

DEPARTMENT OF HOMELAND SECURITY
OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES
COMPLAINT SUMMARY FORM
To be placed under the first left tab of the complaint folder

Summary Prepared By:	Annie Wong	Date Prepared:	January 14, 2010; Revised July 28, 2011
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Identifying Information

Complainant/Victim's FN:	Edward	MN:		LN:	Hasbrouck
Individual's Alien number:	N/A				
Third Party's FN (Written By):		Third Party's LN (Written By):			
Third Party's Organization:					

If the Complaint file would be more appropriately labeled with a phrase other than an individual complainant's name, type that tagline/name here:

Special Category (check any that apply)

- | | |
|--|---|
| <input type="checkbox"/> Sexual Abuse (PREA) | <input type="checkbox"/> Deaths – Further Action |
| <input type="checkbox"/> Language Issues | <input type="checkbox"/> Deaths – No Further Action |
| <input type="checkbox"/> Recipients of Federal Financial Assistance | <input type="checkbox"/> Other (please specify) |
| <input type="checkbox"/> Medical Issues | <input type="checkbox"/> ICE OPR Referral to CRCL |
| <input type="checkbox"/> Mental Health Issues | <input type="checkbox"/> CBP Referral to CRCL |
| <input type="checkbox"/> DHS Traveler Redress Inquiry Program (TRIP) | <input type="checkbox"/> DHS OIG Referral to CRCL |

Allegation

Received by DHS:	August 28, 2006; September 25, 2006; October 12, 2006; December 29, 2006; August 27, 2007; October 22, 2007; August 8, 2008; August 25, 2008; December 11, 2009	Received by CRCL:	December 29, 2009 (receipt of December 11, 2009 letter to TSA and CRCL re: a TSA SOP); August 10, 2010 (receipt of August 10, 2010 correspondence)
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Allegation Type:	Civil Right/Civil Liberty		
Incident Date: <i>(If this is a recurring incident or condition, list date range[s]):</i>	N/A	Time of Incident:	N/A
Summary of Allegation(s):	<p>By email, Mr. Edward Hasbrouck of The Identity Project sent his October 21, 2010 letter to CRCL, with attachments, in which he alleges that DHS violated the International Covenant on Civil And Political Rights by promulgating certain regulations and implementing certain systems of records over the past several years. Mr. Hasbrouck's concerns relate to the Privacy Act, the Regulatory Flexibility Act, the Airline Deregulation Act, the U.S. Constitution, international treaties (including the ICCPR and NAFTA), and the relevant agencies' jurisdictions, among others. [Background: On August 10, 2010, Mr. Hasbrouck wrote to CRCL to lodge nine separate complaints of civil and human rights violations with CRCL as the DHS single contact office for implementation of international human rights treaties under Executive Order (EO) 13107. CRCL responded seeking clarification, since CRCL does not normally receive complaints in the form of previously-submitted comments to DHS-issued Notices of Proposed Rule-Making (NPRMs) and Systems of Records Notices (SORNs), as submitted by Mr. Hasbrouck. On October 21, 2010, Mr. Hasbrouck confirmed his intention that his comments serve as the basis of his complaint. According to Mr. Hasbrouck's August 10, 2010 correspondence, the DHS receipt dates of his comments to NPRMs and SORNs are August 28, 2006; September 25, 2006; October 12, 2006; December 29, 2006; August 27, 2007; October 22, 2007; August 8, 2008; August 25, 2008; and December 11, 2009. This complaint is being given a DHS complaint number because it involves Offices in DHS Headquarters, including the Office of Policy, as well as TSA and CBP.]</p>		
Compliance Director's Recommendation:	<p><i>COMMENTS:</i> On January 7, 2010, Margo Schlanger, CRCL Officer, directed that this matter be opened as a retained complaint if Jeffrey Blumberg, Director, Compliance Branch, concurred. Blumberg concurred.</p>		

Allegation Details

Primary Issue:	Due Processing/Administrative Processing	Primary Basis:	N/A
Secondary Issue:		Secondary Basis:	

Select additional Secondary Issues and Secondary Bases if necessary. Add additional rows to the table above.

Categories from which to Select Allegation Issues and Bases

Allegation Issue Categories:

- Abuse of Authority/Color of Law
- Conditions of Detention
- Discrimination
- Due Processing/Administrative Processing

Allegation Basis Categories:

- Age
- Citizenship (specify)
- Color (specify whether dark, medium or light complexion)
- Detainee

Profiling
 Treatment
 Unaccompanied Minors
 Watch Lists
 Other (please specify)

Disability (mental)
 Disability (physical)
 Harassment
 Inappropriate touching
 Limited English Proficiency
 National Origin (*specify*)
 Non-Detainee
 Race (*specify race*)
 Racial Harassment
 Referral to secondary
 Religion (*specify religion*)
 Retaliation
 Rude, unprofessional conduct
 Sex (*specify whether male or female*)
 Sexual Harassment
 Ethnicity (*specify ethnicity. "Hispanic/Latino" is a selection in this category.*)
 Other (please specify)

[If the complaint involves an Unaccompanied Minor as a complainant/victim, the Primary Issues is Unaccompanied Minors.]

Involved Parties

Component(s) Referenced:	DHS HQ, CBP, TSA
Individual(s) <i>(list name, title/position, and employment location):</i>	1. Unidentified Employees of DHS HQ (Office of Policy and other Offices) 2. Unidentified CBP Employees 3. Unidentified TSA Employees

Location(s) of Incident(s)

Incident Location Type (*check all that apply*):

- | | |
|---|---|
| <input type="checkbox"/> Airport | <input type="checkbox"/> Street Stop |
| <input type="checkbox"/> Airplane | <input type="checkbox"/> Place of Business |
| <input type="checkbox"/> BCIS Facility | <input type="checkbox"/> Residence |
| <input type="checkbox"/> Border and Fixed Checkpoint | <input type="checkbox"/> Detention IGSA |
| <input checked="" type="checkbox"/> Government Building | <input type="checkbox"/> Detention SPC |
| <input type="checkbox"/> Seaport | <input type="checkbox"/> Detention CDF |
| <input type="checkbox"/> Ship | <input type="checkbox"/> Other (please specify) |

Incident Location <i>(list name of airport or port of entry or other location):</i>	DHS offices (various locations)		
City:		State:	

*If this complaint involves more than one incident location, list each location separately.
If the alleged incident occurred outside the U.S., identify the city and county where it occurred.*

Notes

Notes:	Mr. Hasbrouck initially wrote to CRCL and TSA Office of Civil Rights and Liberties (OCRL) by letter dated December 11, 2009, which CRCL received on December 30, 2009. CRCL replied by letter dated January 22, 2010, advising him that CRCL and TSA OCRL had discussed the matter and that TSA OCRL was preparing a response to his concerns. Mr. Hasbrouck subsequently wrote to CRCL by email on August 10, 2010. CRCL replied by letter dated August 13, 2010, requesting more information from him.
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