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VIA E-MAIL & FED-EX

Lance M. Fritz
Chairman, President and Chief Executive Officer
Union Pacific Railroad
1400 Douglas Street
Omaha, NE 68179
lfritz@up.com

Lupe Valdez
Sr. Director, Public Affairs
Union Pacific Railroad - Southern California
13181 Crossroads Pkwy N.
City of Industry, CA 91746
lvaldez@up.com

Mark Rowley
Senior Director of Police Administration
Union Pacific Railroad Police
1400 Douglas Street
Mail Stop 1040
Omaha, NE 68179
(402) 544-6540
mrowley@up.com

**RE: Ending Union Pacific Railroad Police's Harmful Collaboration with U.S.
Immigration and Customs Enforcement**

Dear Chairman Fritz, Ms. Valdez, and Mr. Rowley:

We are writing on behalf of a broad coalition of community and civil rights' organizations to demand that the Union Pacific Railroad Police ("UPRP") end its collaboration with U.S. Immigration and Customs Enforcement ("ICE") that has separated families and caused significant harm in our communities.

For over a year, we have identified many incidents where UPRP officers have stopped, arrested, and detained individuals, and then transferred custody of those individuals to ICE to initiate removal proceedings. Many of the individuals that UPRP has transferred to ICE are homeless and among the most vulnerable members of society.

UPRP's participation in federal immigration enforcement raises serious constitutional concerns, including that individuals are being detained beyond the time they otherwise would have been released in violation of the Fourth Amendment and targeted on the basis of their race or ethnicity in violation of the Equal Protection Clause. *See, e.g., Morales v. Chadbourne*, 793 F.3d 208 (1st Cir. 2015); *Galarza v. Szalczyk*, 745 F.3d 634 (3d Cir. 2014). As indicated in the

following examples, it appears that UPRP officers have already violated the constitutional rights of many individuals that they have apprehended and turned over to ICE:

- In January 2018, in El Monte, California, UPRP officers arrested an individual as he was riding his bicycle home from work along the San Gabriel River Trail. As the individual approached his exit, he observed UPRP officers standing on the trail, so he got off his bicycle and began walking as a precaution. An armed UPRP officer stopped the individual and asked if he had “papeles” (papers, in Spanish) to work in this country. After the individual responded, the UPRP officer forced the individual to sit with three other individuals who appeared to be of Hispanic descent underneath the railroad track bridge. The individual waited for approximately two hours and then was picked up by ICE agents. The ICE agents detained the individual at the James A. Musick Detention Facility in Irvine, California, and instituted removal proceedings against him.
- In January 2018, in Santa Ana, California, UPRP officers arrested a homeless individual near railroad property. The UPRP officers called ICE with a “request for assistance” and informed ICE that the individual was in UPRP custody and allegedly claiming foreign birth. Hours later, ICE officers arrived, transported the individual to the ICE Los Angeles Staging Facility, and initiated removal proceedings against him.
- In February 2018, in Van Nuys, California, a UPRP officer arrested a homeless individual riding her bicycle. The individual told the UPRP officer that she was living in a camp along the railroad. The UPRP officer handcuffed her and drove her to the camp, where another UPRP vehicle was already waiting. The UPRP officers raided various dwellings in the camp. One of the UPRP officers alerted ICE that the individual was in their custody and requested assistance. The UPRP officers threw her personal belongings on the ground, simply stating “you won’t need those things anymore,” and failed to collect them when they arrested her. The individual was disoriented, confused, and crying throughout her encounter with UPRP. The interaction was particularly traumatic because the individual suffers from mental health issues including chronic anxiety, post-traumatic stress disorder, and major depressive disorder. She was a victim of severe child abuse and trafficked into sexual labor as a teenager. As an adult, she was a victim of rape and domestic violence. While UPRP officers were driving her to the other UPRP vehicle, she explained to them the bumpy road was causing her physical pain due to a recent miscarriage, and officers refused to slow down even when she explained she feared she was bleeding on the seat. After about two hours, ICE agents took the individual into custody, drove her to an ICE detention facility and initiated removal proceedings against her. She remained disoriented, confused, and crying throughout her interaction with ICE. No officer explained to her why she had been arrested in a manner that she could comprehend, and she was never read her rights under the Fifth Amendment to the U.S. Constitution. While she was being transported to the ICE facility, her handcuffs were so tight that her hands and wrists became swollen; however, ICE officers did not loosen them. She remained handcuffed almost an entire day while she was processed into ICE custody.
- In May 2018, in North Hollywood, California, UPRP officers arrested two individuals and requested assistance from ICE because they were allegedly claiming foreign birth. Later that day, ICE’s Joint Criminal Alien Removal Taskforce (“JCART”) interviewed

the two individuals, took them into custody, and initiated removal proceedings against them.

- In July 2018, in Pacoima, California, UPRP officers arrested an individual and requested assistance from ICE. About one hour later, ICE JCART officers arrived, interviewed the individual, took him into custody, and initiated removal proceedings against him.
- In August 2018, in Whittier, California, UPRP officers arrested an individual and requested assistance from ICE. About two hours later, ICE JCART officers arrived, interviewed the individual, took him into custody, and initiated removal proceedings against him.¹

UPRP's collaboration with ICE is especially concerning because California has enacted the California Values Act, which significantly restricts the degree to which local law enforcement can collaborate with federal immigration authorities. The law prohibits local law enforcement from inquiring into a person's immigration status, detaining persons on the basis of suspected immigration violations, and responding to notification and transfer requests from ICE. *See* Cal. Gov't Code § 7284.6. UPRP's conduct is clearly inconsistent with the Values Act.

The Values Act was enacted in response to the federal government's extraordinary increase in indiscriminate deportations that harm California residents and their families. Pointing out that "[a]lmost one in three Californians is foreign born and one in two children in California has at least one immigrant parent," the California Legislature concluded that "[a] relationship of trust between California's immigrant community and state and local agencies is central to the public safety of the people of California," and that "[t]his trust is threatened when state and local agencies are entangled with federal immigration enforcement, with the result that immigrant community members fear approaching police when they are victims of, and witnesses to, crimes, seeking basic health services, or attending school, to the detriment of public safety and the well-being of all Californians." Cal. Gov't Code § 7284.2.

By collaborating with ICE, UPRP is creating the exact harm that the Values Act was enacted to prevent. Immigrant families in California are at a heightened risk of being torn apart because UPRP officers are collaborating with ICE to facilitate deportations. Immigrant community members are also more reluctant to seek critical public services and communicate with UPRP and other California law enforcement officers, which harms the safety, health, and well-being of all of us. Finally, immigrants and their family members are also more reluctant to access California's railroads.

The relationship between ICE and UPRP is also shrouded in secrecy. There is almost no information in the public domain about whether and how UPRP works with ICE to engage in immigration enforcement activity.² Indeed, UPRP has refused to produce records in response to

¹ These incidents do not appear to be isolated. In 2015, the Orange County Register reported that a UPRP officer threatened another homeless individual with deportation. *See* Alejandra Molina, *Homeless Near Santa Ana Railroad Tracks Upset Over Removal From Camp*, O.C. Register (Jan. 7, 2015), <https://www.ocregister.com/2015/01/07/homeless-near-santa-ana-railroad-tracks-upset-over-removal-from-camp/>.

² Many individuals and advocates have also complained about the lack of governmental oversight of abuses by railroad police, including UPRP. *See, e.g.,* Ron Nixon, *Complaints Rise Against Nation's Railroad Police*, New

a public records request about its collaboration with ICE, even though UPRP admits that its officers are “certified state law enforcement officers.”³ ICE likewise has failed to process a Freedom of Information Act (FOIA) request seeking information about its work with UPRP. Today, we filed a federal lawsuit against ICE for its failure to comply with FOIA, which will force the agency to finally shed further light on its troubling partnership with UPRP.

For these reasons, we urge UPRP to change its practices and policies to stop working with ICE to arrest, detain, and deport our families, neighbors, friends, and community members. Union Pacific is in the business of transporting goods and persons safely from place to place. It should not be in the business of subjecting the most vulnerable members of our communities to intimidating interrogations, unlawful detentions, and the threat of deportation. We would be glad to discuss this with you in person and by phone. You may reach us at sahmed@aclusocal.org or 213.977.5284. We look forward to your prompt response.

Sincerely,



Sameer Ahmed, Staff Attorney
ACLU of Southern California

Julia Devanthery, Staff Attorney*
Dignity for All Project
ACLU of Southern California

Immigrant Defenders Law Center

Western State College of Law Immigration Clinic

Public Counsel

Esperanza Immigrant Rights Project

Black Butte Center for Railroad Culture

Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA)

California for Progress

Public Law Center

York Times (May 28, 2015), <https://www.nytimes.com/2015/05/29/us/complaints-rise-against-nations-railroad-police.html> (“People who say they have been mistreated by the railroad police have little recourse except to complain to the railroads, but because the railroads are private companies, they can operate largely in secret.”).

³ Union Pacific Special Agents, https://www.up.com/aboutup/community/safety/special_agents/index.htm.

* Not admitted in California; admitted to practice law in Massachusetts and selected Federal Courts.

National Day Laborer Organizing Network (NDLON)

PICO California

Asian Americans Advancing Justice - California

UCI Law Immigrant Rights Clinic

Clergy and Laity United for Economic Justice (CLUE)

Bend the Arc Jewish Action

Freedom for Immigrants

Orange County Communities Organized for Responsible Development (OCCORD)

Santa Ana Building Healthy Communities (SABHC)

Orange County Congregation Community Organization (OCCCO)

Resilience Orange County

California Immigrant Youth Justice Alliance

Orange County Equality Coalition

El Centro Cultural de Mexico

Korean Resource Center

VietRISE

Haitian Bridge Alliance

Chispa

Palestinian Youth Movement - Los Angeles, Orange County, and Inland Empire Chapter

Together We Will OC

Indivisible OC 46

Indivisible CA39

National Lawyers Guild – Los Angeles

People Power - Los Angeles | West

Yorba Linda United

Women For: Orange County