

March xx, 2021

To the Bellingham City Council,

The Immigration Advisory Board would firstly like to thank the City Council for its support. As a board, our success in protecting the rights and safety of Bellingham's immigrant communities is predicated by the continued backing by your body.

In our February board meeting, we received reports from impacted communities that specific aspects of the January 28, 2021 encampment removal were cause for alarm. The invited presence of US Customs and Border Patrol (CBP) to the downtown sweep resulted in at least one CBP officer, on city grounds, apparently tasked with photographing and otherwise visually documenting the civilians present. While we are not privy to ongoing national security threats that may explain this generalized documentation of Bellingham's homeless residents, footage of the day's events strongly suggests that CBP's data collection was opportunistic in nature.

In correspondence with Bellingham Police Department (BPD), we have been provided with statements concerning CBPs involvement that we would like to bring to your attention. These statements contradict event footage we have obtained that repeatedly documents a CBP officer photographing the crowd, as well as CBP in a coordinated line formation with BPD, while on library grounds.

Please note the following email exchange between Immigration Advisory Board (IAB) and BPD. Photographs of the January 28 event and an affidavit by the footage photographer can be viewed as addendums.

Friday, February 12, 2021:

IAB: Was there any operational involvement between BPD and CBP officers?

BPD: Not to our knowledge.

IAB: I am relying on the City's statements saying that the County was working with CBP to protect the Courthouse. However, the County told a Board member to talk to the City when asked about the scope of the CBP involvement and operations.

BPD: The scope of CBP involvement has been outlined by the Sheriff specifically several times. He requested CBP assistance in keeping the County Courthouse safe, when Chief Simon asked for mutual aid from WCSO (whose mission up until that point had been the courthouse security.)

IAB: Some claims have been made that CBP officers were on City property and part of the camp removal operation and/or were filming people present at the camp. Any information you could provide on the CBP role would be helpful.

BPD: We have no knowledge of CBP personnel filming at the scene. They did not have a role in encampment removal, as that was done by COB PW, not law enforcement. Whether any CBP personnel were on city property, we would need more information on what those claims were. When CBP personnel initially arrived, some parked behind City Hall, but were quickly redirected to park closer to the county courthouse by WCSO leadership. That may be what is being referenced.

The BPD Policy 417, *Immigration Violations*, states that,

“The Bellingham Police Department does not conduct sweeps or other concentrated efforts to detain suspected individuals who are in violation of civil federal immigration laws or misdemeanor offenses contained in Title 8 U.S.C.”

BPD asked for the involvement of Whatcom County Sheriff's Department (WCSD), which in turn invited CBP to participate in the camp removal. Just as if you were to invite a guest to an event you would assume some responsibility for their actions, so is BPD charged with setting boundaries for the conduct of WCSD and their guests, CBP. Not doing so has resulted in questions by the public as to the credibility of BPD's support for immigrant communities.

In response to this incident, we ask the Bellingham City Council to consider the following actions to rebuild trust with the community.

1. Find out what the pictures, video footage, and other “materials” or “information” collected on January 28th by CBP are being used for and whether this footage was entered into a database. Please do your part in holding this federal agency accountable for actions it took at the encampment removal that oppose Bellingham’s spirit of upholding human rights. This may include requesting this “evidence” be handed over, or that any charges resulting from this footage be dropped. We also ask you to consider sharing documentation of these actions with the public.
2. Create a procedure or policy for partner agency involvement to ensure adherence to similar standards of conduct as BPD and share the policy publicly.
3. Appoint an employee within BPD to serve as liaison between BPD and the IAB, thereby allowing for clear communication.

Thank you for taking all of this into consideration. If you have any questions or desire follow-up conversations please feel free to reach out. We are willing to collaborate with BPD or another COB department on the development of a plan or procedure if that would be helpful. We appreciate your work and look forward to the ways we can continue to support making Bellingham a welcoming and safe place for all.

Sincerely,

City of Bellingham Immigration Advisory Board



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