

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ORGANIZED COMMUNITIES AGAINST)	
DEPORTATIONS, IMMIGRANT)	
DEFENSE PROJECT, and CENTER FOR)	
CONSTITUTIONAL RIGHTS,)	
)	
Plaintiffs,)	No. 21 C 2519
)	
v.)	Judge J.R. Blakey
)	
UNITED STATES IMMIGRATION AND)	
CUSTOMS ENFORCEMENT,)	
)	
Defendant.)	

**L.R. 56.1 RESPONSE & STATEMENT OF MATERIAL FACTS IN OPPOSITION TO
DEFENDANT’S MOTION FOR SUMMARY JUDGMENT &
IN SUPPORT OF PLAINTIFFS’ CROSS-MOTION FOR SUMMARY JUDGMENT**

Pursuant to Local Rule 56.1, Plaintiffs Organized Communities Against Deportations (“OCAD”), Immigrant Defense Project (“IDP”), and Center for Constitutional Rights (“CCR”) submit this statement of material facts in response to Defendant ICE’s motion for summary judgment and in support of Plaintiffs’ motion for summary judgment.

**A. RESPONSE TO DEFENDANT’S STATEMENT OF MATERIAL FACTS
PURSUANT TO L.R. 56.1(b)(2)**

Jurisdiction & Venue

1. This is an action brought under the Freedom of Information Act (FOIA), and the court has subject matter jurisdiction under 5 U.S.C. § 552. Dkt. 1 (Complaint) ¶ 1.

Response: Undisputed.

2. Venue is proper in this district because plaintiff Organized Communities Against Deportations reside in this district. Dkt. 1 (Complaint) ¶ 18.

Response: Undisputed.

Parties

3. Plaintiffs Organized Communities Against Deportations, Immigrant Defense Project, and Center for Constitutional Rights are non-profit advocacy organizations. Dkt. 1 (Complaint) ¶¶ 13-15.

Response: Undisputed, except that Plaintiffs respectfully refer the Court to the full description of Plaintiffs' organizations in Complaint ¶¶ 13-15.

4. Defendant U.S. Immigration and Customs Enforcement, or ICE, is the principal investigative arm of the Department of Homeland Security and is the second-largest investigative agency in the federal government. Ex. A (Pineiro Decl.) ¶ 21.

Response: This sentence characterizes the internal operations and capacity of ICE and the Department of Homeland Security, and accordingly, Plaintiffs are without knowledge to admit or deny.

FOIA Requests to ICE

5. When ICE receives a proper FOIA request, ICE's FOIA office identifies which program offices are reasonably likely to possess responsive records and tasks those offices with conducting the necessary searches. Ex. A (Pineiro Decl.) ¶¶ 13-14.

Response: This sentence characterizes the internal operations of ICE, and accordingly, Plaintiffs are without knowledge to admit or deny.

6. ICE's program offices are typically staffed with a designated point-of-contact who is the primary person responsible for communicating with the FOIA office. Ex. A (Pineiro Decl.) ¶ 15. Each point of contact has detailed knowledge about the operations of their program office. *Id.*

Response: This sentence characterizes the internal operations of ICE, and accordingly, Plaintiffs are without knowledge to admit or deny.

7. Once ICE's FOIA office determines the appropriate program offices for a given FOIA request, it provides the points of contact in each program office with the FOIA request and instructs them to search for responsive records. Ex. A (Pineiro Decl.) ¶ 16.

Response: This sentence characterizes the internal operations of ICE, and accordingly, Plaintiffs are without knowledge to admit or deny.

8. Based on their experience and knowledge of their program office practices and activities, each point of contact will send the request and any instructions to the employees or component offices within the program office that the point of contact believes are reasonably likely to possess responsive records. Ex. A (Pineiro Decl.) ¶ 16.

Response: This sentence characterizes the internal operations of ICE, and accordingly, Plaintiffs are without knowledge to admit or deny.

9. The employees and component offices are instructed to search their file systems—including both paper files and electronic files—that in their judgment, based on their knowledge of the manner in which they routinely keep records, would be the places reasonably likely to have responsive records. Ex. A (Pineiro Decl.) ¶ 16.

Response: This sentence characterizes the internal operations of ICE, and accordingly, Plaintiffs are without knowledge to admit or deny.

10. ICE employees maintain records in several ways, and ICE's program offices use various systems to maintain records. Ex. A (Pineiro Decl.) ¶ 17. ICE employees may store electronic records on their individual computer hard drives, their program office's shared drive if the office uses one, DVDs, CDs, or USB storage devices. *Id.* Determining whether a particular location must be searched in response to a particular FOIA request is necessarily based on the manner in which a particular employee maintains their files. *Id.*

Response: This sentence characterizes the internal operations of ICE, and accordingly, Plaintiffs are without knowledge to admit or deny.

11. Once the searches are complete, the employees and component offices provide any potentially responsive records to the point of contact, who in turn provides them to the FOIA office. Ex. A (Pineiro Decl.) ¶ 16. The FOIA office then reviews the records for responsiveness and to determine whether any appropriate FOIA exemptions apply. *Id.*

Response: This sentence characterizes the internal operations of ICE, and accordingly, Plaintiffs are without knowledge to admit or deny.

Plaintiffs' FOIA Request

12. Plaintiffs sent ICE a FOIA request on July 16, 2020, seeking “information related to ‘citizen’s academies’ operated by ICE.” Ex. A (Pineiro Decl.) ¶¶ 6-7.

Response: Undisputed, except that Plaintiffs respectfully refer the Court to the full FOIA request submitted by Plaintiffs on July 16, 2020. Compl., ECF 1-1.

13. ICE’s FOIA office initially determined that its Enforcement and Removal Operations component and its Homeland Security Investigations component were the two components likely to have responsive records. Ex. A (Pineiro Decl.) ¶ 22.

Response: This sentence characterizes the internal actions of ICE, and accordingly, Plaintiffs are without knowledge to admit or deny.

14. Enforcement and Removal Operations is responsible for the arrest and removal of aliens, managing ICE’s detention operations, and providing medical and mental health care to people in ICE custody. Ex. A (Pineiro Decl.) ¶ 23.

Response: This sentence characterizes the internal actions of ICE, and accordingly, Plaintiffs are without knowledge to admit or deny.

15. Homeland Security Investigations is DHS’s principal investigative arm and is responsible for investigating transnational crime and threats, specifically criminal organizations that exploit the global infrastructure through which international trade, travel and finance move. Ex. A (Pineiro Decl.) ¶ 23.

Response: This sentence characterizes the internal actions of ICE, and accordingly, Plaintiffs are without knowledge to admit or deny.

16. Enforcement and Removal Operations deferred to the Office of Public Affairs and the Office of Partnership and Engagement, so ICE's FOIA office tasked those offices with searching for responsive records. Ex. A (Pineiro Decl.) ¶¶ 25-26, 30, 33.

Response: This sentence characterizes the internal actions of ICE, and accordingly, Plaintiffs are without knowledge to admit or deny.

17. The Office of Public Affairs is ICE's public face and is comprised of a team of communications professionals dedicated to telling ICE's story and fostering an understanding of the agency's mission through outreach to employees, the media, and the general public. Ex. A (Pineiro Decl.) ¶ 29.

Response: This sentence characterizes the internal actions of ICE, and accordingly, Plaintiffs are without knowledge to admit or deny.

18. The Office of Partnership and Engagement coordinates ICE's outreach efforts with critical stakeholders—including state, local, tribal, and territorial governments; elected officials; law enforcement; the private sector; faith-based organizations; and colleges and universities—to ensure a unified approach to external engagement. Ex. A (Pineiro Decl.) ¶ 32

Response: This sentence characterizes the internal actions of ICE, and accordingly, Plaintiffs are without knowledge to admit or deny.

Enforcement and Removal Operations

19. Although Enforcement and Removal Operations deferred to the Office of Public Affairs and the Office of Partnership and Engagement, ICE's FOIA office subsequently re-tasked Enforcement and Removal Operations to search for responsive records. Ex. A (Pineiro Decl.) ¶¶ 26-28.

Response: This sentence characterizes the internal actions of ICE, and accordingly, Plaintiffs are without knowledge to admit or deny.

20. An Enforcement and Removal Operations analyst searched Enforcement and Removal Operations' shared drive and its sent and received emails using the terms "Academy," "Citizens Academy," and "Citizens," and found no responsive records. Ex. A (Pineiro Decl.) ¶ 28

Response: This sentence characterizes the internal actions of ICE, and accordingly, Plaintiffs are without knowledge to admit or deny.

Office of Public Affairs' Search

21. . The Office of Public Affairs requested clarification from plaintiffs on July 28, 2020, and plaintiffs provided a clarification letter on August 7, 2020, stating that they were "requesting 5 records regarding all citizen academies ICE, or any of its subagencies (such as HSI), has run since January 1, 2016 in 'any jurisdiction' including the academies run in New York in 2017, Los Angeles in 2016 and the upcoming academy planned for Chicago in 2020." Ex. A (Pineiro Decl.) ¶ 10.

Response: This sentence characterizes the internal actions of ICE, and accordingly, Plaintiffs are without knowledge to admit or deny.

22. The Office of Public Affairs conducted a search of its shared drive using the search terms "Citizen," "Academy," "Citizens Academy," "Citizens' Academy," "HSI Citizens Academy," "DHS Academy," "Graduation Ceremony," "Citizen Academies," "presentations," "materials," "costs," "invites," and "certificates." Ex. A (Pineiro Decl.) ¶ 30.

Response: This sentence characterizes the internal actions of ICE, and accordingly, Plaintiffs are without knowledge to admit or deny.

23. The Office of Public Affairs also conducted a search of its sent and received emails using the search terms "Academy," "Citizens Academy," "Citizen," "Citizen's Academy," "Citizens' Academy," "HSI Citizens Academy," "DHS Academy," "Graduation Ceremony,"

“Citizen Academies,” “national budget for all ICE citizen academy programs,” “training and orientation materials distributed for each session and/or class,” “staffing records and data for all ICE citizen academy programs,” “ICE policies or protocols for how it selects academy applicants,” “tactical equipment used by and/or demonstrated to citizens academy participants,” “presentations,” “materials,” “costs,” “invites,” and “certificates.” Ex. A (Pineiro Decl.) ¶ 30.

Response: This sentence characterizes the internal actions of ICE, and accordingly, Plaintiffs are without knowledge to admit or deny.

24. The Office of Public Affairs located 1,113 pages of potentially responsive records and sent them to ICE’s FOIA office for review and processing. Ex. A (Pineiro Decl.) ¶ 31.

Response: This sentence characterizes the internal actions of ICE, and accordingly, Plaintiffs are without knowledge to admit or deny.

The Office of Partnership and Engagement’s Search

25. The Office of Partnership and Engagement conducted a search of its shared drive using the search terms “Citizen,” “Citizen’s,” “Citizen’s Academy,” “Citizens Academy,” “Citizens Academy Atlanta,” “Citizens,” “HSI Citizen’s Academy,” “Citizens Academy, CA,” “Academy,” “HSI Tampa,” “HSI Citizens,” “HSI Citizen Academy,” “Citizen Academy,” “HSI’s 6 Citizen Academy,” “James Manning,” “Sonia Thomas,” and “Rachel Yong Yow.” Ex. A (Pineiro Decl.) ¶ 33.

Response: This sentence characterizes the internal actions of ICE, and accordingly, Plaintiffs are without knowledge to admit or deny.

26. The Office of Partnership and Engagement also conducted a search of its sent and received emails using the search terms “Citizen,” “Citizen’s,” “Citizen’s Academy,” “Citizens Academy,” “Citizens Academy Atlanta,” “Citizens,” “HSI Citizen’s Academy,” “Citizens Academy, CA,” “Academy,” “HSI Tampa,” “HSI Citizens,” “HSI Citizen Academy,” “Citizen Academy,” “HSI’s Citizen Academy,” “James Manning,” “Sonia Thomas,” “Maricruz,” “Tatum,” and “Rachel Yong Yow.” Ex. A (Pineiro Decl.) ¶ 33.

Response: This sentence characterizes the internal actions of ICE, and accordingly, Plaintiffs are without knowledge to admit or deny.

27. The Office of Partnership and Engagement located 343 pages of potentially responsive records and sent them to ICE's FOIA office for review and processing. Ex. A (Pineiro Decl.) ¶ 34.

Response: This sentence characterizes the internal actions of ICE, and accordingly, Plaintiffs are without knowledge to admit or deny.

Homeland Security Investigation's Search

28. Homeland Security Investigations conducted a search of its shared drive using the search terms "Citizens," "Citizens Academy," "Citizen's Academy," "Citizen Academy," "Academy," "ICE Citizen Academy," "ICE Citizens Academy," "HSI Citizens Academy," "Citizens Academy Training," "Citizens Academy Schedule," "Use of Force," "Citizen's Academy (CA)," "2019 Class," "Invitation," "Participants," "Staff," "Training," "Presentation," "Agenda," "Memo," "Receipts," "Procedures," "Equipment," and "CPI PSA." Ex. A (Pineiro Decl.) ¶ 36.

Response: This paragraph characterizes the internal actions of ICE, and accordingly, Plaintiffs are without knowledge to admit or deny.

29. Homeland Security Investigations also conducted a search of its sent and received emails using the search terms "Citizens," "Citizens Academy," "Citizen's Academy," "Citizen Academy," "ICE Citizen Academy," "ICE Citizens Academy," "Citizens Academy Denver," "ICE Citizens Academy," "HSI Citizens Academy," "Citizens Academy Training," "Citizens Academy 7 Schedule," "Citizens Academy Nomination," "certificates," "tent cards for participants," "Use of Force," "Citizens '19," "Citizens 2019," "Academy 2019," "Academy 2020," "Citizens Academy 2021," "Academy 2021," "Citizens '20," "Citizens '21," "Scenarios," "Participants," "PCTW," "Nominees," "Citizen's Academy (CA)," "2019 Class," "Invitation," "Staff," "Training," "Presentation," "Agenda," "Memo," "Receipts," "Procedures," "Equipment," "HSI Miami," and "Staffing." Ex. A (Pineiro Decl.) ¶ 36. 30. Homeland Security Investigations located 5,500 pages of potentially responsive records and sent them to ICE's FOIA office for review and processing. Ex. A (Pineiro Decl.) ¶ 37.

Response: This paragraph characterizes the internal actions of ICE, and accordingly, Plaintiffs are without knowledge to admit or deny.

30. Homeland Security Investigations located 5,500 pages of potentially responsive records and sent them to ICE's FOIA office for review and processing. Ex. A (Pineiro Decl.) ¶ 37.

Response: This paragraph characterizes the internal actions of ICE, and accordingly, Plaintiffs are without knowledge to admit or deny.

ICE's Productions

31. ICE ultimately produced 6,956 pages of responsive records over the course of 17 productions. Ex. A (Pineiro Decl.) ¶ 40.

Response: Undisputed.

ICE's Withholdings

32. ICE withheld from its productions information exempt from disclosure under FOIA exemptions 5, 6, 7(C), and 7(E). Ex. A (Pineiro Decl.) ¶ 40; *see also* 5 U.S.C. § 552(b).

Response: Plaintiffs do not dispute that certain information was withheld pursuant to claimed FOIA Exemptions 5, 6, 7(C) and 7(E), as the Pineiro Declaration sets forth. Plaintiffs dispute that, as a matter of law, certain responsive records are being properly withheld or redacted pursuant to FOIA Exemptions 6 and 7(E).

33. ICE has prepared a Vaughn index setting forth the bases for its withholdings. Ex. A (Pineiro Decl.) ¶ 38.

Response: Undisputed.

34. Under Exemption 5, ICE withheld pre-decisional, deliberative internal discussions, deliberations, and recommendations between DHS and ICE employees regarding how to respond to media inquiries about the Citizen's Academy program and information about the program's operational planning. Ex. A (Pineiro Decl.) ¶ 43. ICE released its final responses to the media inquiries but withheld the internal, pre-decisional and deliberative discussions that occurred before the responses were finalized. *Id.*

Response: Plaintiffs do not dispute that the Pineiro Declaration sets forth these assertions.

Plaintiffs do not challenge information withheld under Exemption 5 at this time.

35. The discussions were pre-decisional in nature because they were held for the purpose of helping to make a final decision on how to respond to outside inquiries. Ex. A (Pineiro Decl.) ¶ 44. Releasing the material would chill ICE’s internal decision-making processes because it would discourage the expression of candid opinions, inhibit the free and frank exchange of information between agency personnel, and ensure that personnel would be less inclined to produce and circulate materials for consideration and comment by coworkers. *Id.* ¶ 46.

Response: Plaintiffs do not dispute that the Pineiro Declaration sets forth these assertions.

Plaintiffs do not challenge information withheld under Exemption 5 at this time.

36. Under Exemptions 6 and 7(C), ICE withheld names, contact information, office numbers, initials, social security numbers, and other personally identifiable information of thirdparty individuals and ICE employees. Ex. A (Pineiro Decl.) ¶ 54.

Response: Plaintiffs do not dispute that the Pineiro Declaration sets forth these assertions.

Plaintiffs dispute that, as a matter of law, certain responsive records are being properly withheld or redacted pursuant to FOIA Exemptions 6. Plaintiffs do not challenge information withheld under Exemption 7(C) at this time.

37. The withheld information, if disclosed, could cause harm to the ICE employees, expose them to identity theft, and could reasonably lead to unwanted contact from someone seeking to harm them. Ex. A (Pineiro Decl.) ¶ 55. In recent years, ICE employees have received an increase in threats, intimidation, and personal attacks due to the nature of their work, and publicly disclosing their information could subject them to harassment or harm. *Id.* ¶ 56. And releasing their email addresses—which are not publicized—could expose them to increased cyber threats. *Id.*

Response: Plaintiffs do not dispute that the Pineiro Declaration sets forth these assertions.

Plaintiffs dispute that, as a matter of law, certain responsive records are being properly withheld or redacted pursuant to FOIA Exemption 6. Plaintiffs do not challenge

information withheld under Exemption 7(C) at this time. In addition, the second and third sentences of this paragraph characterize internal discussions or actions of ICE and, accordingly, Plaintiffs are not in a position to admit or deny.

38. Indeed, reflecting these concerns, in 2020 the Office of Personnel Management approved ICE's request to be designated as a "security/sensitive" agency for FOIA purposes, ensuring that the Office of Personnel Management will withhold any personally identifying information pertaining to ICE employees. Ex. A (Pineiro Decl.) ¶ 57.

Response: Plaintiffs do not dispute that the Pineiro Declaration sets forth these assertions, but this paragraph characterizes internal discussions or actions of ICE and, accordingly, Plaintiffs are not in a position to admit or deny.

39. Likewise, third-party individuals have a privacy interest in not being publicly associated with law enforcement organizations through the release of records compiled for law enforcement purposes, due to the stigmatizing connotation that could come from being mentioned in law enforcement files. Ex. A (Pineiro Decl.) ¶ 58. Their privacy interest outweighs the minimal public interest (if any) in the information's disclosure, and disclosure would serve no public benefit and would not assist the public in understanding how ICE is carrying out its statutory duties. *Id.*

Response: Plaintiffs do not dispute that the Pineiro Declaration sets forth these assertions. Plaintiffs dispute that ICE has produced any evidence of a "stigmatizing connotation" to third parties who appear in law enforcement files solely because they have volunteered to participate in such activities. In addition, Plaintiffs dispute that, as a matter of law, third party individuals who volunteer to participate in activities of law enforcement agencies have a privacy interest or that such privacy interests outweigh the public interest in the information's disclosure such that they are protected by FOIA.

40. Having determined that the disclosure of the information described above would constitute a clearly unwarranted invasion of personal privacy, ICE withheld only the names of the individuals and other personally identifiable information. Ex. A (Pineiro Decl.) ¶ 60.

Response: Plaintiffs do not dispute that the Pineiro Declaration sets forth these assertions.

Plaintiffs dispute that as a matter of law, this information was properly withheld.

41. Under Exemption 7(E), ICE withheld law-enforcement-sensitive information, specifically information about the methods ICE uses to conduct operations. Ex. A (Pineiro Decl.) ¶ 63.

Response: Plaintiffs do not dispute that the Pineiro Declaration sets forth these assertions.

Plaintiffs dispute that as a matter of law, this information was properly withheld under

FOIA Exemption 7(E).

42. The law-enforcement-sensitive information that ICE withheld is used in furtherance of ICE's obligation to enforce the United States' immigration laws by conducting removal operations and ensuring that the operations are not hindered by the actions of bad actors relying on confidential, law-enforcement-sensitive information and intelligence. Ex. A (Pineiro Decl.) ¶ 64.

Response: Plaintiffs do not dispute that the Pineiro Declaration sets forth these assertions.

Plaintiffs dispute that as a matter of law, this information was "confidential, law-enforcement-sensitive information" or was otherwise properly withheld under FOIA Exemption 7(E).

43. Disclosing the law-enforcement-sensitive information that ICE withheld would serve no public benefit and could help third parties circumvent the law, and in particular the disclosure of the methods that ICE uses to conduct removal operations could cause interference with its removal operations and allow bad actors to evade removal, adversely affect law enforcement operations, or engage in activity that could threaten the safety of ICE employees or the public. Ex. A (Pineiro Decl.) ¶ 65.

Response: Plaintiffs do not dispute that the Pineiro Declaration sets forth these assertions, but dispute that the Pineiro Declaration includes any evidence to support these assertions.

Plaintiffs dispute that as a matter of law, this information was “law enforcement sensitive,” or was otherwise properly withheld under FOIA Exemption 7(E).

44. ICE conducted a line-by-line review to identify information exempt from disclosure or for which a discretionary waiver of an exemption could be applied. Ex. A (Pineiro Decl.) ¶ 69.

Response: This paragraph characterizes the internal actions of ICE, and accordingly, Plaintiffs are without knowledge to admit or deny.

45. All information not exempt from disclosure was segregated, and ICE released the non-exempt portions. Ex. A (Pineiro Decl.) ¶ 70.

Response: This sentence characterizes the internal actions of ICE, and accordingly, Plaintiffs are without knowledge to admit or deny, except that Plaintiffs dispute that ICE released all information that was non-exempt as a matter of law.

46. ICE did not withhold any non-exempt information on the ground that it was non-segregable. Ex. A (Pineiro Decl.) ¶ 70.

Response: This sentence characterizes the internal actions of ICE, and accordingly, Plaintiffs are without knowledge to admit or deny, except that Plaintiffs dispute that ICE released all information that was non-exempt as a matter of law.

Overall

47. Overall, ICE searched all of its locations likely to contain records responsive to plaintiffs’ FOIA requests and ensured that any non-exempt information was disclosed. Ex. A (Pineiro Decl.) ¶¶ 14, 16, 22, 25-28, 30-31, 33-34, 36-37, 40-41.

Response: Plaintiffs dispute that ICE searched all locations likely to contain responsive records, as set forth in greater detail in their Statement of Additional Facts, Part B. ¶¶ 17-23 below. Further, Plaintiffs dispute that ICE released all information that was non-exempt

as a matter of law, as set forth in greater detail in their Statement of Additional Facts, Part B. ¶¶ 24-28 below.

B. PLAINTIFFS' STATEMENT OF ADDITIONAL MATERIAL FACTS IN SUPPORT OF THEIR CROSS-MOTION FOR SUMMARY JUDGMENT PURSUANT TO L.R. 56.1(a)(2)¹

1. Plaintiffs OCAD, IDP, and CCR are non-profit entities who filed a request for information (“the Request”) to ICE under the FOIA on July 16, 2020. The Request sought information related to ICE’s “Citizens Academies.” Compl. ¶¶ 49-50, [ECF No. 1](#); [ECF No. 1-1](#).

2. Having received no documents, and having exhausted the administrative process, Plaintiffs filed a federal complaint to compel production of documents sought in a FOIA request. Compl. ¶¶ 53-59, [ECF No. 1](#); Declaration of Antonio Gutierrez, Dec. 7, 2023 (“OCAD Decl.”) ¶¶ 12 attached as Exhibit 1.

3. OCAD is an undocumented-led non-profit organization that has organized against deportations, detention, criminalization, and incarceration of Black, brown, and immigrant communities in Chicago, Illinois and surrounding areas since 2013. Compl. ¶ 13, [ECF No. 1](#).

4. 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 expand the rights of immigrants who have contact with the criminal legal system. Compl. ¶ 14, [ECF No. 1](#).

5. CCR is a non-profit organization, public interest legal and advocacy organization focusing on civil and international human rights, including litigation and advocacy related to immigration and racial and ethnic profiling. Compl. ¶ 15, [ECF No. 1](#).

¹ Plaintiffs respectfully submit these additional facts in response to Defendant’s Statement of Material Facts pursuant to Local Rule 56.1(b) and in Support of their own Cross-Motion for Summary Judgment pursuant to Local Rule 56.1(a). The facts in paragraphs 1 through 8 below address requirements in Local Rule 56.1(a)(3)(A) & (B).

6. ICE is an agency of the United States, as that term is defined at 5 U.S.C. § 551. Complaint ¶ 16, [ECF No. 1](#).

7. Jurisdiction in this Court is proper pursuant to 5 U.S.C. § 552(a)(4)(B). Compl. ¶ 17.

8. Venue lies in the Northern District of Illinois, in that ICE and OCAD reside within that district. Compl. ¶ 18.

ICE's Citizens Academy Program

9. The Citizens Academy program that was the subject of Plaintiffs' Request originated in ICE's Homeland Security Investigations ("HSI") component. In April 2019, the Trump Administration announced a "national roll-out" of the program. *See* U.S. IMMIGR. AND CUSTOMS ENFORCEMENT, *Citizens Academy: Inviting Participants from Local Communities to Learn More about HSI*, (last updated Jan. 8, 2021), attached as Exhibit 2 and available at <https://www.ice.gov/outreach-programs/citizens-academy>.

10. The program has operated through ICE's Office of Public Affairs ("OPA") since 2014 and is branded as an outreach program for selected community leaders and members of the public. *See* U.S. IMMIGR. AND CUSTOMS ENFORCEMENT, *TOP STORY: ICE Launches Inaugural Citizens' Academy* (last updated Feb. 27, 2015), attached as Exhibit 3 and available at <https://www.ice.gov/news/releases/top-story-ice-launches-inaugural-citizens-academy>.

11. In July 2020, ICE announced the pilot of its new ERO Academy in Chicago (the "Chicago Academy"). *See* U.S. IMMIGR. AND CUSTOMS ENFORCEMENT, *ICE Offers first Citizens Academy for public to learn more about agency's mission in Chicago*, (July 13, 2020), attached as Exhibit 4 and available at <https://www.ice.gov/news/releases/ice-offers-first-citizens-academy-public-learn-more-about-agencys-mission-chicago>.

ICE's Productions

12. Defendant ICE began producing documents in February 2022, nineteen months after Plaintiffs submitted their Request. Mar. 31, 2022 Joint Status Report, [ECF No. 35](#) at ¶ 1.

13. In the March 31, 2022 Joint Status Report, [ECF No. 35](#), Plaintiffs proposed that ICE prioritize production of certain records and custodians, including records related to the budget and the “Citizens Academy” program that had been planned for the Chicago field office of ICE’s Office of Enforcement and Removal (“ERO”) as well as ICE field offices in New York and Puerto Rico. *Id.* at ¶11.

14. Plaintiffs reiterated this request for prioritization of searches during discussions with Defendant’s counsel, and then to the Court on Aug. 22, 2022 Joint Status Report, [ECF No. 40](#) at ¶ 1.

15. ICE produced no documents from the Chicago field office of ERO. OCAD Decl. ¶ 17 (Ex. 1).

16. The Chicago field office of ERO had canceled its Citizens Academy program scheduled for September 2020 just two weeks before it was to begin. OCAD Decl. ¶ 17.

17. Plaintiffs identified to Defendant’s Counsel examples of documents from field offices in other jurisdictions that showed that Citizens Academy programs typically began planning for such programs weeks or months in advance, including through recruitment and publicity. OCAD Decl. ¶ 18. (Ex. 1).

18. Plaintiffs also identified evidence of unproduced records from the Chicago field office, including a publicly released letter from the Chicago Field Office Director soliciting applications for the upcoming Citizens Academy program. Sept. 30, 2022 Joint Status Report, [ECF No. 42](#) at ¶ 9.

19. In the December 20, 2023 Joint Status Report, ICE reported that plaintiffs had identified documentation suggesting that the Chicago field office of ERO possessed records responsive to plaintiffs' Request. [ECF No. 44](#) at ¶ 2. ICE reported that it would follow up "to determine whether the office possessed responsive records." [ECF No. 44](#) at ¶ 3.

20. In the January 27, 2023 Joint Status Report, ICE represented to the Court that "the [ERO Chicago field] office has searched for responsive records and determined that it has none." [ECF No. 48](#) at ¶ 2.

21. In June, 2023, ICE issued a re-production of certain information, including some from the Chicago field office of ERO. Among these was an email chain documenting that by July 10, 2020, the Chicago field office had sent applications to third party "stakeholders" and notified Congressional representatives of the Citizens Academy program scheduled for September, 2023. Bates No. 6131A-6139A, attached as Exhibit 5.

22. Of the 6,956 pages of documents produced, few contained budgetary materials such as budgets, expense reports, or meeting notes or emails discussing costs of the programs. OCAD Decl. ¶ 16 (Ex. 1).

23. To date, Plaintiffs have received no budgetary materials for the Citizens' Academy programs operated by ERO and HSI field offices of Chicago, New York, and Puerto Rico, which Plaintiffs identified as priorities. OCAD Decl. ¶ 17 (Ex. 1).

ICE's Claimed Exemptions

24. In documents released to the public, ICE has described the ICE Citizens' Academy programs as programs designed to educate the public about ICE's operations. *See* Letter from Chicago Field Office Director Robert Guadian, attached as Exhibit 6 and available at <https://static1.squarespace.com/static/5a2d8f4b6f4ca325a622037f/t/5f03a905bbac0c209a02c2d4/1594075398053/ERO+Chicago+Citizens+Academy+Memo+2020-07-01.pdf> (last visited Dec. 14, 2023); *see also*

U.S. IMMIGR. AND CUSTOMS ENFORCEMENT, *ICE Offers first Citizens Academy for public to learn more about agency's mission in Chicago*, (July 13, 2020), attached as Exhibit 4.

25. In some productions of Citizens Academy third-party participant lists, ICE has produced in unredacted form the information listed under “Job Function” and “Position/Title.” *See, e.g.*, Bates No. 0177A, attached as Exhibit 7.

26. In other productions, ICE has redacted this identical information from third-party applications to the Citizens Academy program, claiming the right to withhold the information pursuant to FOIA Exemption (b)(6). *See, e.g.*, Bates Nos. 702A, 764A, attached as Exhibit 8.

27. In press releases available to the public, ICE has published the names, employers, and photographs of Citizens Academy participants. *See, e.g.*, U.S. IMMIGR. AND CUSTOMS ENFORCEMENT, *ICE HSI Tampa graduates latest Citizens' Academy*, (updated March 6, 2020), available at <https://www.ice.gov/news/releases/ice-hsi-tampa-graduates-latest-citizens-academy> (identifying Tampa graduates by name and employer, and including a photograph of participants), attached as Exhibit 9; U.S. IMMIGR. AND CUSTOMS ENFORCEMENT, *HSI New York graduates its inaugural Citizens Academy*, (updated March 17, 2017), available at <https://www.ice.gov/news/releases/hsi-new-york-graduates-its-inaugural-citizens-academy> (including a photograph of New York participants and identifying a participant by name and employer), attached as Exhibit 10.

28. ICE has made public in this litigation an “Alumni Newsletter” for past participants of the Citizens Academy programs. Bates No. 3344-3446, attached as Exhibit 11.

29. ICE has disclosed training materials and other documents related to the operations of ICE to hundreds of third-party members of the public since 2014, including “lawyers,

entrepreneurs, bank anti-money laundering specialists and city officials” as well as journalists and non-profit employees. Bates No. 3022, attached as Exhibit 12.

30. In productions to Plaintiffs of identical or similar training materials, ICE has redacted such information, claiming the right to withhold the information pursuant to FOIA Exemption (b)(7)(E). *See, e.g.*, Bates Nos. 3802A and 3816A, attached as Exhibit 13.

Conclusion

31. Three years after Plaintiffs filed their Request, they have yet to see crucial information about ICE’s Citizens Academy programs, programs whose purpose is to release information to the public about ICE. This information remains of urgent concern to Plaintiffs. OCAD Decl. at ¶ 18 (Ex. 1.)

Respectfully submitted,

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