

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 PAULA HARRINGTON  
IN SUPPORT OF THE UNITED STATES IMMIGRATION AND CUSTOMS  
ENFORCEMENT AGENCY**

I, Paula Harrington, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

**I. INTRODUCTION**

1. I am the Unit Chief of the Information Disclosure Unit (IDU) within Enforcement and Removal Operations (ERO) at U.S. Immigration and Customs Enforcement (ICE). I served as the Acting Chief from June 2014 until July 26, 2015, when I became the Unit Chief. Prior to joining ICE in 2008 as a Management and Program Analyst, I spent 31 years at the Justice Department in various positions with the last being a Budget Analyst in the Executive Office for United States Attorneys. The IDU mailing address is 500 12th Street, S.W., STOP 5202, Washington, D.C. 20536-5202.

2. IDU coordinates and processes ERO responses to FOIA requests, serves as ERO audit liaisons, and coordinates ERO responses for litigation information and documentation with the Department of Homeland Security's (DHS) legal divisions.

3. As the Unit Chief, my official duties and responsibilities include the general management, oversight, and supervision of IDU. I manage and supervise a staff comprised of Management and Program Analysts, Writer Editors, a Mission Support Specialist, a Staff Assistant, and a Detention and Deportation Officer who report to me regarding their areas of responsibilities.

4. In my role as the Unit Chief for IDU, I am familiar with 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."

5. I make this declaration in support of ICE in the above captioned action. The statements contained in this declaration are based upon my personal knowledge, my review of documents kept by ICE in the ordinary course of business, and information provided to me by other ICE employees in the course of my official duties.

6. This declaration supplements and incorporates by reference my previous declaration dated September 30, 2015, styled "Declaration of Paula Harrington in Support of the United States Immigration and Customs Enforcement Agency."

**II. ADDITIONAL DESCRIPTION OF ERO OFFICES TASKED WITH SEARCHING FOR RECORDS IN RESPONSE TO PLAINTIFF'S FOIA REQUEST**

7. In addition to the information provided in my declaration dated September 30, 2015, I would add the following information regarding ERO's offices and the searches performed by those offices:

8. In addition to the information provided in my declaration dated September 30, 2015, where I described the searches conducted by the ERO Law Enforcement Systems and Analysis (LESA), I would add the following information regarding the office description and the search(es) performed by this office: LESA is responsible for helping the development of ERO strategies and supporting continuous enhancement of ERO business processes to execute those strategies, as they relate to data collection and analysis. However, while LESA does track operation codes or names, LESA does not specifically track the term "home enforcement operations" or otherwise keep track of whether enforcement operations occur in or at homes, and thus would be unable to utilize that as a search parameter. Further, just as LESA is unable to produce a data set that is specifically related to "home enforcement operations" as the data is not tracked in that manner, LESA is also unable to specifically track other singular data points as they relate specifically to "home enforcement operations" even if the singular data points exist in the database. For example, LESA does not specifically track how enforcement or removal operations are carried out, or certain specifics regarding where the operation occurred, such as whether the operation occurred at a business, a residence, a street, etc. However, even when LESA records a singular data point such as specific addresses, when available, LESA does not know—and does not track—whether that address is a business, a residence, a street, or some other type of location. Therefore, even if LESA does have singular data points for addresses where arrests may have taken place, LESA is not able to determine what those addresses represent in terms of whether they are a residence, a business or any other type of location and

would be unable to perform a search by a “type” of location. Because LESA determined, based on their knowledge and experience as it relates to their offices practices and activities, that a data set would be unable to be created or pulled as defined by the substance of the FOIA request, a search of their office would not be reasonably calculated to uncover any relevant documents.

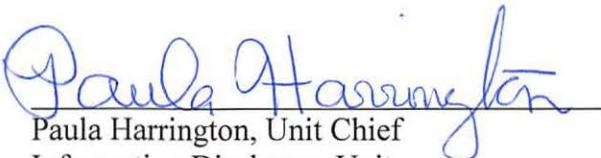
9. In addition to the information provided in my declaration dated September 30, 2015, where I described the searches conducted by the ERO Enforcement (previously known as Secure Communities and Enforcement), I would like to add the following information regarding the search(es) performed by this office: Based on his experience and knowledge of Enforcement’s practices and activities, the Enforcement Acting Unit Chief did not use search terms, and instead, conducted a manual, document by document review of the following locations, which based on his experience were the only places where any potentially responsive documents to this request may have been found: the local folders on his computer, the Enforcement shared drive, and the ICE intranet. Responsive documentation was then provided to ICE FOIA on December 3, 2013.

10. In addition to the information provided in my declaration dated September 30, 2015, where I described the searches conducted by the ERO Policy, I would like to add the following information regarding the search(es) performed by this office: After a litigation review, on March 21, 2016, the ERO Information Disclosure Unit (IDU) tasked ERO Policy for a second time, requesting that ERO Policy conduct a search for and provide the ICE FOIA Office with all documentation concerning the Request, in order to verify that the initial search was complete. A FOIA point of contact (POC) in ERO Policy reviewed the substance of the request and, based on the POC’s experience and knowledge of ERO Policy’s office practices and activities, tasked an ERO Senior Policy Analyst to search for potentially responsive

documentation. The Senior Policy Analyst searched the ERO Policy Library (EPL) and the ICE Policy Manual (IPM), using the following search terms: “house”, “residence,” “encounters,” “enforcement operations,” “enforcement,” “operations,” “at-large,” “fourth amendment,” “search,” and “premises.” EPL is the primary database that contains ERO policies, and IPM is the primary database that contains ICE’s policies. The Senior Policy Analyst located responsive documentation, which was provided to ICE FOIA on March 23, 2016. Upon review of the responsive documentation by ICE FOIA and the ICE Office of the Principal Legal Advisor (OPLA) during the course of the litigation, it was determined that the responsive documentation found during the second search had all been previously released to the Plaintiffs in rolling productions between December 19, 2014 and March 19, 2015.

11. With respect to the searches conducted by the ERO Buffalo Field Office, ERO New Orleans Field Office, and the ERO New York Field Office, I have no additional information to add to what I provided in my declaration dated September 30, 2015, and I believe that the searches conducted were thorough and described in sufficient detail.

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

  
Paula Harrington, Unit Chief  
Information Disclosure Unit  
Enforcement and Removal Operations  
U.S. Department of Homeland Security  
U.S. Immigration and Customs Enforcement  
500 12th Street, S.W., Stop 5202  
Washington, D.C. 20536-5202