

Martha L. Walters
Chief Justice



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OREGON SUPREME COURT

June 17, 2019

Bryan S. Wilcox
Acting Field Office Director
ICE Enforcement & Removal Operations
12500 Tukwila Int'l Boulevard, 4th Floor
Seattle, WA, 98168

Re: ICE Enforcement Activities in State Courthouses

Dear Mr. Wilcox:

In April 2017, Thomas Balmer, my predecessor as Chief Justice of the Oregon Supreme Court sent a letter to the United States Attorney General and the Secretary of Homeland Security. In the letter, he raised concerns about Immigration and Customs Enforcement (ICE) agents arresting individuals in and around Oregon state courthouses. Justice Balmer explained that many members of our communities worry about contact with ICE agents and choose not to come to court. That is true not only for people facing deportation, but also people unsure about their own immigration status and people who fear being misidentified as deportable by ICE agents. By discouraging people from coming to court when they should, ICE's practice of arresting people at courthouses impairs the administration of justice, which depends on people participating in court proceedings -- whether as defendants standing trial, witnesses testifying, or victims seeking protection. In light of those concerns, he asked that ICE either completely stop arresting people at courthouse or at least designate courthouses as "sensitive locations," like churches and schools.

In January 2018, ICE issued a policy directive on courthouse arrests in January 2018. That directive states that ICE enforcement activities in courthouses generally should be limited to targeted individuals, should not involve action against family or friends with the targeted individual, and should avoid areas of the courthouse dedicated to non-criminal activities. The directive also states that ICE agents should make every effort to limit their time in courthouses and avoid unnecessarily alarming the public.

I appreciate ICE's efforts to provide limits on its enforcement activities, but the courthouse arrests that ICE is continuing to make are continuing to have an adverse effect on the administration of justice. Our judges continue to receive reports that ICE's courthouse enforcement practices are affecting community members' willingness to participate in judicial proceedings, including applying for restraining orders and responding to eviction notices.

Even when ICE agents comply with the directive issued in 2018, ICE arrests often create the type of public alarm that the directive seeks to avoid. For example, ICE agents are usually in plain clothes, do not always identify themselves during arrests, and have refused to produce a warrant or other document authorizing the detention, when requested. An arrest made under those circumstances understandably leads to confusion and uncertainty.


In one case, when arrested someone just outside a courtroom where criminal proceedings were taking place, the commotion was so loud that the trial judge had to order security to investigate, leaving the courtroom unsecured. In another incident where ICE arrested someone inside a courthouse, an attorney representing that individual asked to see the judicial or administrative warrant authorizing the arrest. Unfortunately, the agents refused, resulting in additional commotion and fear.

ICE agents also have made numerous investigatory contacts with people in and around the courthouses who are not the targeted individuals. One court employee observed ICE agents stopping numerous people leaving a courtroom where a targeted individual was expected. And, in another case, ICE agents mistakenly accused the wrong person of being the targeted individual and aggressively questioned that person until the agents confirmed the mistake by comparing a photograph of the person stopped and the targeted individual. In those cases, even though ICE agents were looking for a targeted individual, they exposed numerous other people -- based on their race and ethnicity -- to tactics that aroused their fear.

I am concerned that ICE's current enforcement activities in our state courthouses are continuing to negatively impact our communities, and I would like to meet with you to discuss further measures that could be instituted to ensure that Oregonians have access to justice.

I will be happy to arrange a meeting at your convenience. Thank you for listening.

Sincerely,



Martha L. Walters
Chief Justice

cc: Bill Williams, via email
Lisa Norris-Lampe, via email
Jason Specht, via email