

How Data Brokers Assist ICE in Cook County

BACKGROUND

Around the country, ICE openly skirts sanctuary laws by buying access to public and commercial data from data brokers LexisNexis and Appriss. Since 2021, ICE has had a contract with LexisNexis for its Accurint Virtual Crime Center (AVCC) to access data on over 276 million people from more than 10,000 government and commercial sources.¹

For the first time, in July 2021, ICE acknowledged that it was using data brokers like LexisNexis to get around sanctuary laws in localities such as Cook County.² Specifically, through Appriss and LexisNexis, ICE receives real-time notifications about the incarceration status and release of people in local jails and prisons, which it can use to target people for detention and deportation efforts – even when local sanctuary policies prevent this same information from being shared with ICE.

How does ICE do this? Unbeknownst to many communities and public officials, the data broker Appriss accesses real-time incarceration and release data from thousands of county jail computer systems. Using this widespread access, Appriss collects and packages this data in a product called Justice Intelligence³ and then sells this to law enforcement agencies and private companies like LexisNexis, which, in turn, sells it to ICE.

According to FOIA records, ICE uses LexisNexis on a massive scale both within Cook County and around the nation. Between March 2021 and September 2021 alone, ICE’s Enforcement and Removal Operations (ERO) Chicago Field Office ran over 13,000 people searches in LexisNexis, generating over 1,800 reports on individuals for civil immigration enforcement purposes.⁴

¹ <https://risk.lexisnexis.com/products/accurint-virtual-crime-center>

² In a July 2021 contracting document, ICE’s Enforcement and Removal Operations (ERO) states that it is expanding its contract with data broker LexisNexis with the following justification: “Due to policy or legislative changes, ERO has experienced an increase in the number of law enforcement agencies and state or local governments that do not share information about real time incarceration of foreign-born nationals with ICE. Therefore, it is critical to have access to Justice Intelligence.”

³ <https://apprissafety.com/solutions/justice-intelligence/>

⁴ From documents produced pursuant to Just Futures Law Freedom of Information Act lawsuit, on file with authors.

Two Ways Data Brokers Assist ICE in Cook County:

1. Data Brokers Provide ICE with Real-Time Incarceration and Release Data

**Cook County shares real-time incarceration and release data with Appriss
→ Appriss sells this data to LexisNexis → LexisNexis sells it to ICE**

Our research has uncovered that Cook County shares real-time incarceration and release data with ICE indirectly through a contract between Appriss and Cook County on behalf of the Office of the Chief Procurement Officer.⁵ This contract permits the County to feed all real-time incarceration and release data from the Cook County Jail Management System to Appriss. On its face, the purpose of the contract is victim notification through Appriss' VINE service.⁶ However, the contract goes beyond this purpose to grant Appriss the right to sell Cook County's real-time incarceration and release data in bulk, among other personal information, to law enforcement agencies and private companies like LexisNexis, which then likely sells this Cook County jail data to third parties, including ICE.⁷

2. Data Brokers Provide ICE with Access to Other Public-Sector Data, as well as Private-Sector Data.

In addition to real-time incarceration and release data, Appriss and LexisNexis likely provide ICE access to a wide array of data about Cook County residents, both from public sector sources and from companies:

Court Records: In addition to incarceration data, Appriss and LexisNexis provide tens of millions of court records and DMV records to ICE.⁸ These court records could contain information from civil cases, traffic incidents, and municipal records, all with personal identifying information such as home addresses.

⁵ <https://opendocs.cookcountyil.gov/procurement/contracts/1823-17278.pdf>

⁶ <https://apprissinsights.com/solutions/vine/>

⁷ In Contract No. 1823-17278 with Cook County, Appriss notes that Appriss may use Cook County data for the development of its Risk Solutions Matrix software products, including for state and federal law enforcement." See Confidentiality and Ownership of Documents, at page 14; see also Exhibit 4 of contract for reference to its Risk Solutions Matrix software products.

⁸ Appriss VINE provides information on "upcoming court events" using Cook County data. See: <https://opendocs.cookcountyil.gov/procurement/contracts/1823-17278.pdf>. See also Thomson Reuters, 14 (references Circuit Court of Cook County records) <https://www.thomsonreuters.com/content/dam/ewp-m/documents/legal/en/pdf/other/westlaw-additional-terms-6-30-2020.pdf>

Thus, this data may open the door for ICE to target people at their home address based on any interaction with the police, such as a traffic ticket. Additionally, this criminal justice data may allow ICE to track a person's next court appearance, providing the necessary information for ICE to arrest the person in or near the courthouse.

DMV Data: LexisNexis purchases over \$20 million of personal data from the Illinois Department of Driver Services every year, including name and address information, physical characteristics, and license issuance information like TVDL (Temporary Visitor Driver's License) status.⁹ This makes Illinois drivers a target for ICE through LexisNexis.

Other Public Sector Data: As a massive data broker, LexisNexis advertises access to many county and state data sources including property ownership records, liens, judgments, UCC records, marriage and birth records, DMV and business records about people in jurisdictions across the country. It is very likely that LexisNexis has gained access to data about Cook County residents, as it has done in so many other jurisdictions,¹⁰ and Cook County agencies may not be aware that LexisNexis can sell that data to third parties, including ICE.

We know that Cook County, at minimum, has a contract with LexisNexis for use of its products.¹¹ If Cook County agencies upload data about Cook County residents to any LexisNexis products as part of this use (for example, to its Accurint Virtual Crime Center product), it is possible that this data becomes accessible to ICE.

Private-Sector/Commercial Data: LexisNexis provides ICE with access to a national database that includes private-sector data about people nationwide, such as utility data, cable and cell phone records, and billing addresses that ICE can use to track people down at their homes.¹² It is very likely that private-sector information about Cook County residents is included in this database.¹³

⁹ Illinois law allows undocumented people to obtain a Temporary Visitor Driver's License (TVDL). See: <https://www.ilsos.gov/departments/drivers/TVDL/home.html>

¹⁰ LexisNexis can gain access to county-level data about people in jurisdictions around the country through individual data record purchases, contractual agreements, public records requests, or publicly available data portals.

¹¹ <https://opendocs.cookcountyil.gov/procurement/contracts/1944-17732A.pdf>. In its contract to provide database services to Cook County, LexisNexis notes that it provides public records from across the country including (but not limited to): location of persons and businesses, skip-tracing, and address searches, bankruptcy checks for individuals and companies, driving records, associated persons and businesses, property ownership records, public records (e.g., UCC records, liens, judgments, property records, lawsuit or adverse filings, etc.).

¹² <https://www.washingtonpost.com/technology/2021/02/26/ice-private-utility-data/>

¹³ LexisNexis provides ICE with a national database full of commercial data. While we don't yet have specific information about the exact commercial data they provide to ICE about Cook County residents (this could be accessed via FOIA), there is no reason to believe Cook County would be excluded from this national database.

Addressing ICE’s Use of Data Brokers to Get Around Cook County’s Detainer Ordinance:

County Data Sharing with Appriss Violates the Spirit of Cook County’s Detainer Ordinance

Cook County’s Detainer Ordinance states that the Sheriff of Cook County shall decline ICE detainer requests. In addition, the Ordinance states that “... County personnel shall not expend their time responding to ICE inquiries or communicating with ICE regarding individuals’ incarceration status or release dates while on duty.”¹⁴ It also states that “there shall be no expenditure of any County resources or effort by on-duty County personnel for this purpose, except as expressly provided within this Ordinance.” Id.¹⁵

However, Cook County jail’s expenditures on Appriss’ services appear to provide ICE with information about the very thing that the Ordinance prohibits the County from spending money or resources to provide to ICE. That is, in an apparent violation of the spirit of the Ordinance, “County resources” going towards the purchase of Appriss services may be providing ICE access to “individuals’ incarceration status and release dates.”

ICE Purchases Alternative Public and Private Sector Data to Skirt Cook County’s Sanctuary Policy

Since the Cook County ordinance limits access to Cook County incarceration data, ICE turns to other state, local, and private data sources to locate individuals for detention and deportation. Advertising more than 10,000 different data sources, companies like LexisNexis offer a “one-stop-shop” for these alternative public and private data sources.

¹⁴[https://immigrantjustice.org/sites/default/files/Cook%20County%20Detainer%20Ordinance%20\(enacted\).pdf](https://immigrantjustice.org/sites/default/files/Cook%20County%20Detainer%20Ordinance%20(enacted).pdf) (emphasis added).

¹⁵Note that the Illinois Trust Act similarly limits law enforcement agencies from granting ICE access to its electronic databases. <https://ilga.gov/legislation/ilcs/ilcs3.asp?ActID=3818>. However, it is not clear whether the law limits third parties such as LexisNexis or Appriss who may purchase the government data from sharing data with ICE. This may be one of reasons why LexisNexis is sharing Illinois’s Department of Driver Services data with ICE.

Other datasets in Cook County—such as phone records, rental data, utilities, internet, and other criminal justice data—may help to generate the most up-to-date personal identifying information and location data on individuals. This creates the perfect “people search” tool for ICE to conduct raids and deportations.

SOLUTIONS FOR CONSIDERATIONS:

- **Modification and clarification to the Cook County detainer law:** Cook County should ensure that its detainer law applies not only to direct data sharing between county agencies and ICE but also extends to indirect data sharing by data brokers and any other third parties such as Appriss and LexisNexis with ICE. This should include clarification that incarceration status and release times is not publicly available information and should not be shared with or sold to any third parties, including data brokers.
- **Immediate modification of Appriss contract with Cook County:** Cook County should immediately modify its contract with Appriss to ensure that incarceration status and other criminal justice or personal identifying data cannot be used or shared with third parties, and that data is solely used for the specific and narrow purpose of victim notification in specific cases and proceedings. Alternatively, Cook County should seek an alternate vendor or method of conducting victim notification.
- **Full review of government databroker contracts and prohibition on reselling data to third parties including but not limited to ICE:** Cook County should conduct a full and thorough review of any County data requests, use agreements, or contracts with data brokers such as with LexisNexis and Appriss to identify any additional government sources of data that may be collected and resold by such companies to third parties such as ICE. Cook County should limit such third party sharing and terminate any data use, agreements or contracts where companies refuse to comply with such limitations.



JUST
FUTURES
LAW

Acknowledgments:

Writers: Hannah Lucal, Aaron Lackowski, Julie Mao
Editors: Cinthya Rodriguez, Dinesh McCoy, Julie Mao
Research: Aaron Lackowski

APPENDIX

Excerpt of language from Cook County contract with Appriss. See <https://opendocs.cookcountyil.gov/procurement/contracts/1823-17278.pdf>

Consultant builds and maintains databases and solutions utilizing data from disparate incarceration systems. The hygiene, maintenance and storage of this incarceration data improves data quality and solutions for all clients seeking to manage risk, security and fraud (collectively “Risk Solutions”). Risk Solutions and use cases are defined in Exhibit 4. A network effect is created whereby benefits increase with each participating organization. The County permits internal access (within Service Provider) to the Data for development and improvement of Consultant’s Risk Solutions. The County authorizes third-party access to the Data only for Risk Solutions. Service Provider will notify the Customer if additional use cases arise outside of the collective “Risk Solutions”. Notwithstanding the foregoing, and in accordance with Section 3 herein, Consultant may utilize non-confidential Data made available to the public. Service Provider understands and agrees that all internal access (within Service Provider) and all third-party access shall be subject to the Confidentiality requirements herein.

Excerpt from Cook County contract with Appriss, Exhibit 4.

Exhibit 4

Our mission: *Knowledge for good.*

What we do: Save lives, fight crime, prevent fraud and manage risk.

How we do it: Appriss Safety operates the nation’s most comprehensive and up-to-date arrest data network.

Appriss Safety Data-Driven Solutions

Scope of Problem	<ul style="list-style-type: none"> • 1.2M violent crimes occur/yr. (IIR, 2015) • >850K offenders/yr. released (p.o.) • ~2/3 rearrested within 3 yrs. (p.o.) 	<ul style="list-style-type: none"> • Violent crime clearance rate is 46%; 54% go unsolved (PBI, 2015) • ~9M outstanding warrants (A.A. 2015) 	<ul style="list-style-type: none"> • >\$90B Medicaid fraud (CMS, 2014) • \$3.2B UI fraud (St. Louis Fed. Reserve 2015) • >\$100B owed in unpaid child support (Cris. of Cal. 2009) • \$144B improper federal program payments FY2016 (paymentaccess.gov) 	<ul style="list-style-type: none"> • Workplace violence accounts for 18% of all violent crime (IAC Crime Victimization Survey) • 39% of work-related crashes are caused by alcohol (NHTSA) • 1 in 10 students are victims of sexual abuse by a school employee (Am. Assn. of University Women)
Our Solution	Real-time multimodal notification of arrest status to save lives and provide peace of mind	Locate wanted persons, conclude investigations faster and bolster officer safety	Identify and eliminate fraud and ineligible claims for government entitlement programs	Identify and manage at-risk individuals for safer communities and work environments
Use Cases	<ul style="list-style-type: none"> • Victims • Law enforcement • Courts • Concerned citizens 	<ul style="list-style-type: none"> • State/local law enforcement • Federal agencies • Private/commercial enterprise 	<ul style="list-style-type: none"> • Medicaid provider fraud / eligibility • Child Services • Unemployment insurance • SNAP/TANF 	<ul style="list-style-type: none"> • Background screening • Security clearance • Continuous monitoring • Identity theft
Primary Buyers	<ul style="list-style-type: none"> • Federal and State agencies • Sheriff’s associations 	<ul style="list-style-type: none"> • Law enforcement • Commercial entities 	<ul style="list-style-type: none"> • Entitlement programs • Health/Human/Social services 	<ul style="list-style-type: none"> • Commercial entities • Federal and State agencies
Examples	<p>Notify victims, law enforcement, concerned citizens:</p> <ol style="list-style-type: none"> 1. Offender release/transfer (VINE) 2. Protective orders (VPO) 3. Court proceedings (VINE Courts) 4. Arrest warrants 5. Gun purchases 	<ol style="list-style-type: none"> 1. Search for persons of interest within database of detailed historical and current booking info. 2. Set “watches” on persons of interest 3. Run customized reporting 	<ol style="list-style-type: none"> 1. Eliminate receipt of entitlement \$ while recipient is incarcerated 2. Locate those who owe child support payments 3. Improve continuity of care and reduce healthcare costs 	<ol style="list-style-type: none"> 1. DUI - airline pilots, truck drivers, taxi drivers, delivery services. 2. Assault - in-home services (contractors, HVAC, utilities) 3. Theft - financial services, in-home services

Confidential - Jan 2018