

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

UNIDAD LATINA EN ACCIÓN and	:	
JUNTA FOR PROGRESSIVE	:	
ACTION, INC.,	:	
	:	
Plaintiffs,	:	
	:	Civ. No. 3:07cv1224 (MRK)
v.	:	
	:	
UNITED STATES DEPARTMENT OF	:	
HOMELAND SECURITY,	:	
	:	
Defendant.	:	

RULING ON DOCUMENTS SUBMITTED *IN CAMERA*

Currently pending before the Court is Defendant's Motion for Summary Judgment [doc. # 19]. Following the Court's on-the-record status conference with the parties on January 5, 2009, the Government submitted the last portion of this motion's disputed documents to the Court for its *in camera* review. This ruling is limited to Plaintiffs' challenges to the Government's redactions in whole or in part to the following fifteen documents: 3.18 to 3.19-52604; 3.113-52604; 3.30-52604; and, 2.29 to 2.39-53311. The Court previously ruled on certain documents that were submitted for *in camera* review, and the Court refers readers to that decision for background regarding Plaintiffs' Freedom of Information Act (FOIA) request and the applicable legal standards regarding the Government's claimed exemptions under FOIA, 5 U.S.C. § 552 *et seq.* See *Unidad Latina En Acción et al. v. U.S. Dep't of Homeland Security*, 253 F.R.D. 44 (D. Conn. 2008).

After the Government submitted these fifteen documents for this Court's *in camera* review, the Court held an on-the-record telephone conference with the parties. In accordance with the telephone conference dated January 29, 2009, the Court's decision on the documents submitted *in*

camera is as follows:

ICE 3.18-52604

This document, entitled "Operation Return to Sender," contains the alien numbers, names, dates of birth, country of citizenship, and address information for thirty-two private individuals. Although the Court would normally conclude that the individuals listed in this document have a cognizable privacy interest in the information contained in the document, the exact information contained in this document – indeed it appears the same document – has already been made available to Plaintiffs through their FOIA action in the State of Connecticut. Moreover, the same document is currently publicly available through the National Lawyer's Guild National Immigration Project website. *See* National Immigration Law Project, *New Haven Immigration Raids Documents*, January 21, 2009, http://www.nationalimmigrationproject.org/Danbury_raids/Target%20List.pdf. Because this same document is already in the public domain, whatever interest in privacy the individuals listed on the document had is now non-existent (at least insofar as the information set forth on the document). Therefore, the Court orders the Government to release this document to Plaintiffs in its entirety.

ICE 3.19-52604

This untitled document contains the same information as document 3.18-52604 but also includes some numeric ICE team assignments. This Court previously ruled that the Government should release the team assignment information for any individual for whom the Plaintiffs provided a consent form. *See Unidat Latina En Acci3n*, 253 F.R.D. at 55. Since this document has already been made public, except for the team numbers, in accordance with the Court's previous decision, the Court orders the Government to release the entire document, including the team assignment

numbers. To the extent this record contains private individuals' address information not currently in the public domain, the Government may withhold that information under Exemption (b)(6).

ICE 3.113-52604

This document has some of the same information as document 3.18-52604 but also includes additional information including possible conviction history, social security information, and predator status. Plaintiffs do not seek social security numbers; nor do they seek the possible conviction history or predator status of any particular individual included on the document. Rather, Plaintiffs seek generalized and disaggregated information about the conviction histories of those involved in Operation Return to Sender. Assuming this information is not matched up with any individual's name, the Court sees no reason why that generic information should be withheld. Accordingly, the Court orders the Government to disclose to Plaintiffs in a manner that will not identify any specific individuals, the criminal history and predator status information contained in this document.

ICE 3.30-52604 and 2.29 to 2.39-53311

Each of these documents, entitled "Field Operations Worksheet," includes highly personal information about particular individuals. Each worksheet contains a box entitled "Criminal History." Plaintiffs seek only the information contained in this box. The Court concludes that this limited piece of information, which is left blank on most of the documents, will not undermine the Government's law enforcement efforts or disclose investigative techniques. Nor will that information invade privacy interests, so long as identifying information is removed before the document is disclosed. Therefore, the Court orders the Government to disclose to Plaintiffs *only* the criminal history portion of each of these documents.

This Court has issued numerous rulings and orders regarding the merits of Defendant's Motion for Summary Judgment [doc. # 19] since that motion was filed on April 4, 2008. *See generally, Unidad Latina En Acción et al. v. U.S. Dep't of Homeland Security*, 3:07cv1224(MRK) [docs. ## 37, 60, 67, 68, 71, and 76]. Certain aspects of Defendant's Motion for Summary Judgment, such as the adequacy of the Government's search, have been withdrawn and others, such as Plaintiffs' request for law enforcement agent identifying information, have been declared as moot based on the representations of the parties. So far as this Court understands, this Ruling resolves the parties' disputes concerning the final documents at issue with respect to what remains of Defendant's Motion for Summary Judgment. Rather than attempt to match each of the Court's rulings and the parties' agreements to each aspect of the Motion for Summary Judgment, the Court concludes that the most appropriate action at this stage is to DENY as moot Defendant's Motion for Summary Judgment [doc. # 19].

IT IS SO ORDERED.

/s/ Mark R. Kravitz
United States District Judge

Dated at New Haven, Connecticut: January 29, 2009.