluded that "ICE needs to de-conflict the SC policy of voluntary participation with the reality of the Interoperability Project's goal for compliance."

ICE FOIA 10-2674.0011886-0011897, **TAB M**: In February 2010, ICE laid out an aggressive strategy for forcing reluctant Chicago and Cook County officials to participate in S-Comm. Proposals include leveraging the influence of Rahm Emanuel, and simply activating Cook County without consent.

ICE FOIA 10-2674.0007174, **TAB N**: In, May 2010, ICE provided information about opt out to Santa Clara officials orally rather than in writing in order to "give[] them plausible deniability if this Santa Clara thing goes south."

ICE FOIA 10-2674-0004154-0004156, **TAB O**: In this June 2010 email, an ICE employee writes: "I'm totally confused now. I've got so many versions of the opt-out language I don't know what's current and what's not. It seems like we have different language for different purposes and it's confusing."

ICE FOIA 10-2674.0004685-0004689, **TAB P**: In July 2010, a Secure Communities Regional Coordinator assured New York state officials, "No jurisdiction will be activated if they oppose [Secure Communities.] There is no ambiguity on that point. We get it."

ICE FOIA 10-2674.0011149-0011151, **TAB Q**: In August 2010, ICE began "to look into a legal mandate, provision, law, etc. that would allow ICE/DHS to request fingerprint information from the FBI for law enforcement and/or criminal justice purposes, regardless of whether states and locals can opt in or out."

ICE FOIA 10-2674.0007537-0007541, "Secure Communities, FBI CJIS Division and US VISIT Conference Call, Aug. 27, 2010," **TAB R**: At an inter-agency August 27<sup>th</sup> meeting, the agencies discussed a different approach to Secure Communities deployment and the opt-out policy going forward. The meeting had four agenda items: "What Opting Out of Secure Communities Means in 2013," "LEA Centric vs. Jurisdiction Deployment Approaches," "ORI Validation Process", and "How to Get Cook County Activated".

ICE FOIA 10-2674-0002912-2976, AT 2927, **TAB S**: In an attachment to an email dated September 2010, ICE expressed concerns about the constitutionality of making S-Comm mandatory: "Even though ICE may not truly consider SC a 'program' in the same manner as, e.g. CAP, a court may find the SC's infrastructure, purpose, and activities mark it a program, and thus, could find that ICE cannot compel LEAs to participate."

ICE FOIA 10-2674.0010212-0010216, **TAB T**: In September 2010, ICE acknowledged internally that although there is legislation that makes interoperability mandatory, there is no legislation that makes Secure Communities mandatory.

LETTER FROM DHS SECRETARY NAPOLITANO TO CONGRESSWOMAN LOFGREN, SEPT. 7, 2010, **TAB U**, available at <http://crocodoc.com/yzmmKP>: In this September 2010 letter, Secretary Napolitano explains the process by which localities may opt out of S-Comm.

ICE FOIA 10-2674 10-2674.0003013-.0003022 "SECURE COMMUNITIES – MANDATORY IN 2013", **TAB V**: This memorandum purports to identify the legal authority by which ICE may require participation in Secure Communities. ICE has informed FOIA Plaintiffs that there is no final version of the memorandum. Therefore, the agencies' legal basis for the position that Secure Communities is mandatory or will be mandatory in 2013 is uncertain.

### **C. SECURE COMMUNITIES AS A DRAGNET FOR DEPORTATION**

According to ICE's own data, Secure Communities has led to large numbers of deportations of persons pre-conviction, arrested for driving offenses, or arrested for low level non-violent offenses. The data has caused controversy in many jurisdictions where the program has been activated. Illinois, for example, terminated its participation in Secure Communities because "the implementation of the Secure Communities program in Illinois is contrary to the stated purpose of the MOA."<sup>10</sup> And New York suspended its participation "to review the mounting evidence that the program is not meeting its stated goal and has serious consequences for witnesses, victims of crime and law enforcement."<sup>11</sup> The following documents exemplify the misleading way in which Secure Communities was presented to states and localities as a targeted program for serious criminals.

#### Key Documents

ICE FOIA 10-2674.000277 - ICE FOIA 10-2674.000317, AT ICE FOIA 10-2674.000279, **TAB W**: In this report to Congress, DHS acknowledges Congressional direction that Secure Communities focus on individuals convicted of serious crimes.

ICE FOIA 10-2674.000095 – ICE FOIA 10-2674.000133, AT ICE FOIA 10-2674.000097, **TAB X**: In this first quarterly status report on Secure Communities, DHS notes that Congress allocated funds for ICE to "improve and modernize efforts to identify aliens convicted of a crime [and] sentenced to imprisonment."

ICE FOIA 10-2674.000800 - ICE FOIA 10-2674.000826, AT ICE FOIA 10-2674.00081, **TAB Y**: In this briefing to New York State officials, ICE represents Secure Communities as a program "to target the most dangerous criminal aliens."<sup>12</sup>

<sup>10</sup> Letter from Illinois Governor Pat Quinn to Acting Assistant Director Marc Rapp, May 4, 2011, available at <http://uncoverthetruth.org/wp-content/uploads/2011-05/ilterminate.pdf>.

<sup>11</sup> Press Release, Governor Cuomo Suspends Participation in Federal Secure Communities Program, Albany, June 1, 2011.

<sup>12</sup> ICE's press release announcing the initiation of Secure Communities in California similarly gave the impression that the program was focused on identifying and removing violent, convicted criminals. See Press Release: New ICE initiative uses biometrics to enhance identification and removal of dangerous criminal aliens from Los Angeles County (Aug. 26, 2009), at <http://www.ice.gov/news/releases/0908/090826losangeles.htm>.

SECURE COMMUNITIES NATIONWIDE INTEROPERABILITY STATISTICS THROUGH MAY 31, 2011, **TAB G**: The latest statistics show that 29% of those deported through Secure Communities had no criminal convictions, and another 31% had been convicted only of minor misdemeanors, including traffic offenses.

#### **D. PRIVACY CONCERNS AND THE ROLE OF THE FBI**

The FBI's role in Secure Communities has been subjected to little scrutiny. However, the FOIA documents reveal that the FBI was a central party to key policy decisions about the program. In fact, it was the FBI that first recommended converting Secure Communities from a voluntary to a mandatory program. The FBI apparently deems Secure Communities a key first step in its Next Generation Identification (NGI) Initiative. The NGI Initiative aims to accumulate a massive database on biometric information to be used for both criminal and civil purposes. But officials within both the FBI and ICE have raised concerns that Secure Communities may interfere with privacy rights. In particular, in implementing Secure Communities, DHS may have considered storing certain information about individuals in violation of federal privacy laws and its own internal requirements.

A thorough investigation of Secure Communities must explore these privacy concerns and address what the controversy surrounding Secure Communities may mean for the broader NGI Initiative of which Secure Communities is simply one part.<sup>13</sup> To this end, we request that your office ask the Department of Justice Office of Inspector General to investigate and produce a parallel report reviewing the FBI's role in Secure Communities.

#### Key Documents:

FBI-SC-1312-1313; FBI-SC-1336, **TAB AA**: These documents show that the CJIS Advisory Board, which oversees the FBI's criminal databases, passed a motion in June 2009 to recommend that the FBI convert Secure Communities from a voluntary to a mandatory program at the local level, by requiring that Secure Communities immigration database checks would be transmitted automatically, without regard to instructions provided by the local law enforcement officer. At that time—and as much as one year later—ICE was still representing Secure Communities as voluntary to state and local officials.

FBI SC-1313, **TAB BB**: These documents reveal that the FBI's decision to support mandatory imposition of Secure Communities was not driven any legal mandate. In fact, the FBI considered making Secure Communities voluntary, showing that it viewed opt out as both a technologically possible and lawful option. The FBI chose to go the mandatory route not because of a statutory requirement, but for "record linking/maintenance purposes." In focusing on mundane record keeping issues, the agency failed to weigh any of the considerations that have driven states and localities across the country to withdraw from Secure Communities, including the program's impact on community policing, its association with an increased risk of racial profiling,

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<sup>13</sup> Note that FOIA disclosures referencing NGI are contained in the folder labeled "NGI" on Disk 3.

and its failure to comply with its announced purpose of targeting dangerous criminals.

FBI-SC-1886; FBI-SC-1312, TAB CC: Both FBI and immigration officials have raised questions internally about whether Secure Communities interferes with privacy and invades civil liberties. Notes from one meeting, for example, express concern that Secure Communities “goes against privacy and civil liberties.” In another series of emails, FBI officials raised concerns that users of the FBI databases would be surprised to learn that the FBI was using their data to perform searches that the users had neither requested nor authorized.

DHS FBI-SC 1885-89; FBI-SC-1875-78, TAB DD: These documents suggest that US-VISIT, a component of DHS, may have considered implementing Secure Communities in a way that stored certain information about U.S. citizens in possible violation of their own internal requirements and privacy laws.

## E. IMPACT ON VULNERABLE GROUPS

With large numbers of people funneled into the removal process due to Secure Communities, there is increased risk of harm and due process violations to women, mentally disabled persons and juveniles. Moreover, Secure Communities increases the risk that U.S. Citizens (especially those who have derived citizenship) will be erroneously identified as non-citizens and as a result not able to gain release from criminal custody. In Secure Communities' first year, five percent of people identified as matches were in fact U.S. citizens.<sup>14</sup> The OIG should specifically investigate the impact Secure Communities has on women, juveniles, persons with mental disabilities and U.S. Citizens. To date, ICE has produced no data on the number of individuals erroneously detained or subject to deportation proceedings as a result of Secure Communities.

## F. COSTS

ICE regularly promotes Secure Communities as a program that places little or no burden on states and localities. But it is not clear whether this representation is accurate. Indeed, some aspects of Secure Communities appear to place significant financial burdens on states and localities. The extent of that burden should be a key question for the OIG investigation.

For example, the cost of the equipment necessary to participate in Secure Communities may be prohibitive.<sup>15</sup> In addition, immigration “detainers,” or ICE holds, which are a key component of Secure Communities, may be extremely costly. ICE holds are the principle means by which individuals identified through Secure Communities are transferred to ICE. An ICE hold is a request that the local law enforcement agency detain an individual for up to 48 hours beyond the time at which the person would normally be released. This additional detention creates a

<sup>14</sup> Secure Communities Nationwide Interoperability Statistics, Fiscal Year 2009, at [http://www.ice.gov/doclib/foia/sc-stats/nationwide\\_interoperability\\_stats-fy2009.pdf](http://www.ice.gov/doclib/foia/sc-stats/nationwide_interoperability_stats-fy2009.pdf).

<sup>15</sup> Nancy Lofholm, *Program to find criminal illegal immigrants hampered in Colo. by pricey equipment*, The Denver Post, July 6 2011



significant expense. ICE holds can also result in additional detention time well beyond 48 hours, because individuals with ICE holds are often unable or unwilling to post bail on their criminal charges, and instead remain detained during the course of their criminal proceedings. For certain offenses, the length of detention may extend to weeks, months and even years.

## G. SUBCONTRACTORS

One of the most prominent controversies about Secure Communities to date surrounded the role of a sub-contractor, who was blamed by ICE for much of the confusion surrounding the agency's opt out policy. In response, the contractor himself offered a very different version of events.<sup>16</sup> This exchange raised serious questions about oversight, control and whistle-blower protections for subcontractors. The issue also raises questions about whether ICE is outsourcing core duties that should be the responsibility of government employees, many covered by a collective bargaining agreement. These questions should be addressed by the OIG investigation.

## H. MODIFICATIONS

Since the OIG first announced its investigation on May 10, 2011, ICE has announced a series of minor modifications to the Secure Communities program. These modifications fail to address the fundamental flaws in the design and implementation of the program.<sup>17</sup>

Moreover, scrutiny of ICE's recent announcements should not be impeded by the timeline of your review. We encourage your office to address the announcements in your report. You may wish to include, for example, analysis relating to (1) how and whether earlier similar policies or modifications by ICE to enforcement policies have effectively addressed concerns, (2) how much the announcements depart from pre-existing ICE policies or practices; and (3) how the announcement compares to OIG's recommendations. We also suggest that the OIG consider a follow-up review to study the impact of the announced adjustments, if a comprehensive assessment is not included in the instant review.

We hope that the enclosed information will prove useful in your important investigation. The FOIA lawsuit is ongoing and the agencies continue to produce records.<sup>18</sup> Accordingly, we will continue to share documents potentially relevant to your review as we receive them. We respectfully request a meeting with you to further discuss the information contained in the FOIA documents and the questions they raise about Secure Communities. Please contact Jessica Karp

<sup>16</sup> See Letter from Dan Cadman to Congresswoman Lofgren, May 9, 2011, available at [http://crjjustice.org/files/Lofgren\\_Cadman\\_letters\\_May2011.pdf](http://crjjustice.org/files/Lofgren_Cadman_letters_May2011.pdf).

<sup>17</sup> Tab Z, Illinois Coalition for Immigrant and Refugee Rights (ICIRR), Immigrant Defense Project (IDP), National, Day Laborer Organizing Network (NDLON), Northern Manhattan Coalition for Immigrant Rights (NMCIR), Briefing Guide to ICE's Minor "Secure Communities" Modifications.

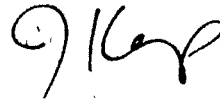
<sup>18</sup> For example, on July 11, 2011, the court ordered re-production of certain previously redacted documents or portions of documents. *NDLON et al. v. ICE et al.*, 10-cv-3488 (SAS), Opinion and Order, Jul. 11, 2011 (granting partial summary judgment to plaintiffs and ordering defendants to release redacted portions of certain documents from the opt-out production by August 1, 2011).

ofNDLON at jkarp@ndlon.org or (213) 380.2785 to arrange the meeting. We also encourage you to contact Ms. Karp at any time with questions or concerns about the records.

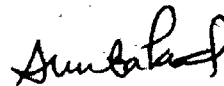
Sincerely,



Bridget P. Kessler  
Immigration Justice Clinic



Jessica Karp  
Staff Attorney, NDLON



Sunita Patel  
Staff Attorney, CCR

Encl. TAB A-DD – Select Key FOIA Disclosures (hard copy)

*NDLON v. ICE* FOIA Disclosures (3 Disks):

***NDLON v. ICE* FOIA Disclosures - Disk 1**

- ICE Bates #s ICE-FOIA-2674.0000001-ICE FOIA 2674.0014124
- DHS Bates #s DHS.000001-DHS.000195
- FBI Bates #s SC.51- SC.2966
- EOIR Bates #s EOIR.00001-EOIR.00027
- DHS-DOS-DOJ Interoperability Agreement ICE-FOIA-2674.0001718-ICE FOIA 2674.0001736

***NDLON v. ICE* FOIA Disclosures – Disk 2**

- ICE Bates #s ICE FOIA 2674.0014124- ICE FOIA 2674.0016138
- DHS Bates #s DHS.000318-DHS.000648
- FBI Bates #s 03320-252316; FPL-1-FPL-47

***NDLON v. ICE FOIA Disclosures – Disk 3***<sup>19</sup>

- Opt-Out Production by State: Colorado, Florida, Illinois, Maryland, Massachusetts, Minnesota, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Texas, Virginia, Washington, Washington D.C., Wisconsin.
- Next Generation Identification (NGI) Documents
- FBI CJIS Agreements with all states and territories

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<sup>19</sup> Note that the documents on Disk 3 are the same as those included on Disk 1 and Disk 2, but organized by topic to facilitate review.