



STRUCK LOVE BOJANOWSKI & ACEDO, PLC

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May 9, 2024

VIA EMAIL ONLY

Andrew Free
andrew@detentionkills.org

Re: Request for Inspection of Public Records
IPRA Request dated April 24, 2024 re: TCDF video April 23, 2024

Dear Mr. Free:

We received your IPRA request dated April 24, 2024, which CoreCivic received from Torrance County on April 24, 2024, seeking “all facility video from the Torrance County Detention Facility beginning at 12:01 a.m. on April 23, 2024, and continuing through 11:59 p.m. on April 23, 2024”. Please accept this correspondence as CoreCivic’s formal written response to your request.

TCDF primarily houses federal detainees pursuant to detention services agreements with U.S. Immigration and Customs Enforcement (“ICE”) and the United States Marshals Service (“USMS”). It is CoreCivic’s position that the IPRA does not apply to CoreCivic with respect to requests for records pertaining to ICE, USMS, and/or their detainees. CoreCivic is a private entity that provides housing to ICE and USMS detainees at TCDF pursuant to detention services agreements with ICE and USMS, and is therefore not a “public body,” as that term is defined by NMSA § 14-2-6(G). Moreover, video footage concerning ICE and USMS detainees is not a “public record,” as that term is defined by NMSA § 14-2-6(H), as any such records would be held on behalf of ICE and USMS, which are not “public bodies” pursuant to NMSA § 14-2-6(G). We also note that, even if the IPRA applied, records pertaining to ICE detainees would be exempt pursuant to NMSA § 14-2-1(L) and 8 CFR § 236.6, which prohibits the release of information regarding ICE detainees.

Please feel free to contact us if you would like to discuss this matter further, or if you believe this response to be deficient in any way.

Sincerely,

A handwritten signature in blue ink, consisting of a large, stylized loop followed by a horizontal line extending to the right.

Jacob B. Lee

JBL/JDG/cf