



July 16, 2020

U.S. Immigration and Customs Enforcement
Freedom of Information Act Office
500 12th Street SW, Stop 5009
Washington, D.C. 20536-5009

RE: Freedom of Information Act request

To Whom it May Concern:

This is a request under the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA"), on behalf of the Immigrant Defense Project ("IDP"), Organized Communities Against Deportations ("OCAD") and the Center for Constitutional Rights ("CCR") (collectively "the Requesters") to the U.S. Immigration and Customs Enforcement Agency ("ICE") for information relating to "citizen's academies" operated by ICE. We ask that you please direct this request to all appropriate offices and departments within the agency, including but not limited to the Enforcement and Removal Operations' ("ERO") and Homeland Security Investigations ("HSI").

Purpose of Request

This request is in regard to records and data concerning ICE's "citizens academy" programs which reportedly take place in cities and states throughout the country. As organizations that engage in advocacy and public education on behalf of immigrant communities, IDP, OCAD, and CCR have an interest in understanding the implementation and impact of these academies. Because the Requesters disseminate policy and educational materials to the public for no cost, information obtained from this FOIA request will better enable communities they represent as well as the general public in understanding the purpose and operations of these academies as well as their cost to taxpayers.

Request

- A. With regard to past, present and future “citizens academies” run by ICE and/or any of its subcomponents in any jurisdiction in the United States, we request the following records¹:
1. All training and orientation materials distributed for each session and/or class
 - i. This includes, but is not limited to, Powerpoints, spreadsheets, videos, curriculum, agenda, readings or other materials distributed for use by either academy teachers/administrators and/or participants.
 2. Staffing records and data for the all ICE citizen academy programs since January 1, 2016, including:
 - i. Total number of ICE staff broken down by office and title
 - ii. Total number of staff from other federal agencies, broken down by office and title.
 - iii. Total number of law enforcement personnel from state agencies, broken down by agency, title and role in academy.
 - iv. List of any outside speakers privately contracted for academy
 3. Any records or data for ICE’s 2019-2020 national budget for all ICE citizen academy programs, including breakdowns for:
 - i. Personnel costs
 - ii. Contractor costs
 - iii. Materials costs, including items such as commemorative coins, certificates, incidentals
 - iv. Facility rental or costs
 - v. Insurance
 - vi. Recruitment and invitation costs
 4. Records and data regarding ICE citizens academy invitees and attendees, including:
 - i. Any records regarding the ICE policies or protocols for how it selects organizations, companies, individuals or others to invite to its citizen academies
 - ii. Any records regarding ICE policies or protocols for how it selects academy applicants who will attend its citizen academies.
 - iii. List of private companies, government organizations, educational institutions and individuals where invitations have been or plan to be sent since January 1, 2016.

¹ In this request the term “record(s)” includes, but is not limited to, all Records or communications preserved in electronic (including metadata) or written form, such as correspondences, emails, documents, data, videotapes, audio tapes, faxes, files, guidance, guidelines, evaluations, instructions, analyses, memoranda, agreements, notes, orders, policies, procedures, legal opinions, protocols, reports, rules, talking points, technical manuals, technical specifications, training manuals, studies, or any other Record of any kind.

- iv. List of private companies etc. whose employees have enrolled in academy since January 1, 2016.
 - v. Total number of Enrollees since January 1, 2016.
 - vi. Any demographic data collected by ICE in regards to applicants and attendees, such as national origin and gender. *See* Attachment A, "Office of Enforcement & Removal Operations Citizen's Academy Application."
5. Any and all records listing the types of tactical equipment used by and/or demonstrated to citizens academy participants during any ICE citizens academy since January 1, 2016, including but not limited to: firearms, Tasers, drones, or other equipment.
- B. In regard to the upcoming Chicago, IL citizens academy run by ICE and/or any of its subcomponents, we request all records listed in Request Part A, #1-5 above.
- C. In regard to the ICE HSI citizens academy held in New York in 2017, we request all records listed in Request Part A, #1-5 above.²
- D. In regard to the ICE HSI citizens academy held in Los Angeles, CA in DATE and CITE, we request all records listed in Request Part A, #1-5 above.³

Format of Production

Please search for responsive records regardless of format, medium, or physical characteristics, and including electronic records. Please provide the requested documents in the following format:

- Provided via email or on a CD, DVD, hard drive or other hardcopy media;
- In PDF format wherever possible;
- Electronically searchable wherever possible;
- Each paper record in a separately saved file;
- "Parent-child" relationships maintained, meaning that the Requester must be able to identify the attachments with emails;
- Any data records in native format (i.e. Excel spreadsheets in Excel);
- Emails should include BCC and any other hidden fields;
- With any other metadata preserved.

Requesters

Immigrant Defense Project (IDP) is a non-profit organization whose mission is to promote fundamental fairness for immigrants accused or convicted of crimes. IDP works to protect and

² *See* ICE Press Release, "HSI New York graduates its inaugural Citizens Academy," March 2017. Available at: <https://www.ice.gov/news/releases/hsi-new-york-graduates-its-inaugural-citizens-academy>

³ *See* ICE Press Release "HSI Los Angeles completes inaugural Citizens Academy," April 2016. Available at: <https://www.ice.gov/news/releases/hsi-los-angeles-completes-inaugural-citizens-academy>

expand the rights of immigrants who have contact with the criminal legal system, including: 1) working to transform unjust deportation laws and policies; 2) minimizing the harsh and disproportionate immigration consequences of contact with the criminal legal system; and 3) educating and advising immigrants, their criminal defenders, and other advocates. IDP disseminates information about the immigration system to the public in accessible ways and is a leader in providing training and support for legal practitioners, community-based organizations, and community members. IDP provides expert information and community-based education on ICE tactics, including surveillance practices, and possible legal and policy remedies.

Organized Communities Against Deportations (OCAD) is an undocumented-led group that organizes against deportations, detention, criminalization, and incarceration, of Black, brown, and immigrant communities in Chicago, Illinois and surrounding areas since 2013. Through grassroots organizing, legal and policy work, direct action, and cross-movement building OCAD fights alongside families and individuals to stop deportations and to create an environment for undocumented communities to thrive, work, and organize with happiness and without fear. OCAD regularly disseminates information vital to its members and the general public via a large social media following and the issuing of press releases.

The **Center for Constitutional Rights** (“CCR”) is a non-profit, public interest legal and advocacy organization that engages in the fields of civil and international human rights. CCR’s diverse issue areas include litigation and advocacy around immigration, as well as racial and ethnic profiling. One of CCR’s primary activities is the publication of newsletters, know-your-rights handbooks, legal analysis of current immigration law issues, and other similar materials for public dissemination. These and other materials are available through CCR’s Development, Communications, and Advocacy Departments. CCR operates a website, <http://ccrjustice.org>, which addresses the issues on which the Center works. CCR staff members often serve as sources for journalist and media outlets, including on issues related to racial justice, police brutality, racial discrimination, and the right to dissent. In addition, CCR regularly issues press releases, has an active social media presence with thousands of followers, and also issues regular email updates sent to over 50,000 supporters about developments and news pertaining to CCR’s work.

Request for Fee Waiver

The Requesters are entitled to a fee waiver pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) on the grounds that "disclosure of the requested records is in the public interest because it is likely to contribute significantly to the public understanding of the activities or operations of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A)(iii). Requesters meet the requirements for a fee waiver because the subject of the request concerns the operations or activities of the government, the disclosure of the information is likely to contribute to a significant public understanding of government operations or activities, the Requesters’ primary interest is in disclosure; and they have no commercial interest in the information. See 6 C.F.R. 5.11(b).

As described in above, the Requesters are non-profit organizations dedicated to educating the public and advocating for civil rights, human rights, and immigrant rights, and have undertaken

this work in the public interest and not for any private commercial interest. Similarly, the primary purpose of this FOIA request is to obtain information to further the public's understanding of federal immigration actions and policies, and their effects on immigrant communities. Access to this information is crucial for Requesters and the communities they serve to evaluate government procedures and actions, as well as their potential detrimental effects.

Requesters will make any information that they receive as a result of this FOIA request available to the public, including the press, at no cost. Disclosure in this case therefore meets the statutory criteria, and a fee waiver would fulfill Congress' legislative intent in amending FOIA. See *Judicial Watch Inc. v. Rossotti*, 326 F.3d 1309 (D.C. Cir. 2003) ("Congress amended FOIA to ensure that it be 'liberally construed in favor of waivers of noncommercial requesters.'").

In the alternative, if no fee waiver is granted and the fees exceed \$250.00, please contact the Requesters to obtain consent to incur additional fees. Processing fees should be limited pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) ("[F]ees shall be limited to reasonable standard charges for document duplication when records are not sought for commercial use and the request is made by ... a representative of the news media.").

Request for Expedited Processing

Expedited processing of this request is required because there is a "compelling need" for the information. See 5 U.S.C. § 552(a)(6)(E)(i)(I). A "compelling need" may exist where there is an "urgency to inform the public concerning actual or alleged Federal Government activity," and the requesting party is "primarily engaged in disseminating information." 6 C.F.R. § 5.5(e)(ii).

There is an urgent need to inform the public of why and how these academies are being operated. In the past week, news of the Chicago, Illinois academy has generated national news headlines⁴ and has drawn the attention of Congressmembers, such as Representative Jesus "Chuy" Garcia (D-IL), who has called for ICE to cancel the academy and requested more information on the programs as well as Representative Michael Quigley (D-IL) who has introduced an amendment to prohibit the use of funds for ICE ERO citizen academies. Immigrant rights advocates and organizations, including Requesters, are very concerned about these citizens academies and their potential in further stoking violence against immigrant communities already targeted by the Trump administration.

Further, as shown above, Requesters OCAD and IDP is primarily engaged in disseminating information.

⁴ See "ICE Offering 'Citizens Academy' Course with Training on Arresting Immigrants" <https://www.newsweek.com/ice-launching-citizens-academy-course-how-agency-arrests-immigrants-1516656> (July 7, 2020); "ICE Citizens Trainings May Be A 'Vigilante Academy,' Chicago Alderman Warns" <https://www.npr.org/local/309/2020/07/10/889726473/i-c-e-citizens-trainings-may-be-a-vigilante-academy-chicago-alderman-warns> (July 10, 2020); "ICE Chicago Citizens Academy faces criticism from activists" <https://abc7chicago.com/ice-program-chicago-citizens-academy-training/6315870/> (July 13, 2020).

Conclusion

The Requesters certify that the above information is true and correct to the best of the Requesters' knowledge. *See* 6 C.F.R. §5.5(e)(3). If this Request is denied in whole or in part, Requesters' ask that ICE justify all deletions by reference to specific exemptions of FOIA. The Requesters expect ICE to release all segregable portions of otherwise exempt material, and reserves the right to appeal a decision to withhold any records or to deny the within application for expedited processing or fee waiver.

If you have any questions regarding the processing of this request, please do not hesitate to contact Ian Head at the email or address below.

Thank you,

Ian Head
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EXHIBIT A



U.S. Immigration and Customs Enforcement

Office of Enforcement & Removal Operations
Citizen's Academy Application

Personal Information

Legal Name: _____
(last) (first) (middle)

List all other names you have used (nicknames, maiden name, etc.):

If you have ever used any other surname or legally changed your name, please list the date, court, and circumstances. (legal name change through marriage does not need to be explained)

Date of Birth (MM/DD/YYYY): ____/____/_____

Place of Birth (city, state, country): _____

Gender: Male___ Female___ Social Security Number (XXX-XX-XXXX): _____

The SSN may be provided via telephone, if desired, via the contact information on the letterhead.

Current Citizenship: _____ If U.S., Acquired by: Birth___ Marriage___ Naturalization___

Contact Information

Current Address: _____

Phone Number: _____ Email Address: _____

Emergency Contact: Name: _____ Phone Number: _____

Relationship: _____

Employment Information

Current Employer & Address: _____

Job Title: _____

Explain your duties and your employer's mission: _____

Purpose of Application

Please explain why you want to attend the ERO Citizen's Academy:



U.S. Immigration and Customs Enforcement

Office of Enforcement & Removal Operations
Citizen's Academy Application

Through your personal or professional leadership position(s), please explain how you would share the information you learn from ERO:

Three horizontal dashed lines for text entry.

List any organizations or associations to which you belong:

Three horizontal dashed lines for text entry.

Commitment

Out of consideration to other applicants, do you agree to attend ALL sessions of the ERO Citizen's Academy? YES___ NO ___

Other Information

Have you ever attended another agency's Citizen's Academy? YES___ NO___

If yes, state which one and the dates: _____

Authorization to Conduct Criminal History Check

Have you ever been CHARGED with a felony offense? YES___ NO___

Have you ever been CONVICTED of a felony offense? YES___ NO___

If yes, please provide details including date, location, arresting agency, charge and disposition:

Three horizontal dashed lines for text entry.

I hereby authorize ERO to conduct a standard check of law enforcement records on me. I understand this check will include, but may not be limited to, any record of charges, prosecutions or convictions for criminal or civil offenses. This check will be used for the purpose of the ERO Citizen's Academy application process. My consent is valid for three months from the date authorized below. Any information obtained will be used for the purpose of providing clearance to participate in the ERO Citizen's Academy.

I understand that my acceptance into the ERO Chicago Citizen's Academy is not guaranteed and is at the discretion of ICE/ERO.

Signature

Date



U.S. Immigration and Customs Enforcement

Office of Enforcement & Removal Operations Citizen's Academy Application

PRIVACY ACT NOTICE AUTHORITY: 5 USC 5701-5733, §§ 5721-5733, 8 USC § 103 and Executive Order 9397. PRINCIPLE PURPOSE(S): This information is being collected for the sole purpose of determining your suitability for participation in the ERO Citizen's Academy. ROUTINE USE(S): "The information on this form may be disclosed as generally permitted under 5 USC § 552a(b) of the Privacy Act of 1974, as amended. DISCLOSURE: The disclosure of information on this form is voluntary; however, failure to provide the information requested may prevent the person from participating in the ERO Citizen's Academy.

Please return this application to the ERO Citizen's Academy Selection Committee. We look forward to your participation!

Selection Committee email contact: CommunityRelations.Chicago@ice.dhs.gov