UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS

GILBERTO PEREIRA BRITO, FLORENTIN AVILA LUCAS, and JACKY CELICOURT, individually and on behalf of all those similarly situated,

        Plaintiffs-Petitioners,

v.

WILLIAM BARR, et al.,

        Defendants-Respondents.

Case No. 19-11314-PBS

DECLARATION OF SOPHIE BEIERS

I, Sophie Beiers, upon my personal knowledge, hereby submit this declaration and declare as follows:

1.   I am a Data Journalist at the American Civil Liberties Union national office. Prior to my current role, I worked as Senior Data Analyst at the education non-profit, YouthTruth, a project of The Center for Effective Philanthropy. I hold a bachelor's degree in Psychology from Pitzer College and a master's degree in Quantitative Methods in Social Sciences from Columbia University.

2.   In addition, Thania Sanchez PhD, Quantitative Social Scientist at the ACLU Data and Analytics department reviewed my analysis. Thania has a PhD in Political Science from Columbia University and prior to joining the ACLU she was a professor of political science at Yale University.

3.   To analyze the numbers found below, I used data downloaded from the Executive Office for Immigration Review (EOIR) website (www.justice.gov/eoir) through the link titled "EOIR Case Data (May 2019)." The data included information through May 7, 2019 and came

with "lookup" tables that provided information about many variables, further referred to as the government's "documentation".

4.   Due to the volume of data, it would be inappropriate to provide as evidence in its current form. Thus, pursuant to Federal Rule of Evidence 1006, this declaration contains an analytical summary of bond hearings at the Boston, Massachusetts, and Hartford, Connecticut, immigration courts.

5.   In order to calculate the figures set forth in paragraphs 6-11, *infra*, I loaded all relevant data into a database. I then loaded the bond hearings from the database into the statistical programming software, R, to perform all subsequent analyses and transformations.

For analyses specific to Boston and Hartford, I filtered the bond hearings for the "base cities" BOS and HAR. These base city codes, according to the data documentation provided by the government, represent Boston and Hartford hearing locations, respectively.

To calculate the number of bond hearings that took place in Boston and Hartford during the past 6 months, I further filtered the bond dataset such that it only included bond hearings that occurred between November 1, 2018 and May 7, 2019, the most recent full 6-month period provided in the data, and counted the resulting number of hearings.

To calculate the number of bond hearings specifically during which an individual received a bond amount, I removed bond hearings with the immigration judge decision of "no bond", "own recognizance" (which indicates the individual was ordered released without bond) or "no jurisdiction" (indicating that the individual was not eligible for a bond hearing). As the legal minimum for bond amounts is $1,500, *see* 8 U.S.C. § 1226(a)(2)(A), I ensured all bond values were at least $1,500 and eliminated bonds with missing values for bond amounts. Because people can have multiple bond hearings, I counted the number of unique case ids from these bond hearings to report these numbers at the "person" level rather than the bond hearing level.

To calculate the final bond value set in each bond hearing, I depended on the values available within either "new bond" or "initial bond." I considered the value in "new bond" as the bond amount unless it was missing, in which case I used the "initial bond" amount as long as it was filled in *and* the hearing decision was either "no change" or "no action," suggesting that the bond amount remained the same as the initial bond set. The final dataset produced by this process reflected one bond hearing per row, with a bond amount attached to each bond hearing. In order to report out on average bond amounts given to individuals, we chose each person's first bond assigned in cases where he/she had multiple bond hearings.

To calculate the estimated number of individuals detained after having a bond assigned at a bond hearing, I combined the data from the immigration cases, bond hearings, custody history and proceedings datasets. I joined these four datasets together based on the unique id of each case. For each individual, I calculated the time elapsed between the bond hearing date, based on the first bond hearing at which the immigration judge set a bond value (and the bond decision was not "no jurisdiction", "own recognizance" or "no bond") and the estimated date of release[1]. If an individual had multiple bond hearings where bond amounts were set, I looked for the first bond hearing, if

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[1] Because the EOIR data does not include release dates for every case, I used two strategies to determine whether people were detained after their bond. First, I identified the first "release date" from the custody history table. The existence of this date in the custody history table for an individual indicates that he/she was held in custody for some period of time. Second, when cases were marked as detained throughout their proceedings (according to the proceedings table), I used the first existing proceeding completion date that came after a bond date, as their detention date. If the case had both a "release date" and a "proceeding completion date" available (and was marked as detained throughout their proceeding), I used the earliest of the two as the detention end date – the most conservative estimate of the two. This calculation and resulting estimation is intentionally conservative; we are cannot know if individuals with missing information, for either method, were ever detained. It's possible that the reason some of these end dates are missing are because some individuals are still currently detained. It is also possible that end-dates were not filled in. I have no reasonable way of inferring release under these circumstances. Thus, individuals currently detained are left out of analysis. The length of time individuals spent detained could only be calculated if there was a clear estimated date of end of detention.

any, that led to detention for 10 days. I again filtered this data such that the bond hearing date must have occurred between November 1, 2018 and May 7, 2019.

Bond Hearings at Boston and Hartford Immigration Courts

6.   For the time period November 1, 2018 through May 7, 2019, the data indicate that 700 people received a bond hearing in the Boston immigration court, and 77 people received one in the Hartford immigration court. The total number of people who received a bond hearing in these two courts during this time period was therefore 777.

7.   The 777 people referenced in paragraph 6, above, received a total of 995 bond hearings from November 1, 2018, through May 7, 2019.

8.   In paragraph 7, above, the number of hearings is greater than the number of individuals because 184 people received multiple (between 2 and 6) hearings. It appears that one reason for this is that some hearings resulted in a "no action" order, which I understand to be the equivalent of continuing the matter for another hearing on a later date. Of the 995 bond hearings referenced in paragraph 7, above, 274 hearings in Boston resulted in a "no action" order, and 70 hearings in Hartford resulted in a "no action" order. Accordingly, of the 995 bond hearings referenced in paragraph 7, above, 651 hearings resulted in a disposition other than "no action."

9.   Of the 651 bond hearings referenced in paragraph 8 above, that resulted in a disposition other than "no action," a minimum of 236 hearings in Boston resulted in a "no bond" order, and a minimum of 32 hearings in Hartford resulted in a "no bond" order. Consequently, a minimum of 268 (approximately 41%) of these 651 hearings resulted in a denial of release on bond.

Figure 1. Immigration Judge Bond Decisions

City	New Amount	No Action	No Bond	No Change	No Jurisdiction	Own Recognizance	Total

BOS	259	274	236	73	22	2	866
HAR	25	70	32	1	1	0	129
Total	**288**	**344**	**268**	**74**	**23**	**2**	**995**

10.   From November 1, 2018, through May 7, 2019, for bond hearings in Boston where a bond was set[2], the median bond amount was $5,000, and the mean was $6,302. We cannot determine the precise number of people who remained detained after a bond was set. However, we can determine that a minimum of 124 individuals (out of 260 that received a bond) within the jurisdiction of the Boston immigration court remained detained 10 days or more after a bond was set during this time period.

11.   From November 1, 2018, through May 1, 2019, for bond hearings in Hartford where a bond was set, the median bond amount was $25,000, and the mean was $28,700. We cannot determine the precise number of people who remained detained after a bond was set. However, we can determine that a minimum of 13 individuals (out of 25 that received a bond) within the jurisdiction of the Hartford immigration court remained detained 10 days or more after a bond was set during this time period.

I declare under penalty of perjury and under the laws of New York and the United States that the foregoing is true and correct to the best of my knowledge.

Executed in New York, New York on June 17, 2019.

Sophie Beiers

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[2] We excluded bond hearings with the immigration judge decision of "no jurisdiction", "own recognizance" and "no bond" for this analysis. We chose each person's first bond hearing where he/she received a bond.

CERTIFICATE OF SERVICE

I hereby certify that on June 18, 2019, the above-captioned document was filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent to those indicated as non-registered participants.

   /s/   Susan Finegan

Susan M. Finegan