

September 1, 2021

Patricia Battle
County Clerk
207 S Irwin Ave
Ocilla, GA 31774

Via certified mail and email to irwinclerk@mediacombb.net

RE: Request for Records Related to the Confinement of People by ICE at the Irwin County Detention Center

Dear Ms. Battle:

This letter is a request pursuant to the Georgia Open Records Act § 50.18.70 et seq., by the Black Alliance for Just Immigration, Community Estrella, Detention Watch Network, the Government Accountability Project, Innovation Law Lab, Migrant Equity Southeast, the National Center for Law and Economic Justice (“NCLEJ”), Sister Song, Somos South Georgia, and Sur Legal Collaborative (“Sur Legal”) (collectively, “the Requesters”). The Requesters seek records from Irwin County related to the confinement of people by ICE at the Irwin County Detention Center (“ICDC”), a jail in Ocilla, Georgia that is operated by the for-profit company LaSalle Corrections.

Definitions

“Records”—all records or communications preserved in electronic or written form, including but not limited to: text communications between phones or other electronic devices (including but not limited to communications sent via SMS or other text, Blackberry Messenger, iMessage, WhatsApp, Facebook, Signal, Gchat, Twitter direct message, or similar form of communication), including those sent through personal devices or accounts; e-mails (including those in personal accounts); images, video, and audio, including that recorded on cell phones; voicemail messages; social-media posts; minutes or notes of meetings and phone calls; faxes; documents; data; correspondence; letters; messages; notes; contracts or agreements; memoranda of understanding; files; forms, including but not limited to I-205 forms, I-213 forms, and I-247 or I-247-related forms; logs; records; guidance; guidelines; formal and informal presentations; evaluations; audits; investigations; reviews; studies; reports; critiques; analyses; internal memoranda; legal opinions; orders; directives; instructions; training materials; criteria; standards; specifications; rules; instructions; manuals; advisories; bulletins; alerts; updates; reports; protocols; procedures; policies; or other communications.

“DHS” includes any sub-agency within the Department of Homeland Security, including Immigration and Customs Enforcement (“ICE”), Customs and Border Protection (“CBP”), and U.S. Border Patrol.

Records Requested

The Requesters seek copies of the following records related to the confinement of people at ICDC:

1. all records showing agreements between the Department of Homeland Security (“DHS”) or any of its component agencies, Irwin County or any of its political subdivisions, and/or LaSalle Corrections or any of its subsidiaries concerning ICDC;
2. all records showing modifications to or the cancellation of any agreements between DHS or any of its component agencies, Irwin County or any of its political subdivisions, and LaSalle Corrections and/or any of its subsidiaries concerning ICDC;
3. all records showing communications between Irwin County (including but not limited to elected officials and their staff) and DHS or any of its component agencies or La Salle Corrections or any of its subsidiaries concerning ICDC;
4. all records showing guidance, guidelines, rules, directives, policies, procedures, standards, or trainings pertaining to transfers of individuals to or from ICDC.

The Requesters also request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public’s understanding of the operation of ICDC.

There is a compelling and urgent need to inform the public about the current status of the federal government’s agreements regarding the operation of ICDC. The alleged medical abuse of women confined at ICDC at the behest of ICE – revealed by a whistleblower working at the facility – has made ICDC the subject of intense public scrutiny.¹ A Congressional delegation² visited the facility, condemning the alleged forced sterilizations and other unconsented procedures performed by a gynecologist and paid for with taxpayer money. Other members of Congress called for a United Nations inquiry into whether the alleged forced medical procedures on migrant women amounted to human rights abuses committed by DHS.³ The disclosure of public records has been vital to informing the public of the previously undisclosed scale of the alleged abuses. In documents released under the Freedom of Information Act, advocates discovered that ICE had misrepresented and undercounted the true number of medical procedures ICE paid to the gynecologist in question: at least eight hysterectomies, not two, 75 other invasive procedures, and 740 office visits.⁴

Amid mounting pressure to shut down the facility, activists confronted President Biden in April 2021 at a public event in Georgia, pressuring him to set a date for the closing of ICDC. National and international media coverage chronicled President Biden’s now-famous response: “I agree with you...gimme another five days.”⁵ Then, in a memo to ICE in May 2021, DHS Secretary Alejandro Mayorkas ordered ICE to sever its contracts relating to the operation of ICDC and another county jail under federal investigation.⁶ However, the timing of the closing of ICDC – “as soon as possible” – was in stark contrast to the immediate closure called for in the second facility, in Bristol County, Massachusetts.

The lack of clarity in the timeline, coupled with reports that ICDC Warden David Paulk continues to tell staff that “the newspapers are lying” and ICDC is not closing,⁷ raise serious questions about government officials’ compliance with the terms of Secretary Mayorkas’ order. The records requested here will reveal to the public what is ICE’s timeline for the closure of a facility where so many human


rights abuses have occurred and continue to occur. The consequences of delaying a response here would compromise several recognized interests: the public health concerns of operating a congregate facility with high rates of transmission of communicable diseases amid an ongoing global pandemic in a rural community with limited hospital bed availability, widespread and exceptional media interest in the continued operation of ICDC notwithstanding the government's public announcement of its impending closure, which is the exact subject of the request, and the incongruence between Sec. Mayorkas' and Warden Paulk's representations regarding the announced closure, a matter of government integrity that affects the public's confidence in its government.

The Georgia Open Records Act requires a response time within three business days. O.C.G.A. § 50-18-70(f). If access to the records we are requesting will take longer than three days, please contact us with information about when we might expect copies or the ability to inspect the requested records. We prefer to receive the records electronically via email to communityestrella@gmail.com, jordan@innovationlawlab.org, SamanthaF@whistleblower.org, lotto@nclej.org, danielle@sistersong.net, and laura@surlegal.org. If there are any fees for searching or copying these records, please inform us if the cost will exceed \$100.


If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify us of the appeal procedures available to us under the law. O.C.G.A. § 50-18-71(d).

Thank you for considering our request.

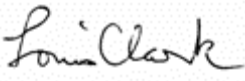
Sincerely,




Laura Rivera
Co-Founder
Sur Legal Collaborative



Leah Lotto
Senior Attorney
National Center for Law and
Economic Justice



Louis Clark
Executive Director and
CEO
Government Accountability
Project



Li An Sánchez
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Community Estrella



Jordan Cummings
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