



U.S. Immigration
and Customs
Enforcement

June 5, 2015

Michael Napier
2525 East Arizona Biltmore Circle; Suite 135
Phoenix, AZ 85016

**RE: *Edward "Bud" Tuffly v. U.S. Dep't. of Homeland Security*, No. 2:15-cv-00067-ROS
(D. Ariz., filed January 15, 2015), ICE FOIA Case Number 2015-ICFO-06247**

Dear Mr. Napier:

U.S. Immigration and Customs Enforcement (ICE) is providing you with a release of documents responsive to the Freedom of Information Act (FOIA) request filed by your client Edward Tuffly dated November 10, 2014, seeking:

Records sufficient to identify all ICE detainees released in late February or early March 2013 from the following detention facilities due to alleged fiscal or budget uncertainty: (a) Central Arizona Correctional Center in Florence, Arizona; (b) Eloy Detention Center in Eloy, Arizona; (c) Florence Correctional Center in Florence, Arizona; (d) Florence SPC in Florence, Arizona; and (e) Pinal County Adult Detention Center in Florence, Arizona.

For each detainee identified the I-213 form(s) documenting the detainee's arrest.

For each detainee identified, records sufficient to identify: (a) the date the detainee was released; (b) the facility from which the detainee was released; (c) the detainee's criminal history or criminal charges at the time of release; (d) methods of supervision to which the detainee was subjected; and (e) whether the detainee appeared for subsequent removal or other proceedings and/or was removed from the United States.

On November 17, 2014, your client identified the exact date range for the requested records as February 22, 2013, through March 15, 2013. This FOIA request is the subject of the above referenced litigation matter.

This request is being processed under the FOIA, 5 U.S.C. §552.

This release consists of four hundred and one (401) pages and one (1) Microsoft Excel spreadsheet located pursuant to a search of the ICE Office of Enforcement and Removal Operations (ERO). Portions of the documents were withheld pursuant to Exemptions b(6), b(7)(C), and b(7)(E) of the FOIA.

ICE applied Exemptions (b)(6) and (b)(7)(C) to protect from disclosure the names and personally identifiable information pertaining to detainees and third party individuals.

FOIA Exemption (b)(6) exempts from disclosure personnel or medical files and similar files, the release of which would cause a clearly unwarranted invasion of personal privacy. The assertion of this exemption requires a balancing of the public's right to disclosure against the individual's right privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you or your client may have in that information does not factor into the aforementioned balancing test.

FOIA Exemption (b)(7)(C) protects records or information compiled for law enforcement purposes that could reasonably be expected to constitute an unwarranted invasion of personal privacy. This exemption takes particular note of the strong interests of individuals, whether they are suspects, witnesses, or investigators, in not being unwarrantably associated with alleged criminal activity. That interest extends to persons who are not only the subjects of the investigation, but those who may have their privacy invaded by having their identities and information about them revealed in connection with an investigation. Based upon the traditional recognition of strong privacy interest in law enforcement records, categorical withholding of information that identifies third parties in law enforcement records is ordinarily appropriate. As such, I have determined that the privacy interest in the identities of individuals in the records you have requested clearly outweigh any minimal public interest in disclosure of the information. Please note that any private interest you may have in that information does not factor into this determination.

ICE applied Exemption (b)(7)(E) to protect from disclosure data such as internal law enforcement systems, case numbers, agency case numbers and dates of arrests, the release of which would allow a person with unauthorized access to potentially circumvent the law.

FOIA Exemption (b)(7)(E) protects records compiled for law enforcement purposes, the release of which would disclose techniques and/or procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, if such disclosure could reasonably be expected to risk circumvention of the law. ICE has determined disclosure of certain law enforcement sensitive information contained within the responsive records could reasonably be expected to risk circumvention of the law. Additionally, the techniques and procedures at issue are not well known to the public.

If you have any questions about this response, please contact Assistant United States Attorney Katherine R. Branch at (602) 514-7762.

Sincerely,

A handwritten signature in black ink, enclosed in a hand-drawn oval. The signature is stylized and appears to read 'Catrina M. Pavlik-Keenan'. To the right of the signature, the letters 'FON' are handwritten.

Catrina M. Pavlik-Keenan
FOIA Officer

Attachment(s): 1 .pdf containing 401 pages, 1 Excel Spreadsheet

cc: Katherine R. Branch, Assistant United States Attorney