



To: (b)(6)
From:
Through:
Date: March 15, 2013
Complaint Number: 11-01-ICE-0005
Complainant Name: (b)(6)

Reasons for Closure without Recommendations:

- Insufficient information to investigate
Withdrawal of complaint
Lack of jurisdiction
Allegation(s) untimely/overtaken by events
Component and/or facility has already corrected the problem
[X] Allegations against component, individual, and facility unfounded
Allegation(s) substantiated but does not warrant recommendations
No finding of detention standards violations
[X] No finding of policy or procedure violations
Complaint added to information layer and closed (linked)
Complaint being handled as part of another related complaint (related)
Other (provide details):

Complaint Synopsis and Explanation of Closing Rationale:

On October 4, 2010, CRCL received from DHS Executive Secretariat a September 21, 2010, letter to DHS Secretary Janet Napolitano from Ms. (b)(6) alleging that her godson, (b)(6) a U.S. Immigration and Customs Enforcement (ICE) detainee at the time, and several other men were the victims of racial and religious profiling. Ms. (b)(6) alleges that ICE Special Agent (SA) (b)(6),(b)(7)(C) was harassing and targeting for immigration enforcement Mr. (b)(6) and the other men because they were Muslim and from Niger. Additionally, Ms. (b)(6) alleges there were deficient conditions of detention at Baker County Detention Center, where Mr. (b)(6) was being detained. The Joint Intake Center also received Ms. (b)(6) complaint and conducted an investigation independently of CRCL. Based upon review of the ICE Office of Professional Responsibility (OPR) Administrative Inquiry Report (AIR), Ms. (b)(6) allegations are unsubstantiated. Additionally, Mr. (b)(6) did not corroborate the allegations she made on his behalf. Furthermore, Ms. (b)(6) provided no information as to the identities of the other men she alleges were profiled or the nature of that profiling. Therefore, I recommend CRCL close this complaint without recommendations.

A review of the AIR and supporting documents reflect that the investigation conducted by SA (b)(6),(b)(7)(C) of Mr. (b)(6) was a routine follow up to three previous arrests of other individuals made by U.S. Customs and Border Protection (CBP) officers at the port of Jacksonville. Those individuals were registered security guards and citizens of Niger in the United States illegally who had had attempted to illegally export automobiles from the port. Mr. (b)(6) was identified as a previous owner of one of the automobiles the other individuals had attempted to export. Pursuant to follow up on this fact, it was determined

Mr. (b)(6) was a citizen of Niger who had overstayed his lawful admission into the United States and who had been convicted of possessing a counterfeit Resident Alien Receipt Card. During the course of SA (b)(6),(b)(7)(C) investigation, Mr. (b)(6) was ordered deported by an Immigration Judge but remained free on bond while his appeal of the deportation order was pending. Mr. (b)(6) was subject to arrest and removal on July 28, 2010, when the Board of Immigration Appeals dismissed his appeal. SA (b)(6),(b)(7)(C) arrested him pursuant to this authority on August 25, 2010.

When ICE OPR interviewed Mr. (b)(6) he was asked if he had any complaints regarding the manner in which his immigration case had been handled generally. He responded to these questions with only two complaints about not being allowed to attend Friday prayers at his detention facility and that he was not allowed to make use of the facility library to the extent he desired. Neither of these issues were raised in Ms. (b)(6) complaint. When he was asked about the allegations made by Ms. (b)(6) and specifically about any possible misconduct by SA (b)(6),(b)(7)(C) Mr. (b)(6) became agitated and refused to answer questions. A second attempt to interview Mr. (b)(6) yielded similar results.

Based on a finding that SA (b)(6),(b)(7)(C) acted appropriately and within the scope of his authority and the fact that Mr. (b)(6) did not have any complaints about the conditions of detention raised in Ms. (b)(6) complaint, I recommend CRCL close this complaint without recommendations.

Suggested Closure Method(s) (check all that apply):

- | | |
|--|---|
| <input type="checkbox"/> Close letter to complainant | <input type="checkbox"/> Close email/memo to component |
| <input type="checkbox"/> Phone call | <input type="checkbox"/> High level component communication |
| <input type="checkbox"/> No notification necessary | <input checked="" type="checkbox"/> Close Memo ¹ |
| <input type="checkbox"/> Other | |

Comments:

For further information on the ICE OPR investigation, please reference the attached Administrative Inquiry Report (ICE Case No. 201100134).

Ms. (b)(6) received an acknowledgement letter but she never provided third party consent to release information about this complaint. Because there was no third party consent, I do not believe a close letter is necessary.

¹ Mr. (b)(6) was released from custody on April 28, 2011, and we do not have a current address for him.

For Completion by Reviewer:

(b)(6)

Closure Recommendation Accepted

Closure Recommendation Not Accepted _____

Further Action Required: _____

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