

Center for Constitutional Rights

Discrimination, Detention, and Deportation: Immigration & Refugees

<https://ccrjustice.org/home/blog/2020/12/17/ice-policing-through-pandemic>

Public Facing Advocacy Writing

The CCR blog

On November 17, 2020, at 4:45 AM, five [plain-clothes agents from Immigration and Customs Enforcement \(ICE\)](#) climbed the side of a building in south Brooklyn and attempted to enter a second floor apartment. They banged on windows, breaking one, and threatened the tenants on the ground floor--if they didn't let them inside there would be trouble. Some of the building's tenants were so scared by armed individuals trying to break into their building pre-dawn that they called 911. By the time NYPD officers arrived at the scene the ICE agents had left empty-handed. But the impact of that attempted raid--the fear and confusion about who the agents were, whether they will come back, and what they will do--has had a lasting effect on everyone in the building.

This was just one in a series of increasingly aggressive incidents involving ICE activities in so-called sanctuary jurisdictions throughout the country, which have been escalating since early 2020 under an ICE program called Operation Palladium--a program focused on sending special ICE response units and border patrol agents to conduct [around the clock surveillance](#) outside of homes of immigrants in an effort to arrest as many as possible.

Palladium is the culmination of the Trump administration's escalating attacks on immigrants and sanctuary cities. Soon after Trump took office, his administration released [Executive Order: Enhancing Public Safety in the Interior of the United States](#), identifying as threats immigrants and cities and states with policies seeking to disrupt the police-to-deportation pipeline, including those with detainer policies that limit police collaboration with ICE. Throughout the last four years, the administration has proceeded to engage in a series of actions to undermine these policies, including efforts to limit federal funding, an exponential increase in ICE arrest operations at courthouses--including a 1700% increase in such operations in NY, and an ongoing PR campaign equating immigrants and the cities that aim to protect their rights as threats to public safety.

In early 2020, DHS doubled-down on targeting New York as an effort to pressure state and local officials and law enforcement sheriffs and agencies to repeal policies that limit cooperation with ICE and compliance with ICE detainers, callously taking advantage of a [tragic incident](#) to launch a concentrated assault on immigrant New Yorkers and the City's detainer policy. [ICE raids throughout New York City increased 400% during the first 11 weeks of 2020 as compared to the last 11 weeks of 2019](#). Immigrant Defense Project (IDP) began receiving almost daily reports about immigrants being arrested by teams of half a dozen or more ICE agents, in violent, aggressive raids. ICE agents often pretend to be NYPD officers, mimicking officers' behavior when they go to homes as a way to locate the immigrant they are looking for or to gather information about where to find them--[a ruse ICE has used for years](#). ([Despite calls for NYPD to speak out against this](#), to date NYPD has remained silent. This summer, Mayor Bill de Blasio finally [issued a letter to ICE this summer](#) asking the agency to end this practice.) Some family members called IDP trying to locate where their loved ones had disappeared to after undercover ICE agents came to their homes early in the morning or arrested their loved ones on the street, pushing them into unmarked cars and driving away. Extensive, dehumanizing smear campaigns shared names, photographs, and information of immigrants who had been protected by New York City's detainer laws in ICE press releases and on DHS's website.

There was palpable fear and confusion in the air. [While New York State officials and DHS fought about whether New York would share DMV data given the new Green Light laws](#), ICE agents also increased their practice of using mobile fingerprint devices while questioning witnesses, using the data obtained through the fingerprints as the basis to arrest immigrants they believed to be at risk of deportation. ICE's surveillance of immigrants and their families increased noticeably as well. IDP received numerous reports of unmarked cars, plain-clothes agents sitting outside homes for hours and following immigrants or their loved ones on the street.

In early February, this escalation of ICE policing, surveillance, and arrests culminated when undercover ICE agents [shot a bystander in the face](#) on the streets of Brooklyn. Days later, DHS announced it would send Border Patrol tactical units, including BORTAC troops (the SWAT-team unit within Customs and Border Protection) to New York and other sanctuary jurisdictions, as part of an [on-going operation with the goal of boosting the presence of local ICE teams](#). Weeks later, in early March, ICE agents showed up at a residential building in the Bronx [brandishing an assault rifle](#).

While New York was implementing measures to contain COVID-19 in March, [ICE continued conducting raids in areas already designated as high risk zones](#). On the eve of New Rochelle being designated a containment zone, ICE agents raided a home and arrested a father in front of his children, pretending to be local police. Even as ICE briefly paused the intensive policing tactics towards the end of March and April, it refused to release immigrants from detention despite the rapid spread of COVID instead. ICE's response was to continue to detain and deport people with COVID, effectively [facilitating the spread](#) of the pandemic within the US and globally. To date, ICE has [refused to release](#) most immigrants in detention, putting many of them instead on lock-down, despite the rapid spread of COVID and the public health risk to everyone in detention.

Little information was available about Operation Palladium so, in June, IDP and the Center for Constitutional Rights [filed a Freedom of](#)

[Information Act](#) (FOIA) request seeking details including trainings and guidance for ICE officers, lists of who was targeted, and what communications had been happening between ICE and local law enforcement agencies, including NYPD. While the FOIA was pending, ICE raids continued throughout the summer and fall, with the Trump Administration threatening [massive, on-going raids](#) leading up to the November election. ICE agents posted ["WANTED" billboards with photos of immigrants](#) in Pennsylvania during the fall. ICE raids have continued in New York throughout the late summer and fall, groups of 6-10 armed agents dressed in plain-clothes, often none of them wearing masks or other PPE despite the COVID-19 pandemic, yelling and threatening immigrants and their loved ones.

To date, DHS has not responded to our FOIA request. The public has a right to know more about Operation Palladium, and more about the ICE policing and surveillance practices that are funded by our tax dollars and allowed by our elected officials. So together with the Center for Constitutional Rights (CCR), [we are suing DHS](#) for more information.

Over the past decade, DHS has increasingly focused rhetorically and materially on people with criminal convictions as a key threat to public safety, and the targeting of these people now serves as primary justification for ICE's mission. ICE has successfully [tapped into the logics and apparatus](#) of decades of [extensive criminalization](#) targeting communities of color including the vilification that drives racialized policing, discriminatory prosecution and sentencing, and mass imprisonment and heavily relying on police as a force-multiplier to achieve this. Operation Palladium is only the latest intensification of these efforts. IDP and CCR are planning to use any information obtained through FOIA litigation to shed light on how DHS and ICE policing tactics threaten safety and stability in our cities.

[View the discussion thread.](#)

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