

EXHIBIT 1 – ATTACHMENT A

Attachment A: Lists of Searches and Productions

PRODUCE

1. An electronic “BQY” report containing all encounters in IIDS for FY 2010 to date, filtered to include only those records that are coded as CAP encounters. The report should include the data fields specified in Attachment B.
 2. Narrative I-213 sections in EID associated with .025% (appx. 500) of the events identified in the above-described BQY report. Plaintiffs will identify the Event Number for which narrative I-213 sections will be produced after production of the BQY referenced above.
 3. 19 policy documents previously identified by EIRU/Policy (described at Matuszewski Decl., ECF 27-2, ¶ 38)
 4. Existing “master” BQYs (described at Matuszewski Dep. at p. 77-78)
 5. Existing Excel spreadsheets containing CAP statistics that were compiled manually from field offices during the period 2006-2008 (described at Matuszewski Dep. at p. 79-81)
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SEARCH AND PRODUCE

I. Within shared drives and other electronic recordkeeping systems

Conduct a search of:

- A. The CAP folder (discussed at Matuszewski Dep. at p. 18-9) in the ERO shared drive for the following:
 1. Policies:
 - a. Policies, rules, orders and other sub-regulatory guidance (hereinafter “policies”) (FOIA request I.1.f), whether specific to CAP or not, governing interviewing procedures in the course of CAP activities (discussed at Matuszewski Dep. at p. 154-5, 187-88)
 - b. Policies, whether specific to CAP or not, governing any requirements to wear uniforms in the course of CAP activities (discussed at Matuszewski Dep. at p.188)
 - c. Policies, whether specific to CAP or not, addressing racial profiling in the course of CAP activities (discussed at Matuszewski Dep. at p.154-5)
 - d. Policies, whether specific to CAP or not, governing issuance of detainers in the course of CAP activities (discussed at Matuszewski Dep. at p.154-5)
 - e. Policies regarding Government Performance and Record Act standards for CAP (discussed at Matuszewski Dep. at p.218)
 - f. Policies regarding FYHSA standards for CAP (discussed at Matuszewski Dep. at 219)
 - g. Policies regarding High Performance Priority Goal standards for CAP (discussed at Matuszewski Dep. at p.219)

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- h. Policies regarding arrest or other quotas in the evaluation of CAP activities or officers
 - i. Policies governing circumstances in which officers were directed to electronically designate their activities as CAP related between 2007 and 2010 (discussed at Matuszewski Dep. at p.109)
 - j. Policies regarding the establishment, implementation, and maintenance of the CAP risk assessment database (discussed at Matuszewski Dep. at p.40)
 - k. Policies regarding the establishment or implementation of CAP's risk-based approach regarding individuals (discussed at Matuszewski Dep. at 230-233)
 - l. Policies regarding the establishment, implementation, and maintenance of the Rapid REPAT program (discussed at Matuszewski Dep. at 172-3)
 - m. Policies regarding the establishment, implementation, and maintenance of the DEPORT Center (discussed at Matuszewski Dep. at p.174-5)
 - n. Other policies regarding the development, implementation, and operation of CAP
2. Reports (FOIA request I.1.a):
 - a. Reports on CAP submitted to Congress, OIG, or other bodies involved in oversight of CAP (discussed at Matuszewski Dep. at p.23)
 - b. Records produced in response to requests for information regarding CAP from Congress, OIG, or other bodies involved in oversight of CAP, along with the underlying requests for information (discussed at Matuszewski Dep. at 23)
 - c. Other reports regarding the development, implementation, and operation of CAP
 3. Memoranda (FOIA request I.1.b):
 - a. Memoranda describing the relationship between ACAP, IRP and CAP (including materials discussed at Matuszewski Dep. at p.36-7)
 - b. Other memoranda regarding the development, implementation, and operation of CAP
 4. Legal opinions (FOIA request I.1.c):
 - a. Legal opinions regarding the consolidation of IRP and ACAP (discussed at Matuszewski Dep. at p.192-3)
 - b. Other legal opinions regarding the development, implementation, and operation of CAP
 5. Statistics (FOIA request IV.1):
 - a. Existing statistical data compiled by or at the request of CAP regarding federal criminal prosecutions (discussed at Matuszewski Dep. at p.11-12)
 6. Correspondence (FOIA request I.1.d):
 - a. Correspondence (other than email correspondence, which is separately addressed below) regarding the development, implementation, and operation of CAP
 7. Audits (FOIA request I.1.e):
 - a. Records reflecting audits regarding the development, implementation, and operation of CAP
 8. Documentation of the number, organization, and location of CAP teams from 2007-2010 (discussed at Matuszewski Dep. at p.38-39) (FOIA request III.1), including:
 - a. Documentation of CAP team surge operations from 2007-2010 (discussed at Matuszewski Dep. at p.44)

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- b. Documentation of the elimination of the CAP team structure (discussed at Matuszewski Dep. at p.44-45)
 - c. Documentation of the current structure of CAP operations (discussed at Matuszewski Dep. at p.45-46)
 - d. Records indicating the significance of the current designation of individuals as “CAP officers” (discussed at Matuszewski Dep. at p.45-6)
9. Records regarding the relationship between CAP and other ICE programs and activities, including but not limited to Enforcement and Removal Operations, Secure Communities, 287(g) arrangements, immigration detainers, and ICE Agreements of Cooperation in Communities to Enhance Safety and Security (“ICE ACCESS”) (FOIA request III.3)
 10. Records regarding the establishment, implementation, and operation of LEAR (discussed at Matuszewski Dep. at p.31-2, 171-172) (FOIA request III.1.c; I.1.f)
 11. Records of contracts with private organizations to implement any part of CAP, including Requests for proposals, collected bids, contracts, criteria for choosing contractors, communications with contractors, and audits of contractors. (FOIA request III.6)
 12. Agreements with state and local law enforcement officials under CAP (FOIA request III.5)
 13. Training material, guidance, or rules provided to state and local law enforcement officials under CAP (FOIA request III.5)
 14. Records reflecting any analysis of the error rate of encounters identified as CAP encounters in EID prior to 2010 (discussed at Matuszewski Dep. at p.145-7)
 15. Please also confirm, with regard to the CAP folder, that:
 - a. No records exist memorializing agreement with BOP to provide information regarding individual inmates to CAP (discussed at Matuszewski Dep. at p.229-230)
 - b. No records exist detailing or referencing the relationship between CAP and the State Criminal Alien Assistance Program (SCAAP) (discussed at Matuszewski Dep. at p.211)
- B. The ERO shared drive more broadly for the following:
1. Records produced in response to requests for information regarding CAP from Congress, OIG, or other bodies involved in oversight of CAP, along with the underlying requests for information (discussed at Matuszewski Dep. at p.23), (FOIA request I.1.a)
 2. Organizational charts documenting the relationship of CAP to other ICE programs and offices (discussed at Matuszewski Dep. at p.238-9) (FOIA request III.1.a)
 3. Other records indicating the relationship between CAP and other ICE programs and activities, including but not limited to Enforcement and Removal Operations, Secure Communities, 287(g) arrangements, immigration detainers, and ICE Agreements of Cooperation in Communities to Enhance Safety and Security (“ICE ACCESS”) (FOIA request III.3)

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- C. Within each ERO field office shared drive for the following:
1. Field office level organizational charts related to CAP (discussed at Matuszewski Dep. at p.204-6) (FOIA request III.1.a)
 2. Field office additions to or modifications of national policies regarding the development, implementation, and operation of CAP (discussed at Matuszewski Dep. at p.160) (FOIA request I.1.f)
- D. OCR electronic files for the following:
1. Information produced in response to requests for documents and information regarding CAP from Congress, OIG, or other bodies involved in oversight of CAP, along with the underlying requests for documents and information (discussed at Matuszewski Dep. at p.23), (FOIA request I.1.a)
 2. OCR call log (described at Matuszewski Dep. at p.197) entries containing the following terms: "CAP" or "Criminal Alien" (FOIA request II.1.a)
- E. The OPLA shared drive for the following:
1. Legal opinions or memoranda (hereinafter "legal opinions") regarding the development, implementation, and operation of CAP (FOIA request I.1.c)
 2. Administrative and other complaints alleging unlawful or otherwise actionable conduct related to CAP, as well as the disposition of any and all such complaints. (FOIA request V.2)
- F. HSI electronic files for the following:
1. ACAP policies (discussed at Matuszewski Dep. at 157) (FOIA request I.1.f)
 2. Legal opinions about use of racial profiling and CAP (office described as likely maintaining records if they exist at Matuszewski Dep. at p.193-4) (FOIA request I.1.c)
 3. Administrative and other complaints alleging unlawful or otherwise actionable conduct related to CAP, as well as the disposition of any and all such complaints. (FOIA request V.2)
- F. FLETC files for the following:
1. Training manuals and materials for CAP from 2007 to present (discussed at Matuszewski Dep. at p.184-5) (FOIA request I)
- G. EIRU/Policy files, including the ERO Resource Library, for the following:
1. IRP policies (discussed at Matuszewski Dep. at p.157) (FOIA request I.1.f)
 2. Policies, whether specific to CAP or not, governing interviewing procedures in the course of CAP activities (discussed at Matuszewski Dep. at p. 154-5, 187-88) (FOIA request I.2.b)
 3. Policies, whether specific to CAP or not, governing any requirements to wear uniforms in the course of CAP activities (discussed at Matuszewski Dep. at p.188) (FOIA request I.2.b)
 4. Policies, whether specific to CAP or not, addressing racial profiling in the course of CAP activities (discussed at Matuszewski Dep. at p.154-5) (FOIA request I.2.a)

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5. Policies, whether specific to CAP or not, governing issuance of detainers in the course of CAP activities (discussed at Matuszewski Dep. at p.154-5) (FOIA request I.2.c)
 6. Other policies regarding the development, implementation, and operation of CAP (FOIA request I.1.f)
- H. ICE/Policy files for the following:
1. Policies, whether specific to CAP or not, governing interviewing procedures in the course of CAP activities (discussed at Matuszewski Dep. at p. 154-5, 187-88) (FOIA request I.2.b)
 2. Policies, whether specific to CAP or not, governing any requirements to wear uniforms in the course of CAP activities (discussed at Matuszewski Dep. at p.188) (FOIA request I.2.b)
 3. Policies, whether specific to CAP or not, addressing racial profiling in the course of CAP activities (discussed at Matuszewski Dep. at p.154-5) (FOIA request I.2.a)
 4. Policies, whether specific to CAP or not, governing issuance of detainers in the course of CAP activities (discussed at Matuszewski Dep. at p.154-5) (FOIA request I.2.c)
 5. Other policies regarding the development, implementation, and operation of CAP (FOIA request I.1.f)
- I. Office of Policy and Planning files for the following:
1. Policies regarding the establishment, implementation, and operation of the Violent Criminal Alien Section (discussed at Matuszewski Dep. at p.169-70) (FOIA request I.1.f)
 2. Statistical analysis and modeling produced by the Office of Policy and Planning regarding CAP (discussed at Matuszewski Dep. at p. 208) (FOIA request IV.1)
 3. Administrative and other complaints alleging unlawful or otherwise actionable conduct related to CAP, as well as the disposition of any and all such complaints. (FOIA request V.2)
- J. DHS Office of Civil Rights and Civil Liberties electronic files for the following:
1. Administrative and other complaints alleging unlawful or otherwise actionable conduct related to CAP, as well as the disposition of any and all such complaints. (FOIA request V.2)
- K. The Law Enforcement Support Analysis Division for the following:
1. Existing statistical data regarding the volume, distribution, type, and result of contact between local law enforcement officials and CAP (FOIA request IV.2)
- L. Office of Public Affairs files for the following:
1. Records of communications with members of the press, non-governmental organizations, and members of the public regarding CAP (office described as likely maintaining responsive records at Matuszewski Dep. At p. 203) (FOIA request II.1.c)

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2. Agreements, training material, briefing, guidance, rules, and other records related to negotiations or cooperation with state and local law enforcement officials under CAP (FOIA request III.5)
- M. Office of State, Local, and Tribal Coordination files for the following:
1. Agreements, training material, briefing, guidance, rules, and other records related to negotiations or cooperation with state and local law enforcement officials under CAP (FOIA request III.5)
- N. Office of the Chief Financial Officer files for the following:
1. Records detailing total ICE expenditures, in personnel time and financial resources, involved in developing and implementing CAP, including but not limited to all records of Congressional and/or DHS appropriations, budget requests, and analyses related to CAP (office described as likely to maintain such records at Matuszewski Dep. at p. 210) (FOIA request IV.3)
- O. Office of Management and Budget files for the following:
1. Records detailing total ICE expenditures, in personnel time and financial resources, involved in developing and implementing CAP, including but not limited to all records of Congressional and/or DHS appropriations, budget requests, and analyses related to CAP (office described as likely to maintain such records at Matuszewski Dep. at p. 210) (FOIA request IV.3)

II. Within electronic communications

Conduct a search of electronic communications, including email and any internal instant messaging system (FOIA request II), of:

- A. CAP Headquarters personnel, for:
1. Responsive communications (discussed at Matuszewski Dep. at p. 168, 216) containing the search terms: “policy”, “procedure”, “rule”, “practice”, “secure communities,” “287G,” “SCAAP,” “race,” “racial,” “profiling,” “detainer,” “interview,” “translation,” “translator,” “quota,” or “performance”
- B. CAP point-of-contact personnel in ICE Field Offices, for:
1. Responsive communications (discussed at Matuszewski Dep. At p. 163, 167-8) containing the search terms: “policy”, “procedure”, “rule”, “practice”, “secure communities,” “287G,” “SCAAP,” “race,” “racial,” “profiling,” “detainer,” “interview,” “translation,” “translator,” “quota,” or “performance” **together with “CAP” or “Criminal Alien”**