



Office of the Chief
Records Officer for the
U.S. Government

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February 17, 2022

Mr. Daniel Tucker
Department of Homeland Security
U.S. Immigration and Customs Enforcement
Office of Asset Management
500 12th St SW
Washington, DC 20536

Dear Mr. Tucker,

The National Archives and Records Administration (NARA) has become aware of an allegation of unauthorized disposition from the American Civil Liberties Union (ACLU) and the Citizens for Responsibility & Ethics in Washington (CREW) of video surveillance records in the Glades County Detention Center (hereafter referred to as “Glades”), a county jail in Moore Haven, Florida, that detains immigrants under a contract with the U.S. Immigration and Customs Enforcement (ICE) agency (attached).

On July 14, 2020, as a result of NARA unauthorized disposition case UD-2020-0009, NARA directed ICE to cease destruction of all video surveillance records pending approval of a records disposition schedule for these records. In January 2021, ICE communicated this direction to all detention facilities. A records disposition schedule was approved for non-evidentiary video surveillance records in September 2021. We are concerned about any non-evidentiary video surveillance records that may have been destroyed during the period between July 2020 and September 2021.

The ACLU/CREW allegation included email documentation of a January 2021 ICE directive instructing all Enforcement and Removal Operations (ERO) detention facilities to “retain all video surveillance data...until further notice” and a response from the Glades facility that states that Glades is deleting surveillance video every 90 days, stating, “our capabilities are currently at 90 days retention of video records.” At that time, Glades was instructed by ICE to keep video surveillance records “until further notice.”

In accordance with 36 CFR 1230.16(b), NARA requests that ICE respond within 30 calendar days to the allegations outlined in the letter NARA received from the ACLU and CREW. As described in 36 CFR 1230.14(a), if ICE determines that records were destroyed without proper disposition authority, the report must include a description of the exact circumstances surrounding the deletion of these records prior to the approval of DAA-0567-2021-0001 on September 23, 2021; a statement of the safeguards established to prevent further loss of documentation; and details of the actions taken to salvage, retrieve, or reconstruct the records.

Additionally, NARA is requesting a review of records management procedures in all ICE detention facilities for documenting the process used to identify and preserve evidentiary video surveillance records as required by the agency-specific records schedule (DAA-0567-2021-0001), approved by NARA September 23, 2021. Please provide NARA with an interim report within 30 days, and as part of this interim report, a targeted timeline for completion of the records management review.

We will keep this case and UD-2020-0009 open until the review is complete and the additional requirements that we requested in our correspondence dated July 13, 2020 are met. These include resolution of the CREW lawsuit that led to the opening of UD-2020-0009 and an implementation plan to ensure that the requirements of the new records retention schedule are incorporated into records management procedures into all facilities.

I appreciate your attention to this important matter. If you have any questions or wish to discuss further, please contact me at laurence.brewer@nara.gov.

Sincerely,

A handwritten signature in blue ink that reads "Laurence V. Brewer".

LAURENCE BREWER
Chief Records Officer
for the U.S. Government

Cc. Eric Hysen, Chief Information Officer, Senior Agency Official for Records Management
Michelle Thomas, Department Records Officer, Department of Homeland Security

Enclosures (3)