

EXHIBIT 6



**OFFICE FOR CIVIL RIGHTS & CIVIL LIBERTIES (CRCL)
REFERRED COMPLAINT ASSISTANCE FORM**

REFERRED COMPLAINT ASSISTANCE	
Assigned To:	Immigration and Customs Enforcement Office of Professional Responsibility Customs and Border Protection Joint Intake Center
Requested From:	(b)(6) Compliance Investigator DHS Headquarters Office for Civil Rights and Civil Liberties (CRCL) Phone: 202 (b)(6) (b)(6) @dhs.gov
Deadline to CRCL:	Within 180 days of the date on the attached memo.
CRCL Complaint No:	10-08-DHS-0116
SYNOPSIS	
<p>On May 11, 2010, CRCL received a complaint from Families for Freedom, alleging CBP and ICE officials violated the civil rights and liberties of Mr. (b)(6) his wife (b)(6) (a LPR), and their 16-year-old son (b)(6) (a USC) during a raid at their residence by ICE and CBP on Wednesday, April 28, 2010, at approximately 12:00 p.m. in Homestead, Florida. The complaint also alleged ICE and CBP officials mistreated (b)(6) bystanders at the (b)(6) residence. The complaint specifically named ICE Officer (b)(6),(b)(7)(C) and referenced an unidentified CBP official as the perpetrators.</p> <p>The complaint alleges ICE and/or CBP officials:</p> <ol style="list-style-type: none"> Used derogatory language to describe the elder Mr. (b)(6) when speaking with Ms. (b)(6) Physically and verbally abused (b)(6) and handcuffed him without justification, in an apparent attempt to coerce (b)(6) to exit the house; Made a vulgar reference to a hypothetical prison sexual assault against (b)(6) Mistreated (b)(6) USC's, by asking them about their countries of origin, immigration status, and by demanding proof of their citizenship while they were outside the (b)(6) home on 4/28/2010, immediately following the CBPO's alleged excessive use of force against (b)(6) and Compelled Ms. (b)(6) at the time, to walk one quarter of a mile to her office in order to retrieve proof of citizenship. 	
(b)(5)	

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ISSUES/ALLEGATIONS	
Issues/Allegations to be addressed in ICE AIR/ROI:	<ul style="list-style-type: none">• (b)(5),(b)(6)•••
Information/Documents to be included in the exhibits:	<ul style="list-style-type: none">• (b)(5)•••••••

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Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
Washington, DC 20528

AUG 12 2010



**Homeland
Security**

(b)(6)

Homestead, Florida 33034

Re: Complaint No. 10-08-DHS-0116

Dear Mr. and Mrs. (b)(6)

On May 11, 2010, the Office for Civil Rights and Civil Liberties received information from Families for Freedom concerning your family's treatment by Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) during a raid at your residence on April 27, 2010.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000cc-1, the Office for Civil Rights and Civil Liberties has the responsibility to review and assess complaints against Department of Homeland Security employees and officials concerning violations of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion.

This Office takes allegations of violations of civil rights and civil liberties very seriously. We have determined that your allegations should be investigated by ICE and CBP, components of the Department of Homeland Security, which will report their findings to this Office. ICE and CBP will conduct an investigation of one or more of the concerns that you have raised:

- Whether ICE or CBP officials wrongfully detained your 16-year-old son.
- Whether an ICE or CBP official threatened your son with sexual assault.
- Whether ICE or CBP officials made inappropriate comments about your family.
- Whether ICE and CBP mistreated and inappropriately questioned bystanders at your residence.

We will review ICE and CBP's findings to assess compliance with civil rights requirements. The purpose of this process is to determine if your allegations raise issues that should and can be addressed by the management of the Department of Homeland Security.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, this Office is not able to obtain any legal remedies or damages on your behalf. Instead, we use complaints like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult with an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to this Office. 42 U.S.C. § 2000ee-1(e). If you believe that you or someone else is a victim of such a reprisal, please contact us immediately. ICE, CBP or this Office will contact you if additional information is needed or to report on the Department's review of this matter. If you have any questions concerning this referral, you may contact this Office by phone at 1-866-644-8360, 1-866-644-8361 (TTY), or by email at crcl@dhs.gov. When you communicate with us, please include the complaint number. In addition, it is very important to notify us of any changes in your address or telephone number.

We thank you for your complaint; inquiries like yours help the Department of Homeland Security meet its obligation to protect civil rights and civil liberties. You can expect to receive a letter from us informing you how the Department concluded this matter.

Sincerely,

(b)(6)



Director for Review and Compliance
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

AUG 12 2010



**Homeland
Security**

MEMORANDUM FOR:

(b)(6),(b)(7)(C)

Acting Deputy Director
Office of Professional Responsibility
Immigration and Customs Enforcement

Peter S. Vincent
Principal Legal Advisor
Immigration and Customs Enforcement

(b)(6),(b)(7)(C)

Joint Intake Center
Customs and Border Protection

Alfonso Robles
Chief Counsel
Customs and Border Protection

FROM:

(b)(6)

Director for Review and Compliance
Office for Civil Rights and Civil Liberties

(b)(6)

Attorney Advisor
Office of General Counsel

SUBJECT:

Complaint No. 10-08-DHS-0116

(b)(6)

The Office for Civil Rights and Civil Liberties (CRCL) has received a complaint alleging that Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) have violated an individual's civil rights or civil liberties. The purpose of this memorandum is to notify you of the complaint and to inform you that we are referring this complaint to ICE and CBP for investigation. We request that the appropriate office within your components complete an inquiry into the enclosed complaint within 180 days of the date of this referral.

(b)(5)

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CRCL authorities. Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL is charged with investigating and assessing complaints against DHS employees and officials of abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion. The procedures for our investigations and the recommendations they may engender are outlined in Department of Homeland Security (DHS) Management Directive 3500. We have received information concerning the above listed complaint that may fall under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1.

Access to information. More particularly, 42 U.S.C. § 2000ee-1(d) grants CRCL access to the “information, material, and resources necessary to fulfill the functions” of the office, including the complaint investigation function; Management Directive 3500 further authorizes CRCL to:

- “Notify[] the relevant DHS component(s) involved of the matter and its acceptance by CRCL, and whether the matter will be handled by CRCL or by the component organization”;
- “Interview[] persons and obtain[] other information deemed by CRCL to be relevant and require[] cooperation by all agency employees”; and
- “Access[] documents and files that may have information deemed by CRCL to be relevant.”

Reprisals forbidden. In addition, 42 U.S.C. § 2000ee-1(e) forbids any Federal employee to subject a complainant or witness to any “action constituting a reprisal, or threat of reprisal, for making a complaint or for disclosing information to” CRCL in the course of this investigation.

This memorandum and the Referred Complaint Assistance Form are pursuant to these authorities.

Privilege and required transparency. Our communications with ICE and CBP personnel and documents generated during this review will be protected to the maximum extent possible by attorney-client and deliberative process privileges. Under 42 U.S.C. § 2000ee-1(f)(2), however, we submit quarterly reports to Congress – which are also posted on CRCL’s website – that provide, inter alia, “the type of advice provided and the response given to such advice;” and “a summary of the disposition of such complaints, the reviews and inquiries conducted, and the impact of the activities of such officer.”

When the inquiry is complete, please contact CRCL with your component’s findings and recommendations. CRCL will review the matter in accordance with our mission to assist DHS to secure the Nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with your staff on this matter, will notify you when we have closed this complaint, and will provide you with any recommendations resulting from this complaint.

If you have any questions concerning this referral, please do not hesitate to contact my colleague, (b)(6) by phone at 202 (b)(6) 1-866-644-8360 (TTY), or by email at (b)(6)@dhs.gov.

Copies to:

Franklin Jones
Executive Director
Office of Diversity and Civil Rights
Customs and Border Protection

(b)(6),(b)(7)(C) [@dhs.gov](mailto: [REDACTED]@dhs.gov)

ice.opstasking@dhs.gov

joint.intake@dhs.gov

Enclosure