

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

ROBERT F. KENNEDY HUMAN RIGHTS,
et al.,

Plaintiffs,

v.

U.S. DEPARTMENT OF HOMELAND
SECURITY; KRISTI NOEM, in her official
capacity,

Defendants.

Civil Action No. 25-1270-ACR

NOTICE OF DECLARATION

In response to the Court's order immediately following the status conference held at 4 p.m. this Thursday, May 22, 2025, Defendants respectfully submit the attached declaration of Troup Hemenway.¹ As described in their filing earlier this evening, ECF No. 32, Defendants have worked diligently and as expeditiously as possible to identify, and coordinate with the Department of Homeland Security as to, the personnel most knowledgeable and best situated to testify to the matters identified by the Court during the status conference. But Defendants note for the Court's awareness that potential declarants' respective areas of subject-matter expertise and factual knowledge, schedules, and availability under an expedited submission timetable factored into the determination of which DHS personnel were best situated, accounting for all circumstances, to provide testimony on the directed topics.

¹ Mr. Hemenway's declaration follows the previously submitted declaration of Nicole C. Barksdale-Perry, and addresses the topics directed by the Court not previously addressed by Ms. Barksdale-Perry's declaration.

Dated: May 22, 2025

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ROBERT F. KENNEDY HUMAN RIGHTS;
SOUTHERN BORDER COMMUNITIES
COALITION; URBAN JUSTICE CENTER,

Plaintiffs,

v.

U.S. DEPARTMENT OF HOMELAND
SECURITY; KRISTI NOEM, in her official
capacity as Secretary of Homeland Security,

Defendants.

CASE NO. 1:25-cv-01270-ACR

DECLARATION OF TROUP
HEMENWAY

DECLARATION OF TROUP HEMENWAY

I, Troup Hemenway, based upon my personal knowledge and information made known to me in the course of my official employment hereby declare, to the best of my knowledge, information, and belief, as follows relating to the above-captioned matter:

1. I am Principal Deputy Chief of Staff at the U.S. Department of Homeland Security (DHS). I have also been appointed as the Acting Officer for Civil Rights and Civil Liberties at the U.S. Department of Homeland Security (DHS).

2. On May 22, 2025, I and Ronald J. Sartini, the Citizenship and Immigration Services (CIS) Ombudsman at DHS, met to discuss staffing plans for the Office of the CIS Ombudsman (CISOMB), DHS Office for Civil Rights and Civil Liberties (CRCL), and DHS Office of the Immigration Detention Ombudsman (OIDO).

3. For CISOMB, Mr. Sartini's plan involves a staff that includes himself, the Deputy Ombudsman, an additional five to seven full-time employees to handle casework, and an additional employee to handle report writing and any additional responsibilities. Because Mr. Sartini's Deputy recently accepted a position as the Deputy Chief of the Office of Policy and Strategy at U.S. Citizenship and Immigration Services, he is actively working with CHCO on the job posting for the Deputy's replacement. Staffing for the additional positions will take time, so Mr. Sartini has posted detail announcements in order to immediately bring on a minimum of two detailees, preferably for rotations of six months to one year each. We also discussed studying the feasibility of collateral duty assignment for USCIS employees to handle the work of Local Ombudsmen.

4. For CRCL, the plan involves a staff that includes myself, as the Acting CRCL Officer, the Deputy CRCL Officer, an additional twenty full-time employees to handle casework, and an additional employee to handle report writing and any additional responsibilities. The Deputy CRCL Officer will be the lead for EEO matters. Because staffing will take time, the plan is to immediately bring on as many detailees as possible, preferably for rotations of six months to one year each. Because Mr. Sartini has recent experience in drafting and issuing detail notices, he will assist me in expeditiously posting detail notices for CRCL.

5. Moreover, in the interim, CRCL has a number of active contracts. For example, PCI Government Services provides support to intake, review, and process allegations, as well as handle medical and mental health allegations in support of CRCL's work pursuant to the Homeland Security Act, 6 U.S.C. § 345(a)(6), and meeting obligations under 42 U.S.C. § 2000ee-1(f)(2)(C) and (D). The services aid in receipt and handling of allegations of medical or other issues that arise during detention of aliens as part of DHS's immigration enforcement and law enforcement missions.

6. Pursuant to a separate contract, sign language services are provided as an accommodation to employees with disabilities as required by the Rehabilitation Act of 1973, Pub. L. 93-112, 29 U.S.C. § 701, et seq. and the Americans with Disabilities Act Amendments Act of 2008 (effective January 1, 2009). In addition, this contract supports events with the Secretary and Deputy Secretary where messages need to be communicated to the entire workforce including those employees with disabilities requiring sign language and real-time captioning services.

7. EEO Case Management eNtellitrak (ETK) tracking system supports DHS and is utilized throughout all Components of the Department to track and manage EEO complaints to ensure compliance with multiple statutes, including Title VII of the Civil Rights Act of 1964, the Rehabilitation Act of 1973, and the Age Discrimination Employment Act of 1967, as well as EEOC implementing regulations governing the federal sector complaint process at 29 C.F.R. Part 1614, and mandatory annual EEOC reporting requirements, including the Notification and Federal Employee Anti-Discrimination and Retaliation Act of 2002 (No FEAR Act).

8. Bashen provides EEO counseling and investigation services to support employees or applicants who file EEO complaints. Bashen helps resolve complaints informally, ensure compliance with EEO regulations, and provide expert advice on discrimination laws and policies.

9. JDG Associates provides EEO counseling and investigation services to support employees or applicants who file EEO complaints. JDG helps resolve complaints informally, ensure compliance with EEO regulations, and provide expert advice on discrimination laws and policies.

10. Alacor provides correctional nursing experts to assist CRCL with review of allegations and conducting investigations pursuant to the Homeland Security Act, 6 U.S.C. § 345(a)(6), and meeting obligations under 42 U.S.C. § 2000ee-1(f)(2)(C) and (D) and Section 504

of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794. The services manage risk from medical issues that arise during detention of aliens as part of DHS's immigration enforcement and law enforcement missions. This includes triaging and sending to ICE IHSC for action emergent referrals that may be of a "life and death" nature, including potentially suicidal detainees or detainees decompensating medically with potentially immediate negative outcomes.

11. Kleman Consulting provides correctional mental health experts to assist CRCL with review of allegations and conducting investigations pursuant to the Homeland Security Act, 6 U.S.C. § 345(a)(6), and meeting obligations under 42 U.S.C. § 2000ee-1(f)(2)(C) and (D) and § 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794. The services are critical to managing risk from medical issues that arise during detention of aliens as part of DHS's immigration enforcement and law enforcement missions. This includes triaging and sending to ICE IHSC for action emergent referrals that may be of a "life and death" nature, including potentially suicidal detainees or detainees decompensating medically with potentially immediate negative outcomes.

12. Finally, JDG Associates helps in drafting Final Agency Decision (FADs) on the merits of EEO complaints alleging employment discrimination. JDG Associates supports the EEO Division's compliance with the timeframes set forth at 29 C.F.R. § 1614.110.


13. For OIDO, the proposed plan would involve a staff that includes the Ombudsman, the Deputy Ombudsman, an additional five to seven full-time employees to handle casework, and an additional employee to handle report writing and any additional responsibilities. On May 22, 2025, the Secretary designated Joseph Guy to serve as the OIDO Ombudsman. Staffing will take time, so the plan is to immediately bring on a minimum of two detailees, preferably staying for

rotations of six months to one year each. Because Mr. Sartini has recent experience in drafting and issuing detail notices, he will assist Mr. Guy in expeditiously posting detail notices for OIDO.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 22nd day of May, 2025.

/s/



Troup Hemenway
Acting Officer for Civil Rights and Civil
Liberties
U.S. Department of Homeland Security