

October 23, 2020

BY EMAIL: ICE-FOIA@dhs.gov

U.S. Immigration and Customs Enforcement
Freedom of Information Act Office
500 12th Street, S.W., Stop 5009
Washington, D.C. 20536-5009

Re: Freedom of Information Act Request

Dear FOIA Officer:

Citizens for Responsibility and Ethics in Washington (“CREW”) makes this request for records from U.S. Immigration and Customs Enforcement (“ICE”) pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 and U.S. Department of Homeland Security (“DHS”) regulations.

Specifically, CREW requests:

1. All records from January 1, 2017 to the date this request is processed reflecting any complaints, grievances, requests for investigation, referrals, or tips alleging that any immigrant detained at Adams County Correctional Center (“ACCC”) was subjected to violence, including threats and being choked, beaten, and pepper-sprayed, or being forced to sign their own deportation orders. This request includes without limitation any such complaint submission made through, or documented in, the following entities or channels:
 - a. Office of Professional Responsibility
 - b. Office of Detention Oversight
 - c. Enforcement and Removal Operations (“ERO”), Fort Worth Alliance airport, Mississippi ICE Field Office, and Mississippi Field Office Director
 - d. ERO Detention Reporting and Information Line
 - e. Joint Intake Center
 - f. Significant Incident Reports
 - g. Significant Event Notification System
 - h. Detention Monitoring Reports
2. All communications between ICE and any ACCC representative relating to claims of violent behavior or immigrants being forced to sign their own deportation orders.
3. All communications between ICE and the DHS Office of the Inspector General relating to any complaints about the use of force against Cameroonian individuals in ICE custody.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records,

audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records.

If it is your position any portion of the requested records is exempt from disclosure, CREW requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. See 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. See *Mead Data Central v. U.S. Dep't of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A) and agency regulations, CREW requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures likely will contribute to a better understanding of relevant government procedures by CREW and the general public in a significant way. See 5 U.S.C. § 552(a)(4)(A)(iii). Moreover, the request primarily and fundamentally is for non-commercial purposes. See, e.g., *McClellan Ecological v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

Within the past month, the advocacy group Freedom for Immigrants (“FFI”) began to receive reports of Cameroonian and Congolese immigrants detained in ICE facilities being subjected to threats of deportation and physical abuse.¹ This abuse culminated in detainees being coerced to submit their fingerprints in place of their signatures that would initiate deportation proceedings and ultimately forced to waive their rights to further immigration hearings and accept deportation.² In mid-October, a plane carrying 60 Cameroonian and 28 Congolese asylum seekers was quietly flown out of Fort Worth Alliance airport in Texas to deliver them to their home countries. The immigration rights group Witness at the Border, which tracked the flight, said it stopped in Senegal, Cameroon, the Democratic Republic of Congo, and Kenya before flying back to Texas. FFI claims that ICE is ramping up its deportation efforts just weeks before the presidential election as part of “an effort to silence survivors and absolve ICE of legal liability.”³

A joint complaint filed by FFI and the Southern Poverty Law Center (“SPLC”) cites eight cases of forced signatures or fingerprints on stipulated orders of removal, as well as several instances of violence. Three individuals provided their first hand account of the abuse they

¹ US ICE Officers Used Torture to make Africans Sign Own Deportation Orders. Julian Borger for The Guardian. October 22, 2020. Available at <https://www.theguardian.com/us-news/2020/oct/22/us-ice-officers-allegedly-used-torture-to-make-africans-sign-own-deportation-orders>

² *Id.*

³ *Id.*

suffered at ACCC. One individual, only known as BJ, said ICE officers, “pepper-sprayed me in the eyes and [one officer] strangled me almost to the point of death. I kept telling him, ‘I can’t breathe.’ I almost died. As a result of the physical violence, they were able to forcibly obtain my fingerprint on the document.” Another detainee’s testimony echoes BJ’s experience, claiming that after refusing to sign his deportation order, an ICE official pressed his neck into the floor and brought him into a room with no cameras and continued to torture him until they retrieved his fingerprint. A third detainee, only identified in the complaint as CA, spoke about officers breaking his fingers and pepper-spraying him as they dragged him across the room.⁴ In the wake of these reports, which range from coercive measures to violent actions, ICE spokeswoman Sarah Loicano confirmed that a formal complaint over use of force against the Cameroonian detainees has been submitted to the DHS inspector general.

The requested records would shed light on these issues concerning ACCC, which are of considerable public interest.

CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public’s right to be aware of the activities of government officials, to ensuring the integrity of those officials, and to highlighting and working to reduce the influence of money on politics. CREW uses a combination of research, litigation, and advocacy to advance its mission. CREW intends to analyze the information responsive to this request and to share its analysis with the public through reports, press releases, or other means. In addition, CREW will disseminate any documents it acquires from this request to the public through its website, www.citizensforethics.org. The release of information obtained through this request is not in CREW’s financial interest.

CREW further requests that it not be charged search or review fees for this request pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) because CREW qualifies as a member of the news media. *See Nat’l Sec. Archive v. U.S. Dep’t of Defense*, 880 F.2d 1381, 1386 (D.C. Cir. 1989) (holding non-profit a “representative of the news media” and broadly interpreting the term to include “any person or organization which regularly publishes or disseminates information to the public”).

CREW routinely and systematically disseminates information to the public in several ways. CREW’s website receives tens of thousands of page views every month. The website includes a blog that reports on and analyzes newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. In addition, CREW posts the documents it receives under the FOIA on its website, and that site has been visited hundreds of thousands of times.

Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

⁴ *Id.*

Conclusion

If you have any questions about this request or foresee any problems in fully releasing the requested records, please contact Nikhel Sus at nsus@citizensforethics.org or 202-408-5565. Also, if CREW's request for a fee waiver is not granted in full, please contact our office immediately upon making such a determination.

Where possible, please produce records in electronic format. Please send the requested records to nsus@citizensforethics.org. Thank you for your assistance.

Sincerely,

Nikhel Sus
Senior Counsel

Jenna Grande
Press Secretary