

F. JAMES SENSENBRENNER, JR.

FIFTH DISTRICT, WISCONSIN

COMMITTEE ON THE JUDICIARY

SUBCOMMITTEE ON
CRIME, TERRORISM, AND
HOMELAND SECURITY
CHAIRMAN

COMMITTEE ON SCIENCE, SPACE,
AND TECHNOLOGY
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Congress of the United States
House of Representatives
Washington, DC 20515-4905
October 16, 2014

WASHINGTON OFFICE:

ROOM 2449
RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-4905
202-225-5101

DISTRICT OFFICE:

120 BISHOPS WAY, ROOM 154
BROOKFIELD, WI 53005-6294
262-784-1111

OUTSIDE MILWAUKEE METRO
CALLING AREA:
1-800-242-1119

WEBSITE:
[HTTP://SENSENBRENNER.HOUSE.GOV](http://sensenbrenner.house.gov)

Acting Director Thomas S. Winkowski
U.S. Immigration and Customs Enforcement
500 12th St., SW
Washington, D.C. 20536

Dear Acting Director Winkowski:

The U.S. Immigration and Customs Enforcement (ICE) is an active participant in the Department of Justice's asset forfeiture program—a program that captured \$4.2 billion in 2012 alone. After seizing property, ICE gives property owners the option of challenging the seizure either judicially, with the federal court system, or administratively, with ICE itself in a process called remission or mitigation—often referred to as the administrative pardon of property. Seizures that are not challenged within 30 days of receiving notice are forfeited.

Because of the expense and complexity of the federal court system, many property owners pursue the administrative remedy. ICE's determinations are final and not subject to subsequent challenge. This administrative remedy thus becomes the sole avenue for constitutionally-required due process.

Given the importance of this administrative process, it is important for Congress and the public to better understand its administration. Please respond to the following questions by October 31, 2014:

- How many petitions does the ICE receive for the administrative pardon of property?
- How many petitions for the administrative pardon of property are granted?
- How many petitions does the ICE receive from individuals (as oppose to business or financial institutions) for the administrative pardon of property?
- How many of the petitions from individuals are granted?
- Please describe the methodology and procedures used by ICE to adjudicate civil forfeitures.
- Allowing attorneys for ICE to adjudicate the conduct of its own agents to determine whether money should flow directly to the coffers of ICE would seem to present inherent conflicts of interests. ICE leadership will have an interest in seeing the petitions denied because it increases their budget. Meanwhile, agents will see denials as a condemnation of their conduct in the field. Given these inherent conflicts, what procedures and protections exist to ensure fair adjudications of the claims and to protect against conflicts of interests?

Thank you for your prompt attention to this matter. If you have any questions, please contact Amy Bos in my office at (202) 225 5101.

Sincerely,

A handwritten signature in blue ink, reading "F. James Sensenbrenner, Jr." in a cursive style.

F. James Sensenbrenner, Jr.
Member of Congress