

Exhibit 3

Office of Acquisition Management
U.S. Department of Homeland Security
801 I Street, NW, Suite 910-10
Washington, D.C. 20536



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

November 27, 2017

County of Orange
320 N. Flower Street Suite 108
Santa Ana, CA 92702
Attn: Sheriff Sandra Hutchens

**Subject: November 16, 2017 California Department of Justice Letter
Regarding Immigration Detention Facilities Review**

Dear Sheriff Hutchens:

I am writing with regard to the November 16, 2017 letter your office received from the California Department of Justice requesting a visit and tour of the Theo Lacy and James A. Musick Facilities pursuant to California Government Code Section 12532, which was enacted as part of California Assembly Bill 103 (AB 103) on June 27, 2017. U.S. Immigration and Customs Enforcement (ICE) is disappointed by the enactment of AB 103 and has been monitoring its implementation, including any impact it may have on federal law and your contractual obligations with ICE.

I write to remind you of your obligations under the intergovernmental service agreement (IGSA) between ICE Enforcement and Removal Operations (ERO) and the County of Orange, California, executed July 20, 2010, and request that you ensure compliance with the same. Although ICE supports an open and transparent approach to immigration detention, it does so through the managed access of stakeholders participating in approved tours, visits, or tours with visitation.

As an initial matter, the California Attorney General's request for a tour should be officially referred to the ICE ERO Field Office Director for consideration, like that of any other third-party stakeholder, and may not be granted by the Service Provider. The Visitation Standard of the applicable ICE 2008 Performance-Based National Detention Standards provides that "[a]ll requests by NGOs and other organizations to send representatives to visit detainees must be submitted in advance and in writing to the ICE/[ERO] facility administrator or ICE/[ERO] Field Office supervising the contract, state or local facility All efforts shall be made to accommodate NGO requests for facility tours in a timely manner. All tours shall be limited to a reasonable number of participants, who must timely submit the personal information needed to conduct a background check." Such requests will be reviewed and subject to applicable ICE policies, including the requirements that: (1) all tour participants be identified and provide personal information so that ICE may perform appropriate background checks; and (2) all participants shall provide ICE a completed tour/visitation notification flyer and a signed ICE

Stakeholder Visitor Code of Conduct. Notably, even were a tour approved, the participants would not be provided access to all of the areas listed in the California Department of Justice request due to law enforcement sensitivities, nor would they be permitted to “informally speak with detainees and facility staff[,]” as referenced in the letter. Any detainee interviews would require the formal consent of the detainee and would need to be coordinated consistent with applicable ICE policy.

In addition, as to the California Department of Justice’s request for documents (e.g., “a copy of the Facility Handbook, and other materials distributed for detainee orientation...and instructions on how to request a confidential telephone call”), Article XX of the IGSA provides that:

Information obtained or developed as a result of this IGSA is under the control of ICE and is subject to public disclosure only pursuant to the provisions of applicable federal laws, regulations, and executive orders or as ordered by a court. Insofar as any documents created by the Service Provider contain information developed or obtained as a result of this IGSA, such documents shall be subject to public disclosure only pursuant to the provisions of applicable federal laws, regulations, and executive orders or as ordered by a court.

Further, to the extent that California Government Code Section 12532, cited in the letter, purports to provide for broader access to records, including those of individual detainees or any law enforcement sensitive information, this information falls under the purview of Article XX and remains ICE information subject to disclosure only as consistent with applicable federal laws, regulations, and policies, or as ordered by a court.

As all of the information discussed above is considered federal information, the disclosure of that information falls under the purview of the Freedom of Information Act (FOIA). The California Department of Justice may find information on how to submit a FOIA request to ICE at the following site: <https://www.ice.gov/foia/request>. Requests may be submitted in writing, faxed, or emailed to ICE-FOIA@dhs.gov. To the extent that the California Department of Justice is requesting a copy of the governing detention standards, they are publically available and may be accessed at <https://www.ice.gov/detention-standards/2008>.

ICE values the partnership of Orange County Sheriff. Please feel free to share this letter with the California Department of Justice.

If you have any further questions regarding this matter, please contact Natasha Nguyen at Natasha.T.Nguyen@ice.dhs.gov or by telephone at 949-425-7030.

Respectfully,



Roberta Halls
ICE Office of Acquisition
Contracting Officer