

**Congress of the United States**  
**Washington, DC 20515**

May 31, 2018

The Honorable Thomas D. Homan  
Acting Director  
U.S. Immigration and Customs Enforcement  
500 12<sup>th</sup> Street, SW  
Washington, D.C. 20536

Dear Acting Director Homan:

We write to express our concern with ongoing immigration enforcement actions at courthouses across the country and urge you to designate courthouses as sensitive locations. Courthouse enforcement actions deter everyone—victims and witnesses included—from going to court, impeding due process and access to justice, regardless of immigration status.

On April 3, 2018, the Northwest Immigrant Rights Project filed a civil rights complaint against U.S. Immigration and Customs Enforcement (ICE) officers who detained a man after eavesdropping on a privileged attorney-client conversation at a state courthouse.<sup>1</sup> The complaint describes how Jorge Acebal-Coria went to the Clark County courthouse in Vancouver, Washington on January 24, 2018 to respond to a misdemeanor criminal charge. ICE arrested Mr. Acebal-Coria following his hearing. In the ICE officer's report, he cited reliance on information obtained while eavesdropping on a privileged conversation between Mr. Acebal-Coria and his attorney, whom he refers to as "court staff."

An individual's right to confidential communications with one's attorney is one of our country's most vital protections and dates back to the founding of our nation's legal system. Although this principal is not enshrined in the U.S. Constitution, its common law origins are noted in the Federal Rules of Evidence<sup>2</sup> and is widely recognized by all U.S. federal and state courts.

Further, ICE's presence in courthouses severely interferes with the fundamental mission of our courts to provide access to justice. Although ICE issued *Directive 11072.1: Civil Immigration Enforcement Actions Inside Courthouses* earlier this year,<sup>3</sup> we are concerned that this guidance is insufficient to mitigate the risks of deterring people from accessing our courts. Amidst ICE's increasing presence at courthouses, law enforcement across the country have

---

<sup>1</sup> Complaint: *U.S. Immigration and Customs Enforcement Eavesdropping on Attorney-Client Discussion at State Courthouse* (Apr. 3, 2018) available at: <https://www.nwirp.org/wp-content/uploads/2018/04/Redacted-CRCL-Complaint.pdf>.

<sup>2</sup> See Federal Rules of Evidence, §501-502.

<sup>3</sup> U.S. Immigration and Customs Enforcement, *Directive Number 11072.1: Civil Immigration Enforcement Actions Inside Courthouses* (Jan. 10, 2018) available at: <https://www.ice.gov/sites/default/files/documents/Document/2018/ciEnforcementActionsCourthouses.pdf>.

reported a decrease in crime reporting among immigrants.<sup>4</sup> ICE's actions directly hurt the ability of state and local law enforcement to investigate and prosecute crime, impeding the ability of law enforcement to uphold public safety.

Moreover, ICE's presence in courthouses has a broad impact across the population. Even people with legal status may fear contacting the police to report crime out of fear that contact with law enforcement will lead to the apprehension and detention of a loved one. Undocumented immigrants are deeply interwoven into our communities: an estimated 16.7 million people across the country live in mixed-status families where at least one family member is undocumented; 5.9 million are U.S. citizen children.<sup>5</sup> According to a survey by the University of Illinois, 44 percent of Latinos are less likely to contact the police if they have been a victim of crime because they fear that the police will inquire about their immigration status or that of people they know.<sup>6</sup>

These developments are deeply disturbing, calling into question ICE's capacity to ensure its agents adhere to ICE policies on enforcement as well as the quality of training for ICE officers with regard to attorney-client privileges. We request that you provide responses to the following questions:

1. What training does ICE provide officers and agents to ensure that immigration enforcement actions do not interfere with individual's constitutional rights?
2. What steps is ICE taking to hold its officers accountable for such violations?
3. How does ICE track compliance with *ICE Directive 11072:1: Civil Immigration Enforcement Actions Inside Courthouses*?
4. Please provide data on the number of courthouse arrests that have occurred over the past two years, including a breakdown of whether the arrest took place inside the courthouse or within 1,000 feet of the courthouse; by month; field office; whether the arrested individual was present in the courthouse as a witness, victim, or to address a pending charge; and the highest pending criminal charge of the arrested individual.

Again, we strongly urge you to designate courthouses as sensitive locations and to ensure strong oversight and accountability measures of courthouses enforcement actions. Thank you for your prompt attention to this matter.


---

<sup>4</sup> See, e.g. Carolina Moreno, *Houston Police Announce Decrease in Latinos Reporting Rape, Violent Crimes*, Huffington Post (Apr. 11, 2017) available at: [https://www.huffingtonpost.com/entry/houston-police-announces-decrease-in-latinos-reporting-rape-violent-crimes\\_us\\_58ebd5fae4b0df7e204455f4](https://www.huffingtonpost.com/entry/houston-police-announces-decrease-in-latinos-reporting-rape-violent-crimes_us_58ebd5fae4b0df7e204455f4); James Queally, *Fearing Deportation, Many Domestic Violence Victims are Steering Clear of Police and Courts*, L.A. Times (Oct. 9, 2017) available at: <http://www.latimes.com/local/lanow/la-me-ln-undocumented-crime-reporting-20171009-story.html>; Bernice Yeung, *Police: Immigration Policies Making it Harder to Catch Criminals*, Salon (Feb. 10, 2018) available at: [https://www.salon.com/2018/02/10/police-immigration-policies-making-it-harder-to-catch-criminals\\_partner](https://www.salon.com/2018/02/10/police-immigration-policies-making-it-harder-to-catch-criminals_partner).

<sup>5</sup> Silva Mathema, *Keeping Families Together*, Center for American Progress (Mar. 16, 2017) available at: <https://www.americanprogress.org/issues/immigration/reports/2017/03/16/428335/keeping-families-together>.

<sup>6</sup> Nik Theodore, *Insecure Communities: Latino Perceptions of Police Involvement in Immigration Enforcement*, UNIVERSITY OF ILLINOIS AT CHICAGO (May 2013) available at: [https://greatcities.uic.edu/wp-content/uploads/2014/05/Insecure\\_Communities\\_Report\\_FINAL.pdf](https://greatcities.uic.edu/wp-content/uploads/2014/05/Insecure_Communities_Report_FINAL.pdf).

Sincerely,

  
PRAMILA JAYAPAL  
Member of Congress

  
JAN SCHAKOWSKY  
Member of Congress

  
SUZANNE BONAMICI  
Member of Congress


  
BETO O'ROURKE  
Member of Congress

  
ADRIANO ESPAILLAT  
Member of Congress

  
NANETTE DIAZ BARRAGÁN  
Member of Congress

  
DONALD S. BEYER, JR.  
Member of Congress

  
EARL BLUMENAUER  
Member of Congress

  
ANTHONY G. BROWN  
Member of Congress

  
TONY CARDENAS  
Member of Congress

  
ANDRÉ CARSON  
Member of Congress

  
JOAQUIN CASTRO  
Member of Congress

  
JUDY CHU  
Member of Congress



DAVID N. CICILLINE  
Member of Congress



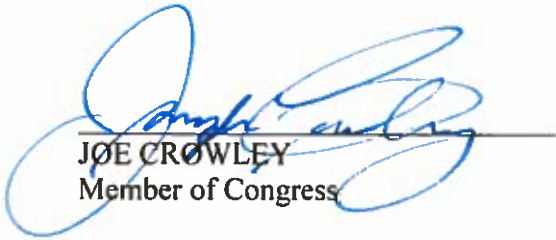
YVETTE D. CLARKE  
Member of Congress



STEVE COHEN  
Member of Congress



J. LUIS CORREA  
Member of Congress



JOE CROWLEY  
Member of Congress



ELIJAH E. CUMMINGS  
Member of Congress



DIANA DEGETTE  
Member of Congress




VAL DEMINGS  
Member of Congress



TED DEUTCH  
Member of Congress



DEBBIE DINGELL  
Member of Congress



KEITH ELLISON  
Member of Congress



BILL FOSTER  
Member of Congress



TULSI GABBARD  
Member of Congress



VICENTE GONZALEZ  
Member of Congress





RAUL M. GRIJALVA  
Member of Congress



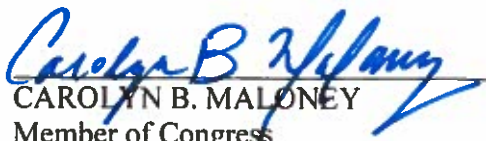
COLLEEN HANABUSA  
Member of Congress



RO KHANNA  
Member of Congress



BARBARA LEE  
Member of Congress



CAROLYN B. MALONEY  
Member of Congress



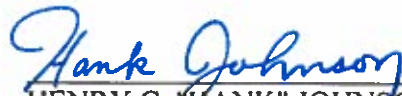
GREGORY W. MEEKS  
Member of Congress



JERROLD NADLER  
Member of Congress



LUIS V. GUTIERREZ  
Member of Congress



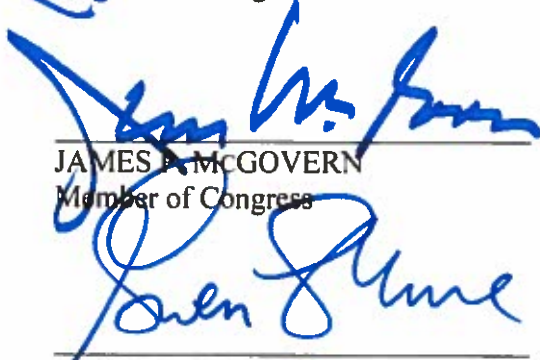
HENRY C. "HANK" JOHNSON, JR.  
Member of Congress



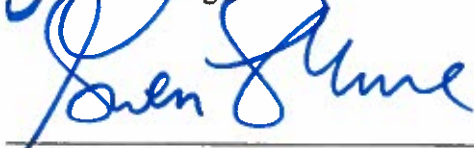
BRENDA L. LAWRENCE  
Member of Congress



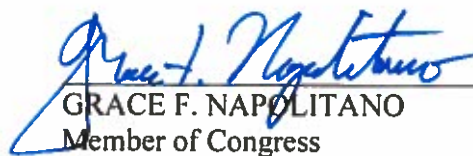
JOHN LEWIS  
Member of Congress



JAMES P. MCGOVERN  
Member of Congress

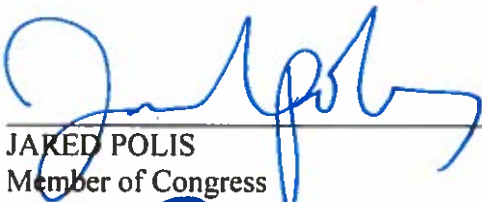


GWEN S. MOORE  
Member of Congress

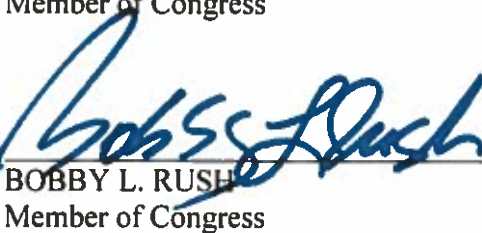


GRACE F. NAPOLITANO  
Member of Congress

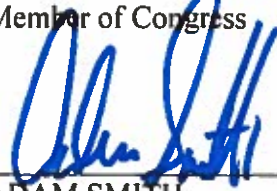
  
ELEANOR HOLMES NORTON  
Member of Congress

  
JARED POLIS  
Member of Congress

  
JAMIE RASKIN  
Member of Congress

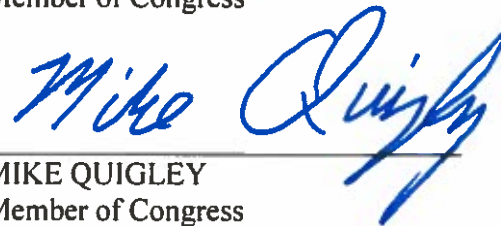
  
BOBBY L. RUSH  
Member of Congress

  
ROBERT C. "BOBBY" SCOTT  
Member of Congress

  
ADAM SMITH  
Member of Congress

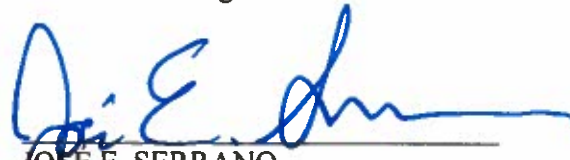
  
MARK TAKANO  
Member of Congress

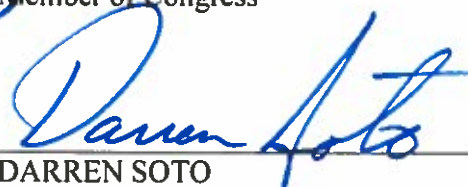
  
DONALD M. PAYNE, JR.  
Member of Congress

  
MIKE QUIGLEY  
Member of Congress

  
KATHLEEN M. RICE  
Member of Congress

  
LINDA T. SANCHEZ  
Member of Congress

  
JOSE E. SERRANO  
Member of Congress

  
DARREN SOTO  
Member of Congress

  
NORMA J. TORRES  
Member of Congress



FILEMON VELA  
Member of Congress



NYDIA M. VELÁZQUEZ  
Member of Congress



DEBBIE WASSERMAN SCHULTZ  
Member of Congress



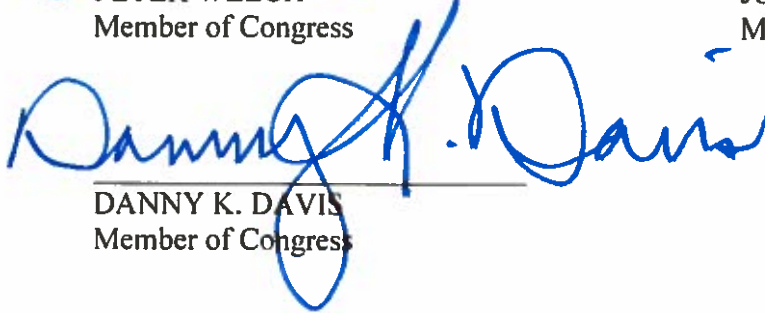
BONNIE WATSON COLEMAN  
Member of Congress



PETER WELCH  
Member of Congress



JOHN YARMUTH  
Member of Congress



DANNY K. DAVIS  
Member of Congress