

June 14, 2022

Meagan Barrera, North America Researcher & Representative  
Business & Human Rights Resource Centre  
2-8 Scrutton Street, 2nd floor  
London, EC2A 4RT

Dear Meagan Barrera:

Thank you for inviting Palantir Technologies ("Palantir") to respond to the American Dragnet report dated May 10, 2022.

While the Center on Privacy & Technology's report seeks to provide a detailed and extensive overview of activities and programs associated with Immigration and Customs Enforcement (ICE), it is unfortunately sparse on information explaining the distinct organizational and operational sub-directorates comprising ICE, their respective responsibilities, and how those mission sets are supported by various and distinct software systems. We would like to provide clarifications to help better contextualize the few Palantir references in the report.

ICE is composed of multiple sub-directorates. [Homeland Security Investigations \(HSI\)](#) is the division within ICE that uses Palantir software systems. HSI's focus is combatting transnational criminal organizations "illegally exploiting America's travel, trade, financial and immigration systems." Enforcement and Removal Operations (ERO), by contrast, is a separate directorate within ICE responsible for civil immigration enforcement actions including detention and deportation of illegal immigrants. Palantir has no contracts or other formal relationship with ERO.

The report appears to conflate activity associated with HSI and ERO throughout its pages, often referring to the umbrella agency "ICE" without any further specification. In the few places where the report does draw a distinction, it does so only to suggest that, "as a practical matter, there is no sharp line separating ICE ERO's enforcement of civil immigration law from the operations of ICE's Homeland Security Investigations (HSI) department, which is charged with investigating criminal activity." In our work, we observe this distinction to be considerably clearer. It manifests in terms of distinct organizational structure, work force and employment composition, operational efforts, and separate information systems used by the respective departments.

Palantir's actual scope of work with Homeland Security Investigations (HSI) supports its transnational criminal organization investigative mission and is limited to a case management system (the "ICM" program referenced in the report) and an investigation & analysis system (the "FALCON" program). As the case management software for HSI, ICM is the system in which all HSI agents track information for activities and operations in which they are involved. This includes multi-agency operations, which are not uncommon for federal law enforcement activities spanning jurisdictions and enforcement authorities. HSI's involvement in such operations would be expected, for example, in instances in which

transnational criminal activity or organizations are under investigation.

In one of the few instances in which Palantir software use is mentioned in the report — in relation to a 2017 “Human Smuggling Disruption” operation -- the extent to which HSI personnel were involved in any aspect of that operation, those agents would have been expected to log their activities in the ICM system. Palantir cannot speak to the specifics of HSI’s involvement in this particular operation or to the degree of involvement of HSI personnel (as distinct from ERO or other federal agency personnel). As a general matter, however, we believe that any alleged instances of officer misrepresentation, intimidation, or frustration of due process guarantees by any federal agency employees (as have been raised in relation to this specific operation) should be reviewed and, if confirmed, addressed by the appropriate oversight authorities.

Palantir has been and remains proud to support the work of HSI agents since 2011 when we piloted an effort to help the agency investigate the cartel [murder of Special Agent Jamie Zapata](#) during the first Obama administration. Over the years, HSI has contributed to countless outcomes that protect national security interests and provide for the safety and security of vulnerable community members. This includes investigations of human rights violations and war crimes, sex trafficking, weapons and drug smuggling, counterfeit goods, and malicious computer-hacking software. HSI’s work has led to the rescuing of thousands of child exploitation victims and the arrest and prosecution of the criminals and criminal organizations who prey on them.

In our work with HSI, we have continuously sought to enable the effective use of world-class privacy and data security enhancing features built into our systems. As with all of our work, Palantir [believes](#) in -- and has built our software and business around — the premise that software should both support mission objectives of vital public safety institutions *and* protect the privacy and civil liberties of community members served by those institutions.

Sincerely,

Courtney Bowman  
Director of Privacy and Civil Liberties, Palantir Technologies