

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IMMIGRANT DEFENSE PROJECT, HISPANIC
INTEREST COLATION OF ALABAMA, and CENTER
FOR CONSTITUTIONAL RIGHTS,

Plaintiffs,

v.

UNITED STATES IMMIGRATION AND CUSTOMS
ENFORCEMENT AGENCY and
UNITED STATES DEPARTMENT OF
HOMELAND SECURITY,

Defendants.

14 Civ. 6117 (JPO)

**SECOND DECLARATION OF REBA MCGINNIS
IN SUPPORT OF THE UNITED STATES IMMIGRATION AND CUSTOMS
ENFORCEMENT AGENCY**

I, Reba A. McGinnis, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

I. INTRODUCTION

1. I am the Unit Chief of the Records and Disclosure Unit (RDU), Policy, Planning and Records Management Division, Mission Support, Homeland Security Investigations (HSI), at U.S. Immigration and Customs Enforcement (ICE) within the U.S. Department of Homeland Security (DHS). I have held the position of Unit Chief since September 2007. My office is located at 500 12th Street, SW, Washington, DC 20536.

2. As the Unit Chief of the RDU, my official duties and responsibilities include the general management, oversight, and supervision of the RDU which includes the Freedom of Information Act/Privacy Act (FOIA/PA) Section. The FOIA/PA Section coordinates searches

for and conducts reviews of HSI information in response to the FOIA/PA requests received by HSI, and has oversight of the FOIA/PA functions in the twenty-six (26) Offices of the Special Agent in Charge (SAC) of HSI, within ICE.

3. In my role as the Unit Chief for the RDU, I am familiar with the facts of this case relating to the FOIA request submitted by Plaintiffs to ICE dated October 17, 2013. The FOIA request seeks documents related to “home enforcement operations” which Plaintiffs defined as “ICE operations in, at, or around homes or residences.”

4. I make this declaration in my official capacity in support of Defendants in the above-captioned action. The statements contained in this declaration are based on my personal knowledge and experience, my review of documents kept by ICE in the ordinary course of business, including documents maintained in official files, and information provided to me by other ICE employees in the course of my official duties.

5. This declaration supplements and incorporates by reference my previous declaration dated September 30, 2015, styled “Declaration of Reba McGinnis in Support of the United States Immigration and Customs Enforcement Agency.”

II. ADDITIONAL DESCRIPTION OF HSI OFFICES TASKED WITH SEARCHING FOR RECORDS IN RESPONSE TO PLAINTIFF’S FOIA REQUEST

6. In addition to my declaration dated September 30, 2015, I would add the following information regarding HSI’s offices and the searches performed by those offices:

7. In addition to the information provided in my declaration dated September 30, 2015, where I described the searches conducted by the HSI Policy, Planning and Records Management (PPRM), I would like to add the following information regarding the search(es) performed by this office: Based on his experience and knowledge of how HSI policy

information is kept, the Section Chief of the HSI Policy Unit did not search his hard drive, shared drives, or his Microsoft Outlook e-mail account, and did not use any specific search terms in his search. *HSI Net* is the database where HSI policy information resides. The Section Chief conducted a manual, document by document review of all HSI policies stored on *HSI Net*, where any potentially responsive documents may have been located. Responsive documentation was then provided to ICE FOIA on September 2, 2014.

8. In addition to the information provided in my declaration dated September 30, 2015, where I described the searches conducted by the HSI Law Enforcement Support Information Management (LESIM), I would like to add the following information regarding the search(es) performed by this office: A Special Agent within LESIM was tasked with searching in response to the FOIA request. Based on her experience and knowledge of LESIM's practices and activities, she did not search her hard drive, shared drives, or her Microsoft Outlook e-mail account and did not use any specific search terms because HSI statistical information resides in the Enterprise Data Warehouse, and not in local files, folders, or e-mail accounts. The Special Agent conducted a manual sixteen (16) hour search within the Enterprise Data Warehouse, searching by the SAC office locations and the dates listed in the FOIA request and produced four responsive reports. Responsive documentation was then provided to ICE FOIA on September 2, 2014 and released to the Plaintiffs in rolling productions between December 19, 2014 and March 19, 2015.

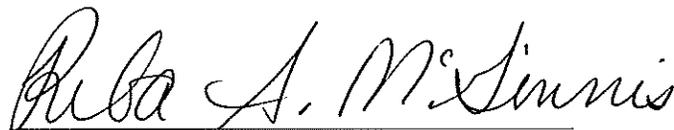
9. In addition to the information provided in my declaration dated September 30, 2015, where I described the searches conducted by the HSI Special Agent in Charge (SAC) Buffalo Field Office, I would like to add the following information regarding the search(es) performed by this office: The HSI SAC Buffalo FOIA POC tasked thirteen Group Supervisors

and Resident Agents in Charge with responding to the FOIA request. All of the Group Supervisors and Resident Agents in Charge are well-versed in the kind of work that is handled by the HSI SAC Buffalo office because they supervise, approve, and oversee the work of the entire office staff. This is the reason that the FOIA POC sought them out to respond to the FOIA request. Based on their experience and knowledge of HSI SAC Buffalo's practices and activities, the Group Supervisors and Resident Agents in Charge responded to the FOIA request in the negative. The Group Supervisors and Resident Agents in Charge then asked each of the employees in their area of responsibility if they had any responsive documentation with respect to the subject matter of the FOIA request, and each employee responded in the negative. The Group Supervisors and Resident Agents in Charge then responded on behalf of the HSI SAC Buffalo office with a no records response on December 7, 2013.

10. In addition to the information provided in my declaration dated September 30, 2015, where I described the searches conducted by the HSI SAC New York Office, I would like to add the following information regarding the search(es) performed by this office: The Special Agent tasked by the FOIA POC in the HSI SAC New York Office did not search his hard drive or shared drives because, based on his experience and knowledge of HSI SAC New York's practices and activities, his knowledge about the kind of work that is handled by the HSI SAC New York office and how that office's files are stored, he determined that his Microsoft Outlook e-mail account was the only location where any potentially responsive documents may have been located. The Special Agent then searched his Microsoft Outlook e-mail account with specific terms such as "arrest," "residence," "statistical information," and "arrest statistics." The Special Agent responded with a no records response on August 28, 2014.

11. In addition to the information provided in my declaration dated September 30, 2015, where I described the searches conducted by the HSI SAC New Orleans Field Office, I would like to add the following information regarding the search(es) performed by this office: The Resident Agent in Charge searched paper files manually, his Microsoft Outlook e-mail account, and his work computer, on both his hard drive and shared drives. Based on his knowledge and expertise regarding his office's activities and practices, he asserted that although HSI SAC New Orleans office may have addresses where arrests, warrants, or other law enforcement actions take place, the office does not subdivide or track that information based on the location type, such as whether an address is a residence, business, or elsewhere, and therefore would not have records responsive to this request. The HSI SAC New Orleans Office responded with a no records response on December 11, 2013.

12. I declare under penalty of perjury that the forgoing is true and correct to the best of my knowledge and belief. Signed this 5th day of April 2016.



Reba McGinnis, Unit Chief
Records and Disclosure Unit
Policy, Planning and Records Management
Homeland Security Investigations
U.S. Department of Homeland Security
U.S. Immigration and Customs Enforcement
500 12th Street, S.W., Stop 5009
Washington, D.C. 20536-5009