

U.S. Rep. Pocan: Releases response from Immigration and Customs Enforcement regarding FOIA request on Wisconsin raids

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Request went unanswered for 138 days as ICE asked for numerous extensions and stonewalled, leading Pocan to make two unannounced visits to the agency

WASHINGTON, DC - U.S. Representative Mark Pocan (WI-02) today released the response that officials from the U.S. Immigrations and Customs Enforcement (ICE) sent to his office regarding the Freedom of Information Act (FOIA) request that he made on October 12, 2018.

The full response from ICE is available [here](#).

Background:

ICE arrested 83 people across Wisconsin, including 20 individuals in Dane County and 5 in Rock County, from September 21-24, 2018.

On September 28, 2018, after [numerous attempts](#) to contact the agency, Rep. Pocan [met with ICE officials](#) in his Washington, DC office to ask for information about the arrests and the agency's contact with local law enforcement. On October 12, 2018, after two weeks of requesting information with no reply, Rep. Pocan [submitted a request](#) for information under the Freedom of Information Act (FOIA).

On March 6, 2019, following [two extension requests](#) from ICE, a [visit to their office](#) and a [leafletting of ICE headquarters](#), Rep. Pocan received ICE's response dated February 27, 2019.

Key Takeaways:

- The President claims ICE is deporting dangerous gang members, drug dealers, and human traffickers. But according to its own records, ICE is deporting members of our community with minor offenses or no criminal history.
 - According to data provided by ICE, at least 39 of the individuals arrested had no documented criminal history.
- According to emails provided by ICE, in addition to comments from local law enforcement, the agency appears to have failed to inform Madison and Dane County law enforcement officials of ICE operations in the area prior to the beginning of the raids.
 - Starting as early as August 2, 2018, ICE contacted 13 county and local entities but provided no documentation that Madison or Dane County law enforcement were aware of the impending raids before September 21, 2018.
- ICE failed to provide pertinent information regarding the FOIA and entirely disregarded some of Rep. Pocan's requests for information.
 - ICE disregarded two of Rep. Pocan's questions and provided incomplete information for the other four.
 - 294 of 411 pages of disclosed information were fully redacted.
- Because ICE failed to properly respond to his requests, Rep. Pocan will be filing an appeal and seeking further information.

Rep. Pocan's Request:

Production of all records pursuant to:

Question 1: Contact between ICE officials/agents and local law enforcement prior to and during the enforcement actions, including the names of individuals contacted and the date, time and outcome of each contact.

- Emails between ICE officials and local law enforcement show weeks of coordination with local and county law enforcement officials, as early as August 2, 2018, but no communication with Madison or Dane County law enforcement officials.

- ICE coordinated with: Eau Claire County Jail, Marathon County Jail, Brown County Jail, Janesville Police, Dodge County Sheriff's Office, Marathon County Sheriff's Office, Rock County Dispatch, Chippewa County Dispatch, Eau Claire County Dispatch, Trempealeau County Dispatch, Taylor County Dispatch, Marathon County Dispatch, Clark County Dispatch.
- On two separate occasions, an ICE official referred to the "radical population," writing "I know there is a radical population in the Dane area and no doubt, some of that population may bleed over to the Rock County area and specifically Janesville," (page 358) and "I know there is a radical population in this country, in some areas more than others, that is extremely hostile towards ICE" (page 376).

Question 2: A list of criminal offenses (or lack thereof) committed by the 83 detainees, broken down by individual while upholding privacy requirements by omitting personally identifying information.

- Records provided by ICE are incomplete and include codes for which no key was provided.
- From ICE's records, criminal histories for only 23 individuals were able to be confirmed.
 - Records list no criminal history for at least 39 of 83 arrested individuals.
 - 10 listed as "NC" - ICE provided no information as to what that code means
 - Listed offenses included: 6 driving under the influence, 2 sex offenses, 1 assault, 1 battery, 1 cruelty towards children, 1 cruelty towards wife, 1 larceny, 1 false imprisonment, 1 licensing violation, 1 illegal entry, 2 resisting officer, 2 disorderly conduct, 1 procure prostitute adult, 1 prostitution, and 1 traffic offense
- In a September 25, 2018 [press release](#), ICE claimed: "More than half of the aliens arrested by ERO deportation officers during this operation had prior criminal histories that included convictions for the following crimes: indecent exposure to a minor (an aggravated felony), assault, sexual assault, child abuse, domestic violence, domestic abuse, larceny, receiving stolen property, driving under the influence, identity theft, illegal re-entry after deportation, indecent liberty with a minor, obstructing police, theft, battery and weapon offenses."
 - ICE did not provide records that back up these claims. On March 8, 2019, Rep. Pocan's office contacted ICE requesting information that would

explain the discrepancy between the claim that they arrested 44 people with criminal records and his office's findings.

Question 3: The offering and distribution of privacy release forms to allow for detainees to seek assistance from Members of Congress and other relevant advocates.

- No information was provided.

Question 4: The establishment and use of satellite office space in Madison and other locations beyond the official field office in Milwaukee, including any information detailing the amount of time ICE officials have utilized the satellite offices.

- ICE provided no information regarding the establishment and use of satellite office space in Madison, and provided minimal information about locations in other counties.
- Emails provided by ICE show close coordination with 15 different law enforcement entities, but no information was provided about Madison or Dane County.

Question 5: Documentation of protocol followed when making arrests, including records detailing whether information was collected pertaining to the medical/health needs of the arrestee; whether the arrestee has any live-in dependents; and the medical/health needs of the dependents.

- No information was provided.

Question 6: The number of people detained by county and a list of the counties in which they were housed upon arrest.

- ICE did not directly answer this question, but instead provided lists of the 708 arrests and 691 book-ins the agency made in the month of September 2018 for the entire Chicago Area of Responsibility, which includes Indiana, Illinois, Kansas, Kentucky, Missouri and Wisconsin.