EXHIBIT JJ

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

Homeland Security

September 30, 2014

MEMORANDUM FOR: Thomas J. Winkowski
Principal Deputy Assistant Secretary
U.S. Immigration and Customs Enforcement

Peter S. Vincent
Principal Legal Advisor
U.S. Immigration and Customs Enforcement

FROM: Tamara Kessler (b)(6)
Deputy Officer for Programs and Compliance
Office for Civil Rights and Civil Liberties

David J. Palmer (b)(6)
Acting Associate General Counsel (Legal Counsel)
Office of General Counsel

SUBJECT: Complaint No. 14-03-DHS-0117 (b)(6)

The Office for Civil Rights and Civil Liberties (CRCL) has received a complaint alleging that U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) have violated an individual's civil rights or civil liberties. The purpose of this memorandum is to notify you of the complaint and describe those allegations, inform you that CRCL will retain this complaint for investigation, and explain how CRCL will work with ICE during our investigation.

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Protected by Attorney-Client and Deliberative Process Privileges

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CRCL

CRCL Mission. CRCL supports the Department's mission to secure the Nation while preserving individual liberty, fairness, and equality under the law. CRCL integrates civil rights and civil liberties into all the Department's activities:

- Promoting respect for civil rights and civil liberties in policy creation and implementation by advising Department leadership and personnel, and state and local partners;
- Communicating with individuals and communities whose civil rights and civil liberties may be affected by Department activities, informing them about policies

and avenues of redress, and promoting appropriate attention within the Department to their experiences and concerns;

- Investigating and resolving civil rights and civil liberties complaints filed by the public regarding Department policies or activities, or actions taken by Department personnel; and
- Leading the Department's equal employment opportunity programs and promoting workforce diversity and merit system principles.

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 generate are outlined in DHS Management Directive 3500.

Access to information. More particularly, 42 U.S.C. § 2000ee-1(d) grants this Office 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[e] 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 its accompanying request for information are pursuant to these authorities.

Privilege and required transparency. Our communications with ICE personnel and documents generated during this review, particularly the final report, will be protected to the maximum extent possible by attorney-client and deliberative process privileges. Under 6 U.S.C. § 345(b), however, we submit an annual report to Congress—also posted on CRCL's Web site—that is required to detail "any allegations of [civil rights/civil liberties] abuses . . . and any actions taken by the Department in response to such allegations."

We look forward to working with your staff on this matter and will report back to you our findings and any recommendations.

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Copies to:

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Enclosures