

U.S. Department of Homeland Security
500 12th St., SW
Washington, D.C. 20536



**U.S. Immigration
and Customs
Enforcement**

February 24, 2022

Austin Evers
American Oversight
1030 15th Street, NW
Suite B255
Washington, DC 20005

RE: ICE FOIA Case Number 2020-ICFO-50353

Dear Mr. Evers:

This letter is the final response to your Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), dated June 05, 2020. You have requested records reflecting any screening or testing for potential coronavirus infection of federal officers or agents dispatched to assist local authorities responding to protest following the May 25, 202 police killing of George Floyd. ICE has considered your request under the FOIA, 5 U.S.C. § 552.

A search of the ICE Office of Professional Responsibility and the ICE Office of Enforcement and Removal Operations for records responsive to your request produced 3 pages that are responsive to your request. After review of those documents, I have determined portions of the pages will be withheld pursuant to Exemptions of the FOIA as described below.

ICE has applied FOIA Exemptions 6 and 7(C) to protect from disclosure the names, e-mail addresses, and phone numbers of DHS employees contained within the documents.

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to 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 may have in that information does not factor into the aforementioned balancing test.

FOIA Exemption 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 has applied FOIA Exemption 7(E) to protect from disclosure internal agency case numbers contained within the document.

FOIA Exemption 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. I have determined that 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.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 90 days of the date of this letter following the procedures outlined in the DHS FOIA regulations at 6 C.F.R. Part 5 § 5.8. You may submit your appeal electronically at GILDFOIAAppeals@ice.dhs.gov or via regular mail to:

U.S. Immigration and Customs Enforcement
Office of the Principal Legal Advisor
U.S. Department of Homeland Security
500 12th Street, S.W., Mail Stop 5900
Washington, D.C. 20536-5900

Your envelope and letter should be marked “FOIA Appeal.” Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

Provisions of FOIA allow DHS to charge for processing fees, up to \$25, unless you seek a waiver of fees. In this instance, because the cost is below the \$25 minimum, there is no charge.

If you need any further assistance or would like to discuss any aspect of your request, please contact the FOIA office and refer to FOIA case number **2020-ICFO-50353**. You may send an e-mail to ice-foia@ice.dhs.gov, call toll free (866) 633-1182, or you may contact our FOIA Public Liaison, Marcus Francis, in the same manner. Additionally, you have a right to right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College

Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

Meronica D. Stoney

Meronica D. Stoney
Supervisory Paralegal Specialist

Enclosure(s): 3 page(s)

From: (b)(6); (b)(7)(C)
Sent: Fri, 12 Jun 2020 00:22:26 +0000
To: (b)(6); (b)(7)(C)
Subject: FW: Potential COVID exposure during DC Civil Unrest Op

(b)(6); (b)(7)(C); (b)(7)(E)

(b)(6); (b)(7)(C); (b)(7)(E) As in getting a test in Virginia. While doing so I recommended he reach out to you guys for guidance like you see I gave my Officer.

Please advise your FOD and any questions please give me a call.

(b)(6); (b)(7)(C)

Unit Chief

U.S. Immigration and Customs Enforcement
Enforcement and Removal Operations
Fugitive Operations

(b)(6); (b)(7)(C)

[cell]

(b)(6); (b)(7)(C)

From: (b)(6); (b)(7)(C)

Date: Wednesday, Jun 10, 2020, 17:09

To: (b)(6); (b)(7)(C)

Subject: RE: Potential COVID exposure during DC Civil Unrest Op
I think CA-2 and get the Agency to pay for your test via CA-16.

(b)(6); (b)(7)(C)

Unit Chief

U.S. Immigration and Customs Enforcement
Enforcement and Removal Operations
Fugitive Operations

(b)(6); (b)(7)(C)

From: (b)(6); (b)(7)(C)

Sent: Wednesday, June 10, 2020 5:04 PM

To: (b)(6); (b)(7)(C)

Subject: FW: Potential COVID exposure during DC Civil Unrest Op

Hey (b)(6); (b)(7)(C)

How is the agency handling COVID testing subsequent to on the job exposure?

From: (b)(6); (b)(7)(C)
Sent: Wednesday, June 10, 2020 5:03 PM
To: (b)(6); (b)(7)(C)
Subject: RE: Potential COVID exposure during DC Civil Unrest Op

Up to you, you've got a little one at home.
Get with (b)(6); if interested.

From: (b)(6); (b)(7)(C)
Sent: Wednesday, June 10, 2020 5:02 PM
To: (b)(6); (b)(7)(C)
Subject: RE: Potential COVID exposure during DC Civil Unrest Op

Should we look into getting tested?

From: (b)(6); (b)(7)(C)
Sent: Wednesday, June 10, 2020 4:54 PM
To: (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
Subject: Potential COVID exposure during DC Civil Unrest Op

SNA, MIA, NYC, (b)(6); (b)(7)(C) and myself were present at the Monday FBI briefing. We had very limited contact with any FBI personal. Including the other Tac Supervisors as general awareness.

Let me know if you have any questions, thanks.

From: (b)(6); (b)(7)(C)
Sent: Wednesday, June 10, 2020 4:34 PM
To: (b)(6); (b)(7)(C)
Subject: FW: Potential COVID exposure during DC Civil Unrest Op

FYSA

I will sent a line to leadership FSA.

Sent with BlackBerry Work
(www.blackberry.com)

From: (b)(6); (b)(7)(C)

Date: Wednesday, Jun 10, 2020, 3:23 PM

To: (b)(6); (b)(7)(C)

Cc:

(b)(6); (b)(7)(C)

Subject: Potential COVID exposure during DC Civil Unrest Op

(b)(6); (b)(7)(C)

Regarding FBI GS (b)(6); (b)(7)(C) who tested positive for COVID: I have confirmed w/ CTOC that (b)(6); (b)(7)(C) was a part of the operation last week, and would have been present during the brief conducted on June 2 on 8th floor of WFO. That briefing was attended by (b)(6); (b)(7)(C) from OFTP, ASAC (b)(6); (b)(7)(C) (DT), (b)(6); (b)(7)(C) (Boston), (b)(6); (b)(7)(C) (NY), (b)(6); (b)(7)(C) (ERO San Antonio), (b)(6); (b)(7)(C) (ERO) and a couple other ERO officers that accompanied (b)(6); (b)(7)(C) names I don't recall). There were approximately 80-100 additional people in the room during the brief, majority unmasked.

(b)(6); (b)(7)(C); (b)(7)(E)

(b)(6); (b)(7)(C) feels fine and hasn't received any reports from the men on any symptoms. I'm feeling fine as well.

(b)(6); (b)(7)(C)

**Assistant Special Agent in Charge
Homeland Security Investigations (HSI)
Washington DC, Virginia and West Virginia**

(b)(6); (b)(7)(C)