

Office of the Director

U.S. Department of Homeland Security
500 12th Street, SW
Washington, D.C. 20536



**U.S. Immigration
and Customs
Enforcement**

April 24, 2017

Mayor Marilyn Strickland
Tacoma Municipal Building
747 Market Street
Tacoma, WA 98402

Dear Mayor Strickland:

I write to express the significant concerns of U.S. Immigration and Customs Enforcement (ICE) regarding Ordinance 28417, which amends Chapter 13.06 of the Tacoma Municipal Code (TMC) to ban the use of privately owned detention facilities. This action is clearly intended to prevent the operation of ICE's Northwest Detention Center (NWDC), a federal civil immigration detention facility continuously operated in Tacoma by the GEO Group, Inc. (GEO) since 2005.

At the outset, it appears that some misperceptions are animating Tacoma's changes to its zoning laws. In a February 24, 2017 letter you sent to GEO, you express "concern[] about the possible detention of individuals in violation of due process rights, the violation of the status of Deferred Action for Childhood Arrivals recipients and other established and relied upon Federal Immigration enforcement priorities." ICE wishes to go on record with the Tacoma City Council to make clear that neither GEO nor ICE violate the due process rights of immigration detainees housed at NWDC.

ICE manages a nationwide immigration detention system that makes use of a range of different facility types, including some which are owned by the Federal Government, some which are owned by state or local governments that have entered into Intergovernmental Service Agreements with ICE, and some which are privately owned and operated but under ICE's oversight and legal authority. Regardless of detention facility type, the detention authority at issue arises under federal immigration law, including 8 U.S.C. §§ 1225(b), 1226, and 1231. Sworn ICE officers make all arrest and custody decisions, and these decisions are subject to review by federal courts and immigration judges. Moreover, U.S. immigration law affords aliens subject to detention a substantial amount of process, including multiple avenues of relief from removal, the right to counsel in immigration court (at no expense to the government), the right to an interpreter in removal proceedings before an independent immigration judge, and the opportunity to appeal removal orders from an immigration court to the Board of Immigration Appeals and a federal circuit court of appeals. ICE detention facilities are closely regulated and monitored. The NWDC is subject to ICE's 2011 Performance-Based Detention Standards, which provide conditions tailored to the civil purpose of immigration detention while maintaining a safe and secure detention environment for staff and detainees. These facilities, which are

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regularly inspected for compliance, provide medical and mental health screening and services, access to legal services and religious opportunities, recreation and visitation opportunities, a process for reporting complaints, and procedures to ensure access for detainees with limited English proficiency.

It is also important to underscore that immigration enforcement and the establishment of immigration enforcement priorities is within the purview of the Federal Government. Your February 24, 2017 letter to GEO demonstrates that Ordinance 28417 is rooted in the belief that the City of Tacoma has a role to play in assessing whether detention at NWDC somehow violates aliens' legal rights. While ICE certainly respects the City of Tacoma's role in our federated system of government, Tacoma's efforts to alter immigration detention decisions under the guise of a change in zoning policy manifests a lack of appreciation – or understanding – for ICE's role.

Additionally, Ordinance 28417 does not recognize the advantages of the NWDC and the benefits that can be gained from its expansion. The existence of the NWDC is in many ways beneficial to the detainees. The availability of a local detention facility means many detainees will be located near their families, counsel, and support networks. Likewise, expansion of the facility can benefit the detainees, as it can allow for additional space for enhanced medical and dental service areas, dining and dormitory spaces, attorney-client meeting rooms, immigration courtrooms and judges' chambers.

ICE would appreciate the opportunity to meet with you in advance of next week's Tacoma City Council meeting on April 25, to engage with city planning officials, and to speak before the Tacoma City Council, in an effort to answer questions and provide accurate information regarding ICE's mission and NWDC operations. We would also be pleased to host a visit by you and your fellow councilmembers to NWDC, so that we can demonstrate first-hand the superb work done by our personnel and contractors to ensure fair and humane treatment of aliens who are subject to detention under federal immigration law. If your office could contact Timothy S. Robbins, ICE's Acting Chief of Staff, at Timothy.S.Robbins@ice.dhs.gov, we can work with you on making the necessary arrangements. I would also be grateful if you could circulate this letter to the members of the Tacoma City Council, for their awareness. Thank you for your attention to this matter, and ICE looks forward to working with you to advance our shared goals of promoting public safety and the rule of law.

Sincerely,



Thomas D. Homan
Acting Director