

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

CITIZENS FOR RESPONSIBILITY AND
ETHICS IN WASHINGTON,
1101 K St., NW, Suite 201
Washington, DC 20005,

Plaintiff,

v.

U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT,
500 12th St., SW
Washington, DC 20536,

Defendant.

Civil Action No. _____

COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF

1. Plaintiff Citizens for Responsibility and Ethics in Washington (“CREW”) brings this action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, against Defendant U.S. Immigration and Customs Enforcement (“ICE”) seeking records relating to claims of immigrants being violently coerced into signing deportation documents at Adams County Correctional Center (“ACCC”) in Mississippi and other ICE detention facilities.

2. CREW seeks declaratory relief that ICE is in violation of FOIA, and injunctive relief requiring ICE to immediately process and release the requested records.

Jurisdiction and Venue

3. This Court has subject-matter jurisdiction and personal jurisdiction under 5 U.S.C. §§ 552(a)(4)(B) and 552(a)(6)(C)(i). The Court also has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 2201(a), and 2202.

4. Venue lies in this district under 5 U.S.C. § 552(a)(4)(B).

Parties

5. Plaintiff CREW is a non-profit, non-partisan organization organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the rights of citizens to be informed about the activities of government officials and agencies, and to ensuring the integrity of government officials and agencies. CREW seeks to empower citizens to have an influential voice in government decisions and in the government decision-making process through the dissemination of information about public officials and their actions. To advance its mission, CREW uses a combination of research, litigation, and advocacy. As part of those efforts, CREW uses government records it obtains under FOIA.

6. Defendant ICE is an agency within the meaning of 5 U.S.C. § 552(f)(1). ICE has possession, custody, and control of the requested records.

Factual Background

7. In an October 7, 2020 complaint filed with ICE and the Department of Homeland Security (“DHS”), the Southern Poverty Law Center (“SPLC”) and Freedom for Immigrants (“FFI”) described alarming “reports that officials at [ACCC] used coercive tactics such as pressure and threats to obtain Cameroonian individuals’ signatures on immigration documents.”¹

8. The complaint details “[r]eports received from . . . 8 men” of “coercive tactics such as threats of violence and direct physical abuse to obtain submission, forced taking of fingerprints while individuals are in restraint, and the use of pepper spray against those who decline to sign these immigration documents, leading to hospitalization in at least one incident.”²

¹ Letter from SPLC and FFI to ICE and DHS, Oct. 7, 2020, <https://static1.squarespace.com/static/5a33042eb078691c386e7bce/t/5f7f17f39e044f47175204fb/1602164723244/Re+CRCL+Complaint+ICE%27s+Use+of+Torture+to+Coerce+Immigrants+to+Sign+Immigration+Documents+at+A+dams+County+Correctional+Facility.pdf>.

² *Id.*

9. To help answer questions about these issues, CREW submitted a FOIA request to ICE on October 23, 2020, seeking the following:

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.

10. CREW’s request sought a fee waiver.

11. By email dated December 4, 2020, ICE acknowledged receipt of CREW’s request, assigned it tracking number 2021-ICFO-13543, and invoked a 10-day extension of its response deadline due to “unusual circumstances.”

12. By email dated December 9, 2020, ICE requested that CREW complete a Privacy Act waiver “[b]ecause you have asked for copies of records about yourself.”

13. The same day, CREW responded that “ICE has misconstrued CREW’s request as seeking ‘records about yourself.’” CREW clarified that it does “not seek such records,” but

rather seeks “records reflecting any complaints, grievances, requests for investigation, or tips submitted by third parties.”

14. CREW added that “ICE should deem the request perfected as submitted, and accept it for processing. If ICE is not willing to do so, please advise [CREW] as soon as possible.”

15. ICE has not responded to CREW’s December 9, 2020 email.

16. To date, CREW has received no other communications from ICE regarding its October 23, 2020 FOIA request.

CREW’s Claim for Relief

ICE’s Wrongful Withholding of Records Responsive to CREW’s FOIA Request

17. CREW repeats and re-alleges the preceding paragraphs.

18. In its October 23, 2020 FOIA request, CREW properly asked for records within the possession, custody, and control of ICE.

19. ICE has failed to conduct an adequate search in response to CREW’s FOIA request.

20. ICE is wrongfully withholding records responsive to CREW’s FOIA request.

21. By failing to timely release all requested records in full to CREW, ICE is in violation of FOIA.

22. CREW is therefore entitled to injunctive and declaratory relief requiring immediate processing and disclosure of the requested records.

Requested Relief

WHEREFORE, CREW respectfully requests that this Court:

1. Order ICE to immediately and fully process CREW's FOIA request and disclose all non-exempt records to CREW;
2. Issue a declaration that CREW is entitled to immediate processing and disclosure of the requested records;
3. Provide for expeditious proceedings in this action;
4. Retain jurisdiction of this action to ensure no agency records are wrongfully withheld;
5. Award CREW its costs and reasonable attorneys' fees in this action; and
6. Grant such other relief as the Court may deem just and proper.

Date: March 17, 2021

Respectfully Submitted,

/s/ Nikhel Sus

Nikhel S. Sus

(D.C. Bar No. 1017937)

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