

**Congress of the United States**  
**Washington, DC 20515**

October 8, 2020

Tony Pham  
Senior Official Performing the Duties of the Director  
U.S. Immigration and Customs Enforcement  
500 12<sup>th</sup> Street, SW  
Washington, DC 20536

Dear Mr. Pham:

We write concerning a recent incident involving U.S. Immigration and Customs Enforcement (ICE) and a U.S. citizen in the West Roxbury neighborhood of Boston, Massachusetts. The manner in which ICE officers are described as having conducted themselves is deeply troubling, and raises questions about the legality of ICE's actions and its activities in the area. We seek an explanation from ICE concerning this matter and any related ICE activity in Boston.

According to news reports, on the afternoon of October 6, 2020, unidentified officers in unmarked SUVs with tinted windows stopped Mr. Bena Apreala while he was jogging on the VFW Parkway in West Roxbury.<sup>1</sup> Before questioning Mr. Apreala, these officers did not identify themselves or provide a reason for stopping and detaining him. When Mr. Apreala observed an ICE badge on one of the officers, he asked if the officer worked for ICE, to which the latter responded "yes." When Mr. Apreala informed the officers he was a U.S. citizen and born in Boston, one of them reportedly responded by stating "immigration isn't the only thing that they investigate." In the video recording of the incident, officers can be heard asking Mr. Apreala whether he has tattoos on his arm and asking him to roll up his sleeves. Mr. Apreala gave the officers his name and address, but it was not until he began recording video of the interaction that they finally allowed him to leave.<sup>2</sup>

Late yesterday, ICE released a statement about the incident, confirming that ICE officers were involved. Other aspects of the statement are inconsistent with Mr. Apreala's description of his interaction with the ICE officers. For example, according to the statement, "ICE officers approached [Mr. Apreala], identifying themselves as Police/ICE," suggesting that they proactively did so. Likewise, the statement also suggests that the ICE officers merely approached Mr. Apreala and spoke with him, while his description of the encounter indicates that he was stopped and detained by the agents.

Interactions such as the one Mr. Apreala experienced with ICE agents raise serious questions about the violation of individual constitutional rights and law enforcement's targeting and harassing individuals based on race. More broadly, these incidents heighten suspicion of and

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<sup>1</sup> Shannon Dooling, *City Councilors Want Answers After Apparent 'Unlawful' Stop In West Roxbury*, WBUR News (Oct. 7, 2020), <https://www.wbur.org/news/2020/10/06/massachusetts-ice>.

<sup>2</sup> *Id.*

erode faith in law enforcement throughout the community. These are concerning matters. We therefore request written answers to the following questions by October 15, 2020:

1. Were the ICE officers who engaged with Mr. Apreala part of Enforcement and Removal Operations (ERO) or Homeland Security Investigations (HSI)?
2. Did the ICE officers proactively identify themselves as ICE or law enforcement officers, or did they do so only after Mr. Apreala asked them about their identity?
3. Did the ICE officers' conduct in this incident comply with ICE policies? If not, in what ways was it out of compliance?
4. Why did the ICE officers ask to see whether Mr. Apreala had tattoos? Why did they do so after they had told already ascertained he was not an individual they were seeking and told him he was free to leave?
5. Did the ICE officers create any record or documentation of their interaction with Mr. Apreala? If so, please identify it and provide a copy. If not, why not?
6. Has ICE stopped and detained other individuals in the Boston area in the same manner in which it stopped and detained Mr. Apreala within the past six months? If so, please identify those instances and explain why they occurred.
7. Why did it take so long after the incident for ICE to officially confirm its personnel's involvement in response to multiple congressional inquiries?

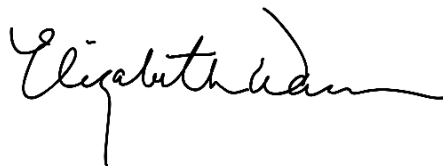
Thank you in advance for your attention to this matter. If you have any questions, please contact Karlee Popken of Senator Markey's staff at [karlee\\_popken@markey.senate.gov](mailto:karlee_popken@markey.senate.gov).

Sincerely,



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Edward J. Markey  
United States Senator



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Elizabeth Warren  
United States Senator



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Ayanna Pressley  
Member of Congress



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Stephen Lynch  
Member of Congress