

November 22, 2017

Nassau County Police Department
Via Electronic Form

Re: Freedom of Information Law Request – Operation Matador

Dear Freedom of Information Officer:

The NYIC is a state-wide advocacy and policy coalition representing over 200 non-profit members and partners serving immigrant communities throughout New York State. As MS-13 enforcement efforts have increasingly centralized on Long Island in 2017, the NYIC and its members have paid particular attention to the intersection between gang enforcement and immigration enforcement operations in that part of the state. Earlier this month media reports, citing an ICE official in charge of MS-13 related operations, confirmed that the agency is using gang enforcement as a method of carrying out its immigration enforcement purposes, regardless of known or suspected gang affiliations of the individuals taken into custody.¹ Given these statements and reports, and the rapid and aggressive manner in which ICE is carrying out immigration enforcement often at the expense of due process, it is urgent that the NYIC, its members, and allies, understand the manner in which gang enforcement targeting immigrant communities is carried out to ensure that they are not deprived of their rights.

As the Nassau County Police Department (NCPD) is listed as a partner agency with Immigration and Customs Enforcement in Operation Matador, on behalf of the New York Immigration Coalition (NYIC), we request the following pursuant to the Freedom of Information Law:

1. All documents relating to NCPD's agreements with other government agencies, state or federal involving Operation Matador, including, but not limited to, ICE Homeland Security Investigations, ICE Enforcement and Removal Operations, U.S. Citizenship and Immigration Services, U.S. Customs and Border Protection, the Suffolk County Police Department, and the New York City Police Department.
2. All documents reflecting communication and coordination between government agencies, state or federal, on Operation Matador including, but not limited to, ICE Homeland Security Investigations, ICE Enforcement and Removal Operations, U.S. Citizenship and Immigration Services, U.S. Customs and Border Protection, the Suffolk County Police Department, and the New York City Police Department.
3. All training materials distributed to or communicated with any governmental agency, state or federal that participated in Operation Matador, including, but not limited to, ICE Homeland

¹ Julianne Hing, "Julianne Hing, "ICE Admits Gang Operations are Designed to Lock Up Immigrants", The Nation (November, 2017) <https://www.thenation.com/article/ice-admits-gang-operations-are-designed-to-lock-up-immigrants/>

Security Investigations, ICE Enforcement and Removal Operations, U.S. Citizenship and Immigration Services, U.S. Customs and Border Protection, the Suffolk County Police Department, and the New York City Police Department.

4. All documents, regulations, and guidelines defining or outlining the groups or profiles of individuals targeted by Operation Matador.
5. All documents and guidance relating to NCPD resources committed or contributed to Operation Matador, including any personnel or equipment used in Operation Matador.

As demonstrated above, the manner in which ICE carries out gang enforcement, particularly operations targeted at immigrant communities, are a “matter of widespread and exceptional media interest.” See 6 C.F.R. § 5.5(e)(3) (“The existence of numerous articles published on a given subject can be helpful to establishing the requirement of that there be an ‘urgency to inform’ the public on the topic”). The numerous news reports on Operation Matador and related operations have called into question the actual purpose of these publicly-funded operations, which have also resulted in a breakdown of trust between local communities and federal and local law enforcement.²

In order to ensure that the stated goal of enforcement against MS13 does not infringe upon our communities’ civil liberties and due process rights, it is imperative that information pertaining to Operation Matador, including information held by agencies partnering with Immigration and Customs Enforcement on Operation Matador such as the NCPD, be released as soon as practicable.

The public has a significant interest in the disclosure of these documents. Both gang operations and immigration enforcement have a tremendous impact on our communities and it as the frequency and scope have greatly expanded in 2017, it is imperative that communities have a greater understanding of the purpose and goals of these operations, as well as what public resources are being used to carry them out.

If it is your position that records exist that are responsive to this request, but that these records (or portions of these records) are exempt from disclosure, please identify the records that are being withheld and state the basis for the denial for each record being withheld. In addition, please provide the nonexempt portions of the records. Requester reserves the right to appeal a decision to withhold any information or a denial of fee waivers.

In order to avoid delays in receiving the records, Requester further ask that the records be produced as soon as practicable and on a rolling basis as soon as they become available.

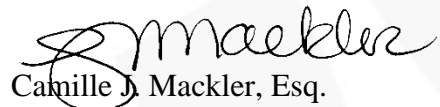
All applicable records can be released to Camille J. Mackler, Esq.; c/o The New York Immigration Coalition; 131 W. 33rd Street, Suite 610; New York, NY 10001.

² *Id.*, See also Julianne Gage, “The US Government is Targeting MS13, But A Former Gang Member Says Arrests Alone Won’t Solve the Problem”, PRI’s The World (November 16, 2017) <https://www.pri.org/stories/2017-11-16/why-former-gang-member-joined-county-health-department>

A. CERTIFICATION

I certify that the above information supporting the request for expedited processing is true and correct to the best of my knowledge. If you have any questions regarding the processing of this request, you may contact me by phone at 212-627-2227 ext. 226 or by email at cmackler@nyic.org. Thank you for your prompt attention to this matter.

Very truly yours,



Camille J. Mackler, Esq.
Director of Immigration Legal Policy
New York Immigration Coalition