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**Re: Notification of Incident and Claim for Damages under the Federal Tort Claims Act
Isidro Andrade Tafolla**

Our offices represent Isidro Andrade Tafolla in his claim against U.S. Immigration and Customs Enforcement (ICE). Enclosed please find the Claim for Damage, Injury, or Death (Standard Form 95) (Ex. A), and Mr. Andrade Tafolla's authorization statement (Ex. B).

Pursuant to 28 U.S.C. § 2675(a) and 28 C.F.R. § 14.2(a), we hereby provide notification of an incident that occasions liability under the Federal Tort Claims Act (FTCA) and present a demand for monetary damages in the amount of \$100,000 resulting from the tortious conduct of ICE's agents.

As explained below, ICE agents committed false arrest when they unlawfully confined Mr. Andrade Tafolla, a United States citizen who has lived with his family in Washington County, Oregon since 1984. Six undercover ICE agents surrounded Mr. Andrade Tafolla, boxed in his truck with their vehicles, told him that they had his mugshot (which they did not), and aggressively demanded

identification. The agents did not have a warrant for Mr. Andrade Tafolla's arrest, and they lacked reasonable suspicion that he had violated any law. They stopped Mr. Andrade Tafolla because of his race, color, and/or ethnicity. Mr. Andrade Tafolla suffered significant emotional and psychological harm as a result of ICE's unlawful conduct.

I. ICE's Unlawful Stop and Detention of Mr. Andrade Tafolla

On September 18, 2017, Isidro Andrade Tafolla accompanied his wife, Renee Selden Andrade, to the Washington County Courthouse in Hillsboro, Oregon. Ms. Selden Andrade had a court appearance on the 8:30am DUI diversion docket. A crowd of people stood outside, protesting ICE's practice of conducting immigration stops and arrests in and around the courthouse. Mr. Andrade Tafolla and Ms. Selden Andrade walked past them, entered the building, and stood outside the courtroom. Two ICE agents were also standing in the hallway. Upon information and belief, they were looking for an individual named Arturo Garcia Ramirez.

Mr. Andrade Tafolla and Ms. Selden Andrade, along with others on the 8:30am DUI diversion docket, entered the courtroom. The ICE agents followed and sat down a few rows behind Mr. Andrade Tafolla, staring at him. Each person listed on the docket was called by name. Upon information and belief, Mr. Garcia Ramierz' name was called, he was present, and the court granted him diversion. Renee Selden Andrade's name also was called. Mr. Andrade Tafolla and Ms. Selden Andrade then left the courtroom; the agents followed. Ms. Selden Andrade and Mr. Andrade Tafolla exited the courthouse.

As Mr. Andrade Tafolla and Ms. Selden Andrade approached their pick-up truck, an unmarked minivan drove past and parked directly in front of their vehicle. The two agents who had followed them inside the courthouse exited the minivan. They approached and positioned themselves in front of Mr. Andrade Tafolla, who was standing with his back against the pick-up truck. An agent asked Mr. Andrade Tafolla for his name. She demanded identification but would not identify herself. A legal observer from the American Civil Liberties Union of Oregon (ACLU), who was filming the encounter, asked in a loud voice: "Do you have a warrant? Are you ICE? Do you have a warrant for his arrest?" The agents refused to answer. At least one agent attempted to position himself in such a way as to obscure the view of the ACLU legal observer. Given the physical posture of the agents and their aggressive, demanding demeanor, Mr. Andrade Tafolla reasonably believed that the agents would physically prevent him from leaving.

One of the agents showed Mr. Andrade Tafolla a mugshot on her phone and said, in an accusatory tone, "This picture right here? That's you." Ms. Selden Andrade replied that the man in the mugshot was not her husband. The agent demanded identification from Mr. Andrade Tafolla. The individual in the mugshot did not resemble Mr. Andrade Tafolla, except that he, like Mr. Andrade Tafolla, had brown skin.

Moments later, two more unmarked vehicles drove up and positioned themselves around Mr. Andrade Tafolla's truck, further blocking him in. Four agents exited the vehicles and joined the first two agents in surrounding Mr. Andrade Tafolla. One agent wore a clearly-visible badge; another wore a shirt that said "ICE." A third agent retrieved what appeared to be a badge as well as a dark object, which he put into the pocket of his pants. The ACLU legal observer asked, in a loud voice, whether the agent was getting

his gun. One of the newly-arrived agents looked at the mugshot and said: "It's not him, let's get out of here." All five agents retreated into their vehicles and drove away.

On September 20, 2017, United States Representatives Earl Blumenauer and Suzanne Bonamici wrote a letter to ICE Deputy Field Office Director Elizabeth Godfrey, urging an investigation into ICE's treatment of Mr. Andrade Tafolla. Ms. Godfrey denied that the agents had engaged in racial profiling or that they had attempted to detain Mr. Andrade Tafolla, and she ignored the representatives' requests for an investigation.

II. ICE Is Liable for False Arrest under the Federal Tort Claims Act

The ICE agents committed false arrest of Mr. Andrade Tafolla when they restrained his freedom of movement without legal authority. Restraint of movement, often described as "confinement" for purposes of the FTCA, can be established by actual or apparent physical barriers, threat of force, conduct that reasonably implies that force will be used, or assertion of legal authority. The ICE agents confined Mr. Andrade Tafolla when they surrounded him with their bodies and vehicles, effectively trapping him against the side of his truck and rendering it impossible for him to walk or drive away. They further confined him through their aggressive, demanding demeanor and questioning, which reasonably caused Mr. Andrade Tafolla to believe that the agents would physically prevent him from leaving if he failed to comply. Two of the agents also used assertion of legal authority to confine Mr. Andrade Tafolla, by wearing a badge and a shirt printed with the word "ICE." Through these tactics, the agents made it clear to Mr. Andrade Tafolla that he was not free to terminate the encounter.

The ICE agents confined Mr. Andrade Tafolla without legal authority. They lacked reasonable suspicion or probable cause that he had violated any law. Their actions were instead racially-motivated.

ICE's actions also violated Mr. Andrade Tafolla's common-law privilege against civil arrest -- recognized by both the United States Supreme Court and by the Oregon Supreme Court -- which protects him from civil arrest while going to, attending, and returning from court.

III. FTCA Damages

Mr. Andrade Tafolla suffered emotional and psychological harm as a result of ICE's actions. He could not sleep for months after his encounter with the agents outside the Washington County Courthouse. He had nightmares. He went to counseling and took time off work. The incident was widely publicized and drew negative reactions from some community members. Mr. Andrade Tafolla arrived at work one day to find that someone had left an icepack on top of his belongings; Ms. Selden Andrade's co-worker suggested that she should be fired from her job. Mr. Andrade Tafolla is fearful that he will be stopped, picked-up, and detained by ICE. He no longer feels comfortable at his workplace, where he regularly sees law enforcement vehicles. He worries for his children's safety.

ICE's actions also offended Mr. Andrade Tafolla's sense of dignity and belonging. Although he is a United States citizen who has lived in Washington County for decades, ICE profiled Mr. Andrade Tafolla and treated him as someone without rights and without a voice.

IV. Conclusion

ICE agents unlawfully confined Mr. Andrade Tafolla without reasonable suspicion or probable cause that he violated the law. Mr. Andrade Tafolla suffered hardship, including but not limited to humiliation, emotional distress, and psychological harm as a result of ICE's actions. For those reasons, Mr. Andrade Tafolla submits this claim under the FTCA for compensation in the amount of \$100,000.

Please do not hesitate to contact us with any questions or requests for additional information.

Sincerely,

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