



Inspector General Joseph V. Cuffari
Department of Homeland Security

Officer Katherine Culliton-González
Office for Civil Rights and Civil Liberties
Department of Homeland Security

Assistant Commissioner Matthew Klein
CBP Office of Professional Responsibility

Associate Director Waldemar Rodriguez
ICE Office of Professional Responsibility

cc: The Honorable Alejandro Mayorkas, Secretary of Homeland Security
Esther Olavarria, Deputy Director of the Domestic Policy Council

Dear Inspector General Cuffari, Officer Culliton-González, Assistant Commissioner Klein,
and Associate Director Rodriguez:

We write on behalf of more than 80 organizations and hundreds of individuals who have sought over the last two years to hold DHS personnel accountable by submitting complaints to your oversight components, including several new filings discussed in this letter. The common feature of these submissions has been a lack of redress for harms caused by abusive ICE and CBP conduct. Such a widespread absence of accountability calls into serious question DHS's current systems for ensuring that complaints are properly investigated and official malfeasance punished. People harmed by departmental violations deserve to have their rights protected and vindicated; otherwise, they will not come forward due to fear of retaliation and lack of confidence that those leading DHS are committed to fair treatment.

For 50 years, the National Immigration Project has specialized in defending the rights of immigrants facing incarceration and deportation: our membership and allied organizations are well-positioned to advise about what must be done better to achieve accountability at DHS. We collected the complaints summarized in this letter as a snapshot of problems. There are many more examples of alleged abusive conduct by ICE and CBP officers and agents that have been submitted as complaints without adequate recourse.

Some of those—reflected in letters regarding complaints previously submitted to Secretary Mayorkas from the Kino Border Initiative on [February 11, 2021](#), and the ACLU on [March 3, 2021](#)—have been elevated in recent weeks, while others remain with the complainants alone. We think *every* complaint filed with DHS deserves a thorough and transparent investigation with appropriate redress. Our report shows this standard is far from being met.

A key finding here is that even in cases of serious harm by DHS personnel, advocates and survivors harbor a deep skepticism that investing the time and experiencing the re-trauma of filing complaints will result in a prompt and adequate investigation, much less achieve justice. The complaints by individuals, summarized in our appended report, fall generally into the categories of gender-based harassment, systemic problems within ICE and CBP involving race and transgender bias, denial of medical care and treatment, retaliation, use of solitary confinement, and extended detention. Institutional complaints made on behalf of individuals and in collaboration with other organizations raised similar issues, as well as systemic failures to protect children and unaccompanied minors who enter the United States to seek asylum.

Boiling down the systemic problems revealed by this set of complaints sets a preliminary agenda for our requested meeting(s) with each of you. The hundreds of incidents they describe include serious allegations of specific DHS policy and human rights violations, including clear patterns and practices at particular locations or facilities. Yet our collective attempts to bring abusive conduct to light through complaints is characterized by a failure by DHS oversight components to achieve minimum standards of complaint processing. Consistently,

- (1) Complainants not represented by counsel were unaware of their right to file complaints with DHS about misconduct they experienced or observed, as well as the confidentiality and/or anti-retaliation protections that exist to facilitate them;
- (2) Complainants almost always did not receive prompt acknowledgments, an expected timeframe, or updates about the progress of their complaints;
- (3) Oversight components did not explain to complainants what would or did happen to address their concerns;
- (4) Complainants received little to no information about the outcome of their complaints; and
- (5) DHS barriers to transparency impeded complainants seeking information about outcomes and how their allegations are investigated. Even basic features of a

healthy accountability system, such as communication of results to the maximum extent possible, are missing.

We respectfully request to meet and discuss the handling of past complaints as well as how DHS can establish, with stakeholders, a process to improve DHS complaints mechanisms and make them responsive, transparent, and effective. As the largest law-enforcement entity in the nation, your department shares in the challenges of policing, including to address urgently the impact of certain policies and unchecked enforcement excesses on Black and Brown communities. To take one issue raised recurrently in our submissions, several complaints reported interference with access to counsel and medical care for persons in detention that reflect a concerning attitude toward them among ICE personnel. In order to make accountability systems fully capable of identifying and addressing misconduct by both line personnel and those in leadership, they need to be accessible and provide meaningful recourse to those harmed. The President's 2022 budget proposal commendably proposes significantly increasing DHS oversight funding, including to the Office for Civil Rights and Civil Liberties and an additional \$84 million for the Offices of Professional Responsibility at Customs and Border Protection and Immigration and Customs Enforcement. Added resources are only one key part of the solution, however, as without tackling the recurring and fundamental problems identified in this report DHS's stakeholders will continue to be unable to count on just outcomes and meaningful accountability.

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We would appreciate quick responses to our submission and request to meet, as there is much work to do to ensure a robust DHS complaints system. Please contact me at sirine@nipnlg.org as soon as possible to arrange engagement with the advocates this letter and accompanying report represent.

Sincerely,



Sirine Shebaya
Executive Director