

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

Wilmer Garcia Ramirez, et al.,)	Case No.: 1:18-cv-00508
)	
<i>Plaintiffs,</i>)	
)	
v.)	
)	Declaration Charles J. Mader
U.S. Immigration and Customs Enforcement,)	
et al.,)	
)	
<i>Defendants.</i>)	
_____)	

DECLARATION OF CHARLES J. MADER

I, Charles J. Mader, hereby make the following declaration with respect to the above-captioned matter:

1. I am employed as a Supervisory Information Technology (IT) Specialist in the Office of the Chief Information Officer (OCIO) for the U.S. Immigration and Customs Enforcement (ICE) in OCIO’s Operations division. I have held this position since February 19, 2017. Prior to this position, I was an Information Technology Specialist for ICE. I have over twenty years of experience in Information Technology. I attended University of Maryland, American Military University, Software Engineering Institute at Carnegie Mellon University and various industry training courses.
2. ICE OCIO is responsible for providing information technology services and products that enable ICE to meet its mission. Services that the OCIO provides include hardware and software support, sharepoint and web services, mobile device support,

and cyber security education. Specifically, the Enterprise Services Branch serves a key function for ICE as it provides centralized management and comprehensive support to IT operations across the agency such as Service Desk support, Network Infrastructure, Active Directory and Exchange, Change Management, and Investigation and Litigation support to achieve IT efficiency and effectiveness for the more than 26,000 ICE users across the globe.

3. As a Supervisory Information Technology Specialist in the Operations Division, my official duties and responsibilities include management of the Enterprise Services Branch. This includes management of the agency service desk, active directory and exchange, mobile messaging, FOIA and litigation data recovery, change management, infrastructure defense group and the incident coordination center.
4. I make this declaration in my official capacity in support of the above-captioned litigation. The statements contained in this declaration are based on my personal knowledge and experience, upon information provided to me in my official capacity, and upon conclusions and determinations made in accordance therewith.
5. On Monday, October 15, 2018, I was informed that ICE was to begin searching the emails of a number of custodians using search terms provided by plaintiffs. The list of search terms I was provided is attached. I subsequently received a list of preliminary custodians whose emails were to be searched. The updated list of 57 potential custodians I received today included the date range for the searches.

6. ICE utilized Enterprise Vault to journal and store email traffic transmitted between December 2008 and the agency's transition to O365, which occurred during the summer of 2018. As employees were migrated to O365, their mail journaling, retention and recovery services were initiated in O365. During the transition to O365, employees' email traffic during the Summer of 2018 was retained in both Enterprise Vault and O365 for various periods of time depending on when their account transitioned to O365. Ingestion of data into Enterprise Vault was stopped on August 13, 2018.

7. We began the search process by conducting test searches and export of the emails and attachments of Tae Johnson, Assistant Director for Custody Management, from January 1, 2016 to the present.

8. We used the Enterprise Vault system to gather all Mr. Johnson's emails and attachments from January 1, 2016, to July 12, 2018.

9. We used Microsoft O365 to search Mr. Johnson's emails from July 13, 2018 to present.

10. The searches identified 442,328 items, consisting of 117 giga bytes of information, and took approximately one hour to perform. Next, we accepted and exported the search results from Enterprise Vault. This process converts the search results into *.pst files and took 16 hours. The next step in the process is to transfer the Enterprise

Vault files to a drop location, which is a folder on a shared drive, so they can be loaded into Relativity. We have not yet completed the transfer of the files but estimate the time to be up to 40 hours. At this time, it has taken 8 hours to transfer 20% of the files. Relativity is ICE's eDiscovery software used to search, review, redact and produce electronically stored information for litigation purposes.

11. Next we used Enterprise Vault and O365 to search Mr. Johnson's emails using specific search terms. Enterprise Vault does not have a robust search capability and is limited to simple Boolean searches using "AND," "OR" and "NOT" The search capability also includes special characters such as "*" for a universal character. However, Enterprise Vault cannot perform proximity searches, such as "age w/2 out." It cannot conduct complex searches with multiple criteria, such as "(A or B) and (C or D)". O365 has a more robust search capability, but is limited to searching only those emails and attachments stored in its system. Proximity searches can be performed in Relativity. In addition, Enterprise Vault can only conduct one search per custodian within the same timeframe at a time. Enterprise Vault can perform up to four searches simultaneously for four different custodians. For example: searching all of Mr. Johnson's mail from January 1, 2016 to July 12, 2018 is one search. We could not simultaneously conduct a keyword search during January 1, 2016 to July 12, 2018 on Mr. Johnson's emails and attachments.

12. We performed a search of all Mr. Johnson's emails and attachments from January 1, 2016, to present using the search term: age-out*. The search identified 1,517 items

and took approximately one hour to perform. The size of the *.PST will not be known until the results are exported.

13. We performed a search of all Mr. Johnson's emails and attachments from January 1, 2016, to present using the search string: "1232(c)(2)(B)" OR 1232c2b OR "1232 c 2 B". The search identified 269 items and took approximately one hour to perform. The size of the *.PST will not be known until the results are exported.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on this 18th day of October 2018, at Scottsdale, Arizona.



Charles J. Mader
Supervisory Information Technology Specialist
U.S. Immigration and Customs Enforcement

PLAINTIFFS’ PROPOSED SEARCH TERMS

RFP No.	Plaintiffs’ Request	Plaintiffs’ Proposed Search Terms¹	Date Range Or Other Limitations To Apply
1	All documents and communications reflecting, referring or relating to any ICE policies, practices, protocols or other guidance with respect to implementing or complying with Section 1232(c)(2)(B), ² including without limitation all documents reflecting, referring or relating to any ICE policies, practices, protocols, or other guidance with respect to placing unaccompanied alien children who are transferred to ICE on or after they turn 18 in the least restrictive setting utilizing a continuum of alternative to detention programs as described in Section 1232(c)(2)(B).	age-out* age* w/2 out* (attain* or reach* or turn*) w/10 (18* or eighteen*) (age* w/5 majority*) (18* or eighteen*) w/5 birthday* (18* or dieciocho*) w/5 anos* post-18* (post* w/2 (18* or eighteen*)) (“1232(c)(2)(B)” or 1232c2b or "1232 c 2 B") w/50 (polic* or guid* or process* or require* or handbook* or protocol*)	1/1/2016 to present

¹ The “w/XX” connector in these search terms provides that terms be within a certain number of words of the following terms. For example “w/25” means “within 25 words of.” The asterisk is a “wildcard” intended to capture variations on the root presented. For example, the term “plac*” should yield results for “place,” “places,” “placing,” etc.

² Request No. 1 originally contained a typo in referring to “Section 132(c)(2)(B)” rather than “Section 1232(c)(2)(B),” which has been corrected here.

RFP No.	Plaintiffs' Request	Plaintiffs' Proposed Search Terms¹	Date Range Or Other Limitations To Apply
2	All documents and communications reflecting, referring or relating to any training of ICE employees with respect to Section 1232(c)(2)(B), including without limitation any power point or other presentation materials, and any other documents relating to the training, including the dates, locations, presenters, and attendees at any training sessions or other meetings or calls at which training was discussed.	age-out* age* w/2 out* (attain* or reach* or turn*) w/10 (18* or eighteen*) age* w/5 majority* (18* or eighteen*) w/5 birthday* (18* or dieciocho*) w/5 anos* post-18* post* w/2 (18* or eighteen*) ("1232(c)(2)(B)" or 1232c2b or "1232 c 2 B") w/50 (train* or meet* or confer* or call* or presentation* or .pptx .ppt)	1/1/2016 to present

RFP No.	Plaintiffs' Request	Plaintiffs' Proposed Search Terms¹	Date Range Or Other Limitations To Apply
3	<p>All documents reflecting, referring or relating to any communications to or from any ICE field office, including without limitation ERO Field Office Directors, Deputy Field Office Directors, or Field Office Juvenile Coordinators, referring or relating to Section 1232(c)(2)(B), including without limitation its requirements and any directions or guidance with respect to implementing and complying with the provision.</p>	<p>age-out* age* w/2 out* (attain* or reach* or turn*) w/10 (18* or eighteen*) age* w/5 majority* (18* or eighteen*) w/5 birthday* (18* or dieciocho*) w/5 anos* post-18* post* w/2 (18* or eighteen*) ("1232(c)(2)(B)" or 1232c2b or "1232 c 2 B") (Violence Against Women Act or VAWA) w/25 (1261 or 2013) (plac* or com* or enter* or transfer*) w/25 ("adult facility" or "adult custody" or "adult detention*") transfer* w/25 ("ORR custody" or "ICE custody") least* w/10 restrictive* alternative* w/15 detention* minor* w/25 sponsor*</p>	<p>1/1/2016 to present</p>

RFP No.	Plaintiffs' Request	Plaintiffs' Proposed Search Terms¹	Date Range Or Other Limitations To Apply
4	<p>All documents reflecting, referring or relating to the "Risk Classification Assessment" database tool that is referenced in Paragraph 7 of the 3/27/2018 Declaration of Supervisory Deportation and Detention Officer Michael Leal, Ex. E to Defendants' Opposition (ECF 20-5, at 3), including without limitation documents sufficient to show who created that tool, when it was created, the reasons or purposes for which it was created, its scoring system for determining public safety and flight risk, how it has been used or is being used, and any policy or practice with respect to overriding its recommendations.</p>	<p>age-out* age* w/2 out* (attain* or reach* or turn*) w/10 (18* or eighteen*) (age* w/5 majority*) (18* or eighteen*) w/5 birthday* (18* or dieciocho*) w/5 anos* post-18* post* w/2 (18* or eighteen*) ("1232(c)(2)(B)" or 1232c2b or "1232 c 2 B") w/50 ("risk* classif*" or "risk assess*" or danger* or "flight* risk*")</p>	<p>1/1/2016 to present</p>

RFP No.	Plaintiffs' Request	Plaintiffs' Proposed Search Terms¹	Date Range Or Other Limitations To Apply
5	All documents and communications reflecting, referring or relating to any application or use by ICE of the "Risk Classification Assessment" database tool described in Request No. 4 above in implementing or complying with Section 1232(c)(2)(B) or placing unaccompanied children who are transferred to ICE on or after they turned 18 in the least restrictive setting as described in Section 1232(c)(2)(B).	age-out* age* w/2 out* (attain* or reach* or turn*) w/10 (18* or eighteen*) (age* w/5 majority*) (18* or eighteen*) w/5 birthday* (18* or dieciocho*) w/5 anos* post-18* post* w/2 (18* or eighteen*) ("1232(c)(2)(B)" or 1232c2b or "1232 c 2 B") w/50 ("risk* classif*" or "risk assess*" or danger* or "flight* risk*")	1/1/2016 to present

RFP No.	Plaintiffs' Request	Plaintiffs' Proposed Search Terms¹	Date Range Or Other Limitations To Apply
6	<p>All documents and communications reflecting, referring or relating to the risk assessments or other results, conclusions, or output that resulted from application of the Risk Classification Assessment database tool described in Request No. 4 above to the individual named plaintiffs in this action and any other unaccompanied alien children who have been transferred to ICE custody from ORR on or after turning 18 since January 1, 2017.</p>	<p>age-out* age* w/2 out* (attain* or reach* or turn*) w/10 (18* or eighteen*) (age* w/5 majority*) (18* or eighteen*) w/5 birthday* (18* or dieciocho*) w/5 anos* post-18* post* w/2 (18* or eighteen*) ("1232(c)(2)(B)" or 1232c2b or "1232 c 2 B") w/50 ("risk* classif*" or "risk assess*" or danger* or "flight* risk*")</p>	<p>1/1/2017 to present</p>

RFP No.	Plaintiffs' Request	Plaintiffs' Proposed Search Terms¹	Date Range Or Other Limitations To Apply
7	All documents and communications that identify or describe alternative to detention programs or other alternatives to adult detention that ICE contends it has made, or currently makes, available to unaccompanied alien children who are transferred to ICE on or after they turn 18 pursuant to Section 1232(c)(2)(B).	age-out* age* w/2 out* (attain* or reach* or turn*) w/10 (18* or eighteen*) age* w/5 majority* (18* or eighteen*) w/5 birthday* (18* or dieciocho*) w/5 anos* post-18* post* w/2 (18* or eighteen*) ("1232(c)(2)(B)" or 1232c2b or "1232 c 2 B") w/50 ("least* restrictive*" or "alternative* detention*" or "minor* sponsor*")	1/1/2016 to present
8	All documents and communications reflecting, referring or relating to ICE's creation and use of a continuum of alternative to detention programs as described in Section 1232(c)(2)(B) for unaccompanied alien children who are transferred to ICE on or after they turn 18.	age-out* age* w/2 out* (attain* or reach* or turn*) w/10 (18* or eighteen*) age* w/5 majority* (18* or eighteen*) w/5 birthday* (18* or dieciocho*) w/5 anos* post-18* post* w/2 (18* or eighteen*) ("1232(c)(2)(B)" or 1232c2b or "1232 c 2 B") w/50 ("least* restrictive*" or "alternative* detention*" or "minor* sponsor*")	1/1/2016 to present

RFP No.	Plaintiffs' Request	Plaintiffs' Proposed Search Terms¹	Date Range Or Other Limitations To Apply
13	<p>All documents and communications regarding, relating to, or referring to the detention, placement, or release of each former unaccompanied alien child, as defined under 6 U.S.C. § 279(g)(2), who has been transferred from the custody of ORR to the custody of ICE since July 1, 2018 (regardless of whether he or she is currently in ICE's custody)—including, without limitation, for each of the “fifty-three such individuals” that ICE identified as members of the class as of September 5, 2018, see Joint Statement Regarding Proposed Schedules for Further Proceedings & Local Rule 16.3 at 8, ECF No. 51. This request includes, but is not limited to, any responsive documents in the “A” file for such individual and any emails or other communications relating to the detention, placement, or release of such individual, including any emails or other communications to or from the field office juvenile coordinator, enforcement officer, or any other field office employee who participated or was involved in any decision as to the detention, placement, or release of such individual. This request also includes, but is not limited to, documentation regarding, referring, or relating to the risk classification assessment performed for such individuals.</p>	<p>age-out* age* w/2 out* (attain* or reach* or turn*) w/10 (18* or eighteen*) age* w/5 majority* (18* or eighteen*) w/5 birthday* (18* or dieciocho*) w/5 anos* post-18* recommend* /w 10 release* post* w/2 (18* or eighteen*) (“1232(c)(2)(B)” or 1232c2b or "1232 c 2 B") ("Violence Against Women Act" or VAWA) w/25 (1261 or 2013) (plac* or com* or enter* or transfer*) w/25 ("adult facility" or "adult custody" or "adult detention*" or "ORR custody" or "ICE custody" or “ORR detention*” or “ICE detention*”) least* w/10 restrictive* alternative* w/15 detention* (minor* or teen* or juvenile*) w/25 sponsor*</p>	<p>7/1/2018 to present</p>