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STATE OF WASHINGTON
SPOKANE COUNTY SUPERIOR COURT

STATE OF WASHINGTON,

Plaintiff,

v.

GREYHOUND LINES, INC.,

Defendant.

NO. **20201236-32**

**COMPLAINT FOR
DECLARATORY, INJUNCTIVE,
AND OTHER EQUITABLE RELIEF
UNDER THE CONSUMER
PROTECTION ACT AND THE
WASHINGTON LAW AGAINST
DISCRIMINATION**

I. INTRODUCTION

1. The State of Washington (State), through its attorneys Robert W. Ferguson, Attorney General, and Lane M. Polozola and Yesica Hernandez, Assistant Attorneys General, files this action against Defendant Greyhound Lines, Inc. (Greyhound), to remedy Greyhound's unfair, deceptive, and discriminatory practice of regularly allowing U.S. Customs and Border Protection (CBP) agents to board Greyhound buses and access its non-public property at the Spokane Intermodal Center in order to conduct warrantless and suspicionless immigration enforcement sweeps of Greyhound passengers.

2. The immigration enforcement sweeps at issue involve multiple armed CBP agents boarding Greyhound buses that travel purely domestic routes and questioning unsuspecting passengers regarding their citizenship or immigration status. They result in frequent service disruptions, alarm, and delay, as well as the search, detention, and/or arrest of

1 Greyhound passengers. Indeed, by permitting CBP to conduct these immigration enforcement
2 sweeps, Greyhound has allowed CBP to freely question Latino and other passengers of color at
3 length about their immigration status, require them to de-board the bus, rifle through their
4 luggage, and even detain or arrest them, while other passengers watched.

5 3. Greyhound allows CBP to conduct immigration enforcement sweeps, on
6 Greyhound buses and using non-public Greyhound property, despite pledging “safe,” “reliable,”
7 “dependable,” and non-discriminatory service to Greyhound customers.¹ Separately, despite the
8 well-known and foreseeable nature of the harms to its customers due to immigration enforcement
9 sweeps on its buses, Greyhound fails to notify its customers of, and ultimately misrepresents,
10 the expected service disruptions and consequences to its passengers resulting from immigration
11 enforcement sweeps and Greyhound’s role in allowing them to continue for years.

12 4. Greyhound’s actions violate the Washington Consumer Protection Act,
13 RCW 19.86 (CPA), and the Washington Law Against Discrimination, RCW 49.60 (WLAD).
14 The State accordingly brings this action to obtain a declaration that Greyhound’s actions violate
15 state law and to seek injunctive and other equitable relief for Greyhound’s unlawful actions.

16 II. JURISDICTION AND VENUE

17 5. The State brings this action to enforce the CPA’s prohibition of unfair or
18 deceptive acts or practices in the conduct of any trade or commerce, RCW 19.86.020 and
19 RCW 49.60.030(3), and the WLAD’s anti-discrimination protections in places of public
20 accommodation, RCW 49.60.030(1)(b) and RCW 49.60.215.

21 6. Venue is proper in Spokane County pursuant to RCW 4.12.020 and
22 RCW 4.12.025.

23 ¹ See Ex. 1, *Intercity Motorcoach Customer Bill of Rights*, Greyhound, <https://www.greyhound.com/-/media/greyhound/pdf/legal/intercity-motorcoach-customer-bill-of-rights-10-30-15.pdf> (last accessed April 8,
24 2020); Ex. 2, *Travel Dilemmas*, Greyhound, <https://www.greyhound.com/en/help-and-info/travel-dilemmas> (last
25 accessed April 8, 2020) (linking to Motorcoach Customer Bill of Rights and stating, “We at Greyhound, pledge that
26 as an intercity bus rider, you should experience a safe and reliable bus ride with professional and courteous service. This includes having a clean and comfortable bus with clear rules for how to ride and be safe onboard the bus and in case of emergency.”).

1 **III. PARTIES**

2 7. Plaintiff is the State of Washington.

3 8. The Attorney General is authorized to commence this action pursuant to
4 RCW 43.10.030(1) and RCW 19.86.080(1).

5 9. Greyhound is a for-profit corporation that provides intercity bus transportation
6 services throughout North America. Greyhound transacts business at various locations within
7 and throughout the State of Washington, including at the Spokane Intermodal Center, a transit
8 hub and Greyhound bus terminal in downtown Spokane, Washington, and within Spokane
9 County where Greyhound operates buses. Greyhound leases space from the City of Spokane at
10 the Spokane Intermodal Center to operate a bus terminal.

11 10. Greyhound engages in trade or commerce within the meaning of
12 RCW 19.86.010(2).

13 11. Greyhound’s buses and bus terminals in Washington are “place[s] of public
14 resort, accommodation, assemblage, or amusement” within the meaning of the WLAD,
15 RCW 49.60.040(2).

16 **IV. FACTUAL ALLEGATIONS**

17 **A. Greyhound’s Business Operations in Washington and Promises to Its Customers**

18 12. Greyhound is an intercity bus common carrier that serves at least 2,400
19 destinations across North America. According to Greyhound, the company serves “nearly
20 16 million passengers each year in the United States and Canada.”

21 13. Greyhound advertises, and offers passengers the opportunity to travel to and
22 from, more than fifty bus stops across Washington. Tickets to and from these destinations in
23 Washington are advertised and sold by Greyhound at its Greyhound bus terminals and other
24 stops, over the phone, and via the Internet, including on its website at www.greyhound.com.

25 14. One Greyhound bus terminal is the Intermodal Center, located at 221 West 1st
26 Avenue in downtown Spokane, Washington. Greyhound leases space from the City of Spokane

1 to operate a bus terminal at the Intermodal Center, which is located more than 100 highway miles
2 from the nearest international border. Greyhound sells tickets to customers at the Intermodal
3 Center and provides customer service there. Greyhound maintains non-public areas, including
4 “Employee Only” rooms, on the premises.

5 15. Greyhound buses arrive at and depart from the Intermodal Center multiple times
6 per day, seven days per week. Routes offered include daily Greyhound buses departing to and
7 arriving from major cities in the Pacific Northwest, including Seattle, Washington and Portland,
8 Oregon. Greyhound operates purely domestic routes to and from the Intermodal Center. None
9 of these routes cross international borders. Based on its published route schedules, Greyhound
10 operates up to 2,000 routes to or from the Intermodal Center in a given year. With an average
11 capacity of up to 55 passengers per bus, Greyhound is operating routes capable of transporting
12 more than 120,000 passengers per year through the Intermodal Center alone.

13 16. At the Intermodal Center, members of the public are not permitted to enter
14 “Employee Only” areas or the area in which ticketed passengers board and de-board buses. The
15 boarding area is accessed through doors labeled “Restricted Area” and is accessible only to
16 ticketed passengers at the time they are boarding a specific bus or departing an arriving bus.

17 17. The bus services Greyhound offers at the Intermodal Center and within
18 Washington are subject to Greyhound’s promises made on its website. For example, according
19 to Greyhound’s “Intercity Motorcoach Customer Bill of Rights,” Greyhound pledges that its
20 passengers should experience a “safe and reliable bus ride” and “no discrimination with respect
21 to prices or carriage.”² Elsewhere, Greyhound states that it has “No Room for Discrimination,”
22 does not discriminate, and is “not concerned about your race, your color, what you believe or
23

24 ² Ex. 1, *Intercity Motorcoach Customer Bill of Rights*, Greyhound, <https://www.greyhound.com/-/media/greyhound/pdf/legal/intercity-motorcoach-customer-bill-of-rights-10-30-15.pdf> (last accessed April 8,
25 2020); Ex. 2, *Travel Dilemmas*, Greyhound, <https://www.greyhound.com/en/help-and-info/travel-dilemmas> (last
26 accessed April 8, 2020).

1 where you're from. We just want to get you safely to your destination.”³ Greyhound further
2 states that “[n]o person or group of persons shall be discriminated against on the basis of race,
3 color, national origin, disability or any other characteristic protected by applicable law.”⁴
4 Greyhound’s printed and electronic tickets provided to passengers likewise promise that
5 Greyhound will not discriminate.

6 **B. Immigration Enforcement Sweeps on Greyhound Buses at the Intermodal Center**

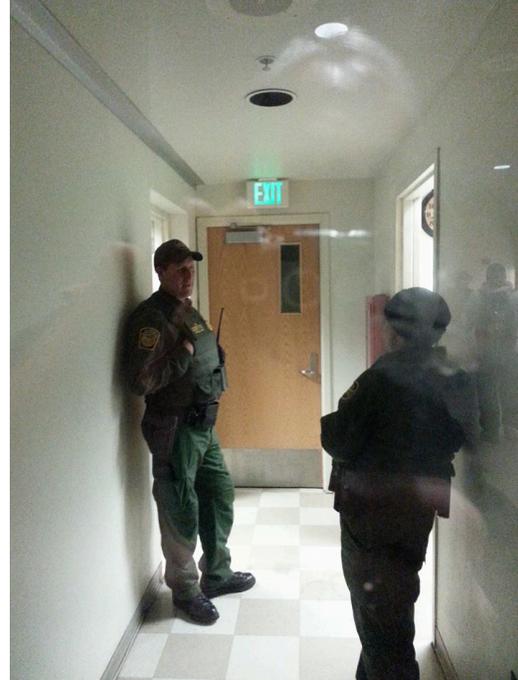
7 18. Since at least 2013, CBP agents have routinely conducted warrantless and
8 suspicionless operations that it calls “transportation check operations” at the Intermodal Center.
9 “Transportation check operations” are immigration enforcement sweeps where CBP agents
10 board and inspect common carriers, such as buses that private companies like Greyhound
11 operate, at locations away from the U.S. border and away from formal checkpoints, to determine
12 whether passengers are in the United States legally. “Transportation checks” do not occur at
13 formal checkpoints where every vehicle is screened; rather, CBP agents go to bus terminals, for
14 example, and select buses to board and search. CBP agents do not conduct these sweeps pursuant
15 to valid judicial warrants and, according to CBP, rarely do so based on reasonable suspicion or
16 probable cause to believe that any specific individual has violated federal immigration law or
17 any law at all. CBP agents, instead, can legally access passengers on board private buses and in
18 non-public spaces at bus terminals only if they first obtain consent to be present in those buses
19 and spaces by the private companies that control them: bus companies like Greyhound.

20 19. Immigration enforcement sweeps on board Greyhound buses at the Intermodal
21 Center have typically involved multiple armed CBP agents boarding a bus, with the permission
22 of Greyhound’s employees or agents, after all passengers have been checked in and have boarded
23 the bus. CBP agents have often waited out of sight, including in Greyhound’s “Employee Only”
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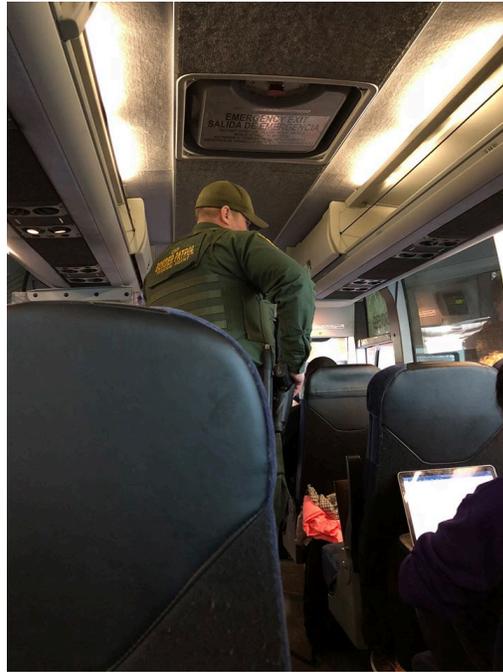
25 ³ Ex. 3, *Your rights & rules on board*, Greyhound, [https://www.greyhound.com/en/help-and-info/travel-](https://www.greyhound.com/en/help-and-info/travel-info/your-rights-rules-on-board)
26 [info/your-rights-rules-on-board](https://www.greyhound.com/en/help-and-info/travel-info/your-rights-rules-on-board) (last accessed April 8, 2020).

⁴ *Id.*

1 rooms at the Intermodal Center, while passengers board. The photos below show CBP agents
2 waiting in Greyhound's "Employee Only" area of the Intermodal Center:



15 20. Following passenger boarding, the standard approach is that one armed CBP
16 agent, with permission of a bus driver or other bus company agent or employee, whether explicit
17 or tacit, boards the bus and remains at the front of the bus near the entrance and driver's seat.
18 Another armed CBP agent proceeds to the back of the bus and begins questioning passengers
19 regarding their citizenship or immigration status. Additional CBP agents also typically wait
20 outside the bus near the bus entrance door. Often, CBP agents demand that passengers produce
21 documentation related to their citizenship or immigration status, search luggage loaded onto the
22 bus, escort passengers off of the bus for further questioning or search, detain individuals for
23 further questioning, and in some instances, arrest passengers. The images below, taken aboard a
24 Greyhound bus at the Intermodal Center, depict the presence of multiple armed CBP agents
25 questioning passengers after they boarded a Greyhound bus:
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12 21. CBP agents have in recent years conducted immigration enforcement sweeps at
13 the Intermodal Center approximately three to four times per week—at a minimum—and have
14 sometimes conducted the sweeps multiple times per day. The rate of immigration enforcement
15 sweeps at the Intermodal Center has also increased during busy travel seasons, such as holidays
16 or for notable sporting events, like Spokane’s “Hoopfest,” when Greyhound and other bus
17 companies are busiest. According to CBP data, CBP’s rate of arrests of individuals at the
18 Intermodal Center has increased in recent years.

19 22. CBP agents do not question all passengers equally. In some instances, passengers
20 have reported that CBP agents have not questioned white passengers at all regarding their
21 citizenship or immigration status.⁵ In other instances, CBP agents have questioned each
22 passenger about their citizenship or immigration status, but in a vastly different manner.
23 Passengers have reported, for instance, that CBP officers have questioned white passengers
24 briefly, regardless of the answer provided, while Latino and other passengers of color have been

25 ⁵ See, e.g., Adiel Kaplan and Vanessa Swales, *Border Patrol searches have increased on Greyhound, other*
26 *buses far from border*, NBC News (June 5, 2019), <https://www.nbcnews.com/politics/immigration/border-patrol-searches-have-increased-greyhound-other-buses-far-border-n1012596>.

1 subjected to more extensive and aggressive questioning, even if they responded that they are
2 U.S. citizens or otherwise have lawful immigration status.⁶

3 **C. Greyhound’s Role in CBP’s Immigration Enforcement Sweeps**

4 23. CBP’s approach to conducting enforcement sweeps relies on the cooperation of
5 companies that operate common carriers, like Greyhound. At the Intermodal Center, Greyhound
6 facilitated warrantless and suspicionless immigration enforcement sweeps by allowing CBP
7 agents access to its buses there. Greyhound also allowed CBP agents to access non-public
8 “Employee Only” areas of the Intermodal Center. Greyhound’s conduct enabled CBP to execute
9 their immigration enforcement sweeps in a way that surprised passengers who had already
10 boarded buses. Greyhound and its agents did not, and do not, allow members of the public in
11 “Employee Only” or “Restricted Areas,” nor do they allow members of the public on their buses
12 absent proof that an individual has purchased a ticket. CBP agents have long been the exception
13 to Greyhound’s boarding and access policies.

14 24. According to CBP, its agents boarded Greyhound buses to conduct immigration
15 enforcement sweeps with Greyhound’s consent. In December 2019, for example, CBP’s Border
16 Patrol Spokane Sector special operations supervisor, Bill Kingsford, stated in no uncertain terms
17 that “[w]e work with consent from Greyhound when we board their buses” at the Intermodal
18 Center.⁷

19 25. CBP training materials confirm that CBP agents may only board buses at non-
20 checkpoint locations with the permission of the operator, explaining that “[w]hen the
21 transportation check occurs on a bus or train, the agent will have to demonstrate that he gained
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23 ⁶ See, e.g., Stella Harvey, *Border Patrol Questioning Greyhound Bus Passengers*,
24 *The Western Front* (Jan. 23, 2019), <https://www.westernfrontonline.com/2019/01/23/border-patrol-questioning-greyhound-bus-passengers/>; *ACLU, Rep. Castro, and Others Deliver 200,000 Petitions Demanding Greyhound Stop Allowing Border Patrol Raids*, *ACLU* (Oct. 19, 2018), <https://www.aclu.org/press-releases/aclu-rep-castro-and-others-deliver-200000-petitions-demanding-greyhound-stop-allowing>.

25 ⁷ Amy Martyn, *Spokane vs. The Border Patrol: How Immigration Agents Stake Out a City Bus Station*,
26 *The Intercept* (December 10, 2019), <https://theintercept.com/2019/12/10/border-patrol-greyhound-buses-spokane/>.

1 access to the bus or train with the consent of its owner or employee.”⁸ It continues, stating that
2 “[a]gents have no inherent authority to simply board a common carrier without at least
3 reasonable suspicion or consent.”⁹

4 26. A January 2020 memo from then-United States Border Patrol Chief, Carla
5 Provost, attached as Exhibit 5, similarly reiterates that CBP agents may only conduct warrantless
6 and suspicionless “transportation checks”—immigration enforcement sweeps—on board
7 intercity buses at non-checkpoint locations when they have consent to do so from the bus
8 company’s owner or the bus company’s employees.¹⁰ (Transportation “checkpoints,” in contrast
9 with “transportation checks,” are designated stops, such as those at or near the border, where all
10 vehicles are stopped for immigration enforcement purposes.) That is consistent with existing law
11 and CBP’s longstanding training materials.

12 27. The Intermodal Center is a non-checkpoint location that is not located on or near
13 an international border. As a result, CBP agents may constitutionally board Greyhound buses
14 and/or access its non-public spaces only with a valid warrant, reasonable suspicion, or
15 Greyhound’s consent. Greyhound thus could at any time have informed CBP that it did not
16 consent and would not voluntarily allow CBP agents on board its buses or onto its non-public
17 property to conduct warrantless and suspicionless immigration enforcement sweeps.

18 **D. Greyhound Misled and Failed to Warn Its Customers of Its Permissive Relationship**
19 **with CBP and the Foreseeable Harms From Immigration Enforcement Sweeps**

20 28. Greyhound has publicly acknowledged since at least mid-2018 that immigration
21 enforcement sweeps on its buses harm Greyhound’s passengers.¹¹ Nonetheless, Greyhound
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23 ⁸ Ex. 4, *CBP Enforcement Law Course*, 519, U.S. Customs and Border Protection (15th Ed. 2012).

24 ⁹ *Id.*

25 ¹⁰ See also Gene Johnson, *AP Exclusive: Agency memo contradicts Greyhound on bus raids*, AP News
(Feb. 14, 2020), <https://apnews.com/48960c783dd3f22af2ad320227e40b20>.

26 ¹¹ Ex. 6, Letter from David S. Leach, President/CEO, Greyhound Lines, Inc. to Joaquin Castro, U.S.
Congressman for the 20th District of Texas (June 15, 2018); see also Ex. 7, *Statement Regarding CBP*, Greyhound
(June 20, 2018), <https://bloggreyhound.com/news/statement-regarding-cbp/> (acknowledging that CBP boarding
Greyhound buses “negatively impacts our customers”) (last accessed April 8, 2020).

1 failed to protect its customers and inform CBP that CBP agents lacked Greyhound’s consent to
2 conduct immigration enforcement sweeps on Greyhound buses in Washington (or elsewhere).
3 Separately, Greyhound failed to provide appropriate notice to its customers that immigration
4 enforcement sweeps were likely to occur on its buses and at its bus terminals and to impact
5 customers’ travel, potentially resulting in questioning, search, detention and/or arrest.

6 29. Instead, Greyhound made a variety of public statements that misrepresented what
7 was happening at the Intermodal Center (and elsewhere across the country), misstated
8 Greyhound’s legal obligations, and failed to take action to protect its customers. For example, in
9 June 2018, Greyhound acknowledged that it did, in fact, allow CBP agents to board its buses
10 when they requested permission to do so, but stated falsely, and misleadingly, that Greyhound
11 was “required to comply with the law by allowing Border Patrol agents to board our buses when
12 they ask to do so[.]”¹² Later, in October 2018, Greyhound again acknowledged that immigration
13 enforcement sweeps “have negatively impacted” Greyhound customers and purported to
14 “understand” concerns about letting CBP agents on its buses, but called the searches “still legal”
15 and changed its position to state, contrary to its earlier acknowledgment, that “CBP officers do
16 not ask permission to board our buses.”¹³

17 30. In the same timeframe, in April 2018, Greyhound privately communicated with
18 CBP officials. In one of its communications with a federal employee when requesting a meeting,
19 Greyhound reportedly confirmed that “Greyhound is committed to supporting CBP enforcement
20 actions (inspections),” expressed that it felt like it had been ““abandoned by CBP,” and sought
21 “assistance dealing with the ACLU,” which at the time was publicly pressuring Greyhound to
22 protect its customers.¹⁴ At no point in 2019, 2018, or before, did Greyhound inform CBP that

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24 ¹² Ex. 7, *Statement Regarding CBP*, Greyhound (June 20, 2018),
<https://bloggreyhound.com/news/statement-regarding-cbp/>.

25 ¹³ Ex. 8, *Greyhound Lines, Inc. Policy Statement on Warrantless Searches by U.S. Customs and Border*
Protection, Greyhound (Oct. 19, 2018), <https://www.greyhound.com/en/about/media/2018/10-19-2018>.

26 ¹⁴ See Ex. 9, E-mail from Stacy Forbes to Michael J. Robinson, Bates Stamped GH_0000038 (April 2,
2018) (produced by Greyhound).

1 CBP agents did not have consent to board Greyhound buses to conduct immigration enforcement
2 sweeps. Nor did Greyhound implement a corporate policy that it would deny CBP agents
3 permission to board its buses without warrants or reasonable suspicion, or provide training to its
4 drivers and agents on the same topic.

5 31. Greyhound also failed to fully and fairly notify its customers or passengers of its
6 relationship with CBP or warn them of expected travel interferences, questioning, and seizures
7 that would likely result from warrantless and suspicionless immigration enforcement sweeps on
8 Greyhound buses at the Intermodal Center and elsewhere.

9 32. Before December 2018, Greyhound provided no notice or warning to its
10 customers or passengers that it allowed CBP agents to conduct immigration enforcement sweeps
11 on its buses at the Intermodal Center.

12 33. Before December 2018, Greyhound provided no notice or warning to its
13 customers or passengers that immigration enforcement sweeps were likely to occur at the
14 Intermodal Center or on its buses in Washington.

15 34. Before December 2018, Greyhound provided no notice or warning to its
16 customers or passengers that service disruptions and questioning by federal agents were to be
17 expected due to foreseeable immigration enforcement sweeps on Greyhound buses in
18 Washington or at the Intermodal Center.

19 35. At no point has Greyhound provided notice or warning to its customers or
20 passengers that warrantless and suspicionless immigration enforcement searches, detention, and
21 arrest were likely to occur at the Intermodal Center or on Greyhound's buses in Washington.
22 Greyhound likewise provided no notice or warning that warrantless and suspicionless
23 questioning, search, detention, or arrest were particularly likely for non-citizens and Latinos or
24 other passengers of color.

25 36. During that time, prior to December 2018, Greyhound passengers at the
26 Intermodal Center were regularly subject to surprise immigration enforcement sweeps after

1 boarding their buses. Many had their travel disrupted or delayed. Others were questioned,
2 detained, and sometimes arrested by CBP. Publicly reported examples include a father and son,
3 both Washington residents, who were detained after CBP agents boarded their Greyhound bus
4 at the Intermodal Center.¹⁵ CBP agents reportedly asked them “Are you illegal?” even though
5 the son explained that he had valid Deferred Action for Childhood Arrivals (DACA) status and
6 the father declined to provide information about his immigration status. According to reports,
7 the son was released hours later, while his father was taken away and detained in Tacoma,
8 Washington. Another example included a 39-year old man who spent a decade living in South
9 Dakota, who reportedly was arrested when CBP agents boarded his Greyhound bus at the
10 Intermodal Center.¹⁶ He had, according to reports, accompanied his wife on a drive to Seattle
11 and taken the Greyhound bus back to South Dakota. Separately, a 43-year-old mother who had
12 traveled to Seattle to visit her daughters was, according to public reports, detained for two days
13 after being removed from her Greyhound bus at the Intermodal Center.¹⁷

14 37. In December 2018, facing public pressure, Greyhound added limited information
15 on its website, in a webpage titled “Your rights & rules on board,” about immigration
16 enforcement sweeps on Greyhound buses. From Greyhound’s main webpage, the link to this
17 webpage is located by navigating two nested menus, first to “Help and Info,” then “Travel Info,”
18 and then clicking on the ninth entry, “Your rights & rules on board.” Greyhound does not
19 affirmatively display or alert customers to the content of the “Your rights & rules on board” page
20 before customers purchase a ticket online or by phone.¹⁸

22 ¹⁵ See Suzanne Phan, *Father, son with DACA detained on Greyhound bus by Border Patrol in Spokane*,
KomoNews (January 11, 2018), <https://komonews.com/news/local/federal-way-father-and-son-with-daca-detained-in-spokane-greyhound-bus-by-border-patrol>.

23 ¹⁶ See Chad Sokol, *Mexican man who spent a decade in South Dakota arrested at Spokane Intermodal*
Center, The Spokesman Review (Aug. 8, 2018), <https://www.spokesman.com/stories/2018/aug/08/mexican-man-who-spent-a-decade-in-south-dakota-arr/>.

24 ¹⁷ See Mitch Ryals, “Where’s Your Papers?”, The Inlander (Nov. 16, 2017),
25 <https://www.inlander.com/spokane/wheres-your-papers/Content?oid=6649860>.

26 ¹⁸ See Ex. 3, *Your rights & rules on board*, Greyhound, <https://www.greyhound.com/en/help-and-info/travel-info/your-rights-rules-on-board> (last accessed April 8, 2020).

1 38. The information provided on Greyhound’s “Your rights & rules on board”
2 webpage contained (and continues to contain) statements that misrepresented the nature of
3 CBP’s immigration enforcement sweeps and Greyhound’s actions in allowing them to occur. In
4 particular, nothing on that webpage notified passengers that Greyhound allowed CBP agents to
5 board Greyhound buses for purposes of conducting immigration enforcement sweeps. That
6 webpage instead stated simply that CBP officials “may stop and board a bus within 100 miles of
7 any border under federal law,” which is not an accurate statement and misrepresents the role
8 Greyhound played in allowing the sweeps to occur on its buses and with use of its non-public
9 property. That website also failed to warn passengers that immigration enforcement sweeps are
10 expected interferences with travel schedules, particularly at the Intermodal Center.

11 39. Even after December 2018, when Greyhound began providing limited and non-
12 conspicuous notice on its website of immigration enforcement sweeps, Greyhound nowhere on
13 its website or in other materials informed customers that it allowed CBP agents to board its buses
14 and access its non-public property at the Intermodal Center so CBP could conduct warrantless
15 and suspicionless immigration enforcement sweeps.

16 40. Even after December 2018, when Greyhound began providing limited and non-
17 conspicuous notice on its website of CBP’s immigration enforcement sweeps, Greyhound has
18 never provided adequate notice at the point of sale, whether electronic, by phone, or at physical
19 locations, of its permissive relationship with CBP, the likelihood of immigration enforcement
20 sweeps occurring on Greyhound’s buses and at its bus terminals in Washington, or the expected
21 interferences that would result, such as delay, alarm, and possible search, detention, or arrest.

22 41. Even today, when purchasing a ticket for a route departing from or otherwise
23 passing through the Intermodal Center, whether by phone or via Greyhound’s website,
24 individuals are presented no notice or warning that immigration enforcement sweeps may occur
25 on Greyhound’s buses in Washington or any expected interferences that are likely to result.
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1 42. Greyhound passengers continue to be subject to surprise immigration
2 enforcement sweeps at the Intermodal Center. They also continue to be questioned and some
3 continue to be detained and/or arrested—even those with legal immigration status. Publicly
4 reported examples occurring after December 2018 include the experience of comedian Mohanad
5 Elshieky, who is lawfully present in the United States and was subject to an immigration
6 enforcement sweep on his Greyhound bus at the Intermodal Center in January 2019. Mr.
7 Elshieky was traveling through Spokane on his way home to Portland, Oregon. After boarding
8 his Greyhound bus, multiple CBP agents boarded his bus before departure and “selectively
9 questioned individuals on board.”¹⁹ Mr. Elshieky, who has since sued CBP as a result of his
10 detention, has alleged that he was removed from his Greyhound bus and accused of being in the
11 United States unlawfully despite being lawfully present in the United States based on his grant
12 of asylum.

13 **E. Greyhound’s Refusal to Change Its Practices**

14 43. For more than a year, the State urged Greyhound to modify its practices and
15 policies with respect to CBP’s immigration enforcement sweeps, or “transportation checks,” in
16 order to protect its passengers in Washington. In February 2019, the Attorney General’s Office
17 (AGO) contacted Greyhound regarding the company’s practice of voluntarily allowing CBP
18 agents to board its buses to conduct warrantless and suspicionless immigration enforcement
19 sweeps in Spokane, Washington, without fully and fairly notifying its customers and passengers
20 that it does so and without warning customers and passengers of expected travel disruptions. In
21 an effort to address this issue cooperatively, the AGO subsequently sent Greyhound a detailed
22 letter requesting that Greyhound take specific actions to address the AGO’s concerns and protect
23 Greyhound customers and passengers.

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¹⁹ See *Elshieky v. United States*, Case No. 20-cv-00064-SAB, ECF No. 1 at ¶ 20 (W.D. Wash. Feb. 14, 2020).

1 44. In response, Greyhound did not change its practice of allowing CBP to board its
2 buses without warrants or reasonable suspicion. Nor did Greyhound modify its practice and
3 begin providing adequate notices or warnings to customers at the point of sale regarding the risk
4 of encountering immigration enforcement sweeps on its buses and associated impacts on travel.

5 45. On February 21, 2020, more than a year after the AGO’s first letter to Greyhound,
6 Greyhound announced to the media that it would no longer allow CBP agents to board its buses
7 without warrants.²⁰ Greyhound’s stated intent to change its practices occurred one week after it
8 was reported that a CBP memo confirmed what the AGO—and CBP’s training materials—had
9 previously stated: CBP agents can only engage in warrantless and suspicionless immigration
10 enforcement sweeps on buses and using non-public property with a bus operator’s consent.
11 Indeed, Greyhound’s promise to begin denying CBP agents permission to board its buses is the
12 very action Greyhound stated for years that it could not or would not do.

13 46. Notwithstanding its recent public statements, Greyhound still has not updated its
14 public website, www.greyhound.com, or its company blog, www.bloggreyhound.com, to
15 include any updated policy with respect to immigration enforcement sweeps on Greyhound’s
16 buses. Instead, both websites continue to falsely and misleadingly communicate that Greyhound
17 has no choice but to allow federal immigration officials onboard its buses. Greyhound has
18 likewise not updated its sales practices to provide specific or adequate notice at the point of sale,
19 whether in-person or via the Internet or telephone, regarding the likely travel disruptions and
20 impacts due to immigration enforcement sweeps on its buses or at its bus terminals—in Spokane
21 or elsewhere.

22 47. Greyhound’s conduct caused, and continues to cause, passengers to experience
23 travel delays, missed connections, alarm, fear, questioning, search, and detention by federal
24 immigration officials, and/or discrimination on the basis of race, color, and/or national origin.

25 _____
26 ²⁰ Gene Johnson, *Greyhound to stop allowing immigration checks on buses*, AP News (Feb. 21, 2020),
<https://apnews.com/dc560c3581783c746aee1544c8ad1c85>.

1 of conducting warrantless and suspicionless immigration enforcement sweeps, and failing to
2 warn customers of likely immigration enforcement sweeps before sale of a ticket or boarding of
3 Greyhound buses.

4 60. Greyhound's actions were not reasonable in relation to the development and
5 preservation of business and were inconsistent with the public interest.

6 **FOURTH CAUSE OF ACTION**

7 **(Violation of Consumer Protection Act)**

8 61. Plaintiff realleges paragraphs 1 through 48 and incorporates them herein as if set
9 forth in full.

10 62. Unfair or deceptive acts or practices in the conduct of any trade or commerce are
11 unlawful under Washington State's Consumer Protection Act. RCW 19.86.020.

12 63. Greyhound committed unfair and deceptive acts and practices in the conduct of
13 trade or commerce, in violation of RCW 19.86.020, by violating its own non-discrimination
14 policies when it granted CBP agents permission to access non-public areas of its bus stations
15 and/or board its buses for the purpose of conducting warrantless and suspicionless immigration
16 enforcement sweeps, and failed to warn customers of the risk of being subject to immigration
17 enforcement sweeps on Greyhound buses, despite knowing that Greyhound's actions resulted in
18 certain passengers being targeted based on their race, color, and/or national origin.

19 64. Greyhound's actions were not reasonable in relation to the development and
20 preservation of business and were inconsistent with the public interest.

21 **FIFTH CAUSE OF ACTION**

22 **(Per Se Violation of Consumer Protection Act)**

23 65. Plaintiff realleges paragraphs 1 through 48 and incorporates them herein as if set
24 forth in full.

25 66. A violation of the Washington Law Against Discrimination that occurs in trade
26

1 or commerce constitutes a *per se* violation of Washington State’s Consumer Protection Act.
2 RCW 49.60.030(3). By the actions described above, Greyhound committed unfair and deceptive
3 acts and practices that violated the Washington Law Against Discrimination—this constitutes a
4 *per se* violation of the Consumer Protection Act.

5 67. Greyhound’s actions were not reasonable in relation to the development and
6 preservation of business and were inconsistent with the public interest.

7 **SIXTH CAUSE OF ACTION**

8 **(Violation of Washington Law Against Discrimination)**

9 68. Plaintiff realleges paragraphs 1 through 48 and incorporates them herein as if set
10 forth in full.

11 69. Under the Washington Law Against Discrimination, it is an unfair practice for a
12 company to commit any act which directly or indirectly results in any distinction, restriction, or
13 discrimination on the basis of race, color, and/or national origin, or to deny the full enjoyment
14 of the advantages, facilities, or privileges of a place of public resort, accommodation,
15 assemblage, or amusement on the basis of race, color, and/or national origin.
16 RCW 49.60.030(1)(b), .215.

17 70. By its actions described above, Greyhound discriminated in a place of public
18 accommodation on the basis of race, color, and/or national origin in violation of
19 RCW 49.60.030(1)(b) and RCW 49.60.215.

20 **VI. PRAYER FOR RELIEF**

21 WHEREFORE, Plaintiff, State of Washington, prays that the Court:

22 71. Adjudge and decree that Greyhound has engaged in the conduct complained of
23 herein.

24 72. Adjudge and decree that Greyhound’s conduct violates the CPA, RCW 19.86.020
25 and RCW 49.60.030(3).
26

1 73. Adjudge and decree that Greyhound's conduct violates the WLAD,
2 RCW 49.60.030(1)(b) and RCW 49.60.215.

3 74. Issue a permanent injunction enjoining and restraining Greyhound, and its
4 representatives, successors, assigns, officers, agents, servants, employees, and all other persons
5 acting or claiming to act for, on behalf of, or in active concert or participation with Greyhound,
6 from engaging in the unlawful conduct complained of herein.

7 75. Impose a civil penalty of up to \$2,000 for each violation of the CPA pursuant to
8 RCW 19.86.140.

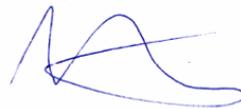
9 76. Enter such orders or judgments pursuant to RCW 19.86.080(2) and
10 RCW 49.60.030(3) as it deems appropriate to provide for equitable relief to Washington
11 consumers as a result of the conduct complained of, including, but not limited to, restitution.

12 77. Make such orders pursuant to RCW 19.86.080 and RCW 49.60.030(2) to provide
13 the State recovery from Greyhound for the costs of this action, including reasonable attorneys'
14 fees.

15 78. Award such other relief as the Court may deem just and proper.

16
17 DATED this 13th day of April 2020.

18 ROBERT W. FERGUSON
19 Attorney General



20
21 LANE POLOZOLA, WSBA #50138
22 YESICA HERNANDEZ, WSBA #48399
23 Assistant Attorneys General
24 Office of the Attorney General
25 800 Fifth Avenue, Suite 2000
26 Seattle, WA 98104
(206) 464-7744
Lane.Polozola@atg.wa.gov
Yesica.Hernandez@atg.wa.gov

Exhibit 1

Intercity Motorcoach Customer Bill of Rights

We at Greyhound Lines, Inc., pledge that as an intercity bus rider, you should experience a safe and reliable bus ride with professional and courteous service. This includes having a clean and comfortable bus with clear rules for how to ride and be safe onboard the bus and in case of emergency.

I. A safe ride every time

- Compliance with all vehicle and traffic laws and regulations.
- Fully trained drivers.
- Vehicles that meet all applicable safety requirements.
- Safe and orderly loading and unloading of passengers.

II. Courteous, clean and accessible service

- Clean, comfortable and well-maintained vehicles and terminals.
- Professional courteous drivers.
- Assistance for disabled persons at terminals, street side locations and on board.
- No discrimination with respect to prices or carriage.

III. Dependable service

- On-time service with consideration given to events outside the operator's control including weather, construction, congestion, etc.
- Adequate assistance determined on a case-by-case basis in situations of last minute cancellations or following a material delay caused by the operator.
- Reasonable compensation or rerouting in situations of overbooking or in cases of cancellation or a material delay caused by the operator.

IV. Accurate and timely information

- Accurate information regarding routes, schedules and fares, including onboard announcements of stops.
- Timely information on service delays, including cancellations.
- Travel information for all passengers before and during their journey as well as general information about travel in terminals and online.

V. Communications

- A complaint handling mechanism available to all passengers for issues involving travel, baggage, package express and accommodations for disabled persons.
- Knowledge of the bus number to report incidents.
- Diligent investigation and timely redress of complaints.
- Please feel free to contact us at <https://www.greyhound.com/en/help-and-info/contact-us>



VI. Transparent safety measures

- Travelers planning a bus trip are encouraged to think safety first before buying a ticket or chartering a bus by using the Federal Motor Carrier Safety Administration's (FMCSA) "Look Before You Book" video and safety tips, available at <http://www.fmcsa.dot.gov/safety/look-you-book/passengers-%E2%80%93-stay-safe-and-look-you-book>.
- The SaferBus mobile app gives bus riders a quick and free way to review a bus company's safety record before buying a ticket or booking group travel. The SaferBus app, available for iPhone, iPad and Android phone users, can be downloaded for free by visiting FMCSA's webpage at <http://www.fmcsa.dot.gov/safety/passenger-safety/saferbus-mobile-application>.
- Consumers can also file a complaint by calling FMCSA's toll free hotline 1-888-DOT-SAFT (1-888-368-7238) from 9:00 a.m. to 7:00 p.m. eastern time, Monday through Friday or through the online National Consumer Complaint Database.

Exhibit 2

TRAVEL ALERT: [FIND OUT MORE DETAILS](#)

Travel dilemmas

Baggage gone missing? Need to get a refund or change your ticket? We're always happy to help if things don't go according to plan.

WE'RE HERE TO HELP

My bag's gone missing. How can I get it back?

On the off chance your checked baggage gets lost during your trip, we'll try to find it for you as fast as we can. And on the very rare occasion that it doesn't turn up, we'll work with you on a solution.

[BAGGAGE INFO](#)

Something in my bag was damaged during my trip. What can I do?

If your baggage or something inside it gets damaged or goes missing during your trip, you can make a claim within 7 days.

[HOW TO CLAIM](#)

I need to cancel my trip. Can I get a refund?

If you bought a Flexible fare you can refund or exchange your ticket for free. You need to make the exchange or refund request before the travel date of your original ticket.

With all other fare types, your ticket is non-refundable but you can still change it for a \$20 fee prior to your scheduled departure date.

[REFUNDS & EXCHANGES](#)

REFUNDS & EXCHANGES

If something comes up and you need to cancel or postpone your trip, all is not lost. You can either get a refund or make changes, depending on your type of ticket.

Refundable tickets (Flexible tickets)

- Get a full refund
- Change your ticket for free, prior to your scheduled departure date

Non-refundable tickets (all other fare types)

- No refunds allowed
- Change your ticket for a \$20 fee, prior to your scheduled departure date

[MORE ON REFUNDS & EXCHANGES](#)

MOTORCOACH CUSTOMER BILL OF RIGHTS

We at Greyhound, pledge that as an intercity bus rider, you should experience a safe and reliable bus ride with professional and courteous service. This includes having a clean and comfortable bus with clear rules for how to ride and be safe onboard the bus and in case of emergency. Click [here](#) to view the full Intercity Motorcoach Customer Bill of Rights.

[ABOUT](#)

[CAREERS](#)



[CONTACT US](#)

[ACCESSIBILITY](#)

[FIND A BUS STOP](#)

[GET OUR APP](#)

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Exhibit 3

TRAVEL ALERT: [FIND OUT MORE DETAILS](#)

Your rights & rules on board

We want to get you from A to B feeling safe and happy. So there are few rules we need to share with you.

WE HAVE NO ROOM FOR DISCRIMINATION

Our comfy leather seats don't discriminate and neither do we. We're not concerned about your race, your color, what you believe or where you're from. We just want to get you safely to your destination.

No person or group of persons shall be discriminated against on the basis of race, color, national origin, disability or any other characteristic protected by applicable law. For more details see our notice. ([English](#) / [Spanish](#))

Got a complaint?

If you feel you have been discriminated against by a member of Greyhound staff for any of the above reasons while riding with us, we take this very seriously. You can read our discrimination policy for more information. ([English](#) / [Spanish](#)) You may file a complaint by completing this [form](#).

Need more information?

For more information on Greyhound's civil rights program and the procedure to file a complaint, you may contact customer service at 214-849-8966 or you may write to the following address:

ATTN: Legal Department
Greyhound Lines, Inc.
PO Box 660362-0362
Dallas, TX 75266-0362

If your English is limited...that's ok!

We want to make sure all our customers have proper access to Greyhound services, information and benefits. So if your English is limited, we'll do everything we can to help you when you ride with us or use our facilities. You can find out more about this in our [Limited English Proficiency Plan](#), which outlines how we're making our services more accessible to people who speak other languages.

A few dos and don'ts for riding Greyhound

We have a few rules to help us keep everyone safe and happy on board (including you) so please respect these rules when you ride with us:

- Please stay in your seat while the bus is moving (unless going to the on-board restroom, of course). We want you to enjoy your trip but also have to look out for your safety.
- There's no smoking allowed on the bus (it's against federal law). But don't worry, our buses stop about every two hours so you can have a smoke outside.

- Please don't take photos, video or make audio recordings of Greyhound staff, equipment or procedures (most of us haven't been to acting school and just want to do our jobs).
- Absolutely no alcohol, drugs or weapons anywhere on the bus (including in your checked baggage).
- This is a stickler for us – no unruly behavior on the bus. No shouting, being loud, or generally disturbing the driver or other passengers. Just chill out, be nice and enjoy the ride.
- We don't let animals on board (not even Greyhound puppies). The only exception is legitimate service animals riding together with a disabled person. For more information, see our [Customers with Disabilities page](#).

U.S. CUSTOMS AND BORDER PROTECTION CHECKS

English

IMMIGRATION ISSUES THAT AFFECT OUR PASSENGERS

As a passenger on an intercity bus, you should know that federal officials may stop and board a bus within 100 miles of any border under federal law. You may be asked questions and/or for documentation. If this happens, you have the following rights:

- You have the right to remain silent.
- When in doubt, do not answer questions about your citizenship or immigration status or sign any paperwork without the advice of a lawyer.
- If you have valid immigration documents, provide them. Never provide false documents.
- You have the right to ask agents if you are being detained and why.
- You can refuse a search of your belongings by saying "I do not consent to a search."
- You have the right to record video of immigration agents but do not to interfere with their activities.

-[American Civil Liberties Union \(ACLU\)](#) – (212) 549-2500

GREYHOUND IS HERE TO HELP

Let us know if we can provide any assistance during your travel. Ask an agent or you can call our customer service department at (214) 849-8966.

Existing law allows federal officials to board an intercity bus without a warrant within 100 miles of any border. Please contact your members of Congress to support changes to this law.

NO DISCRIMINATION

The use of race or ethnicity as a factor in conducting stops, searches, inspections, and other law enforcement activities based on the erroneous assumption that a person of one race or ethnicity is more likely to commit a crime than a person of another race or ethnicity is illegal. The [Office for Civil Rights and Civil Liberties \(CRCL\)](#) reviews and investigates civil rights and civil liberties complaints filed by the public regarding DHS policies and activities, which includes CBP. Persons who wish to file a civil rights or civil liberties complaint with CBP may do so by:

- [Submitting a Civil Rights Complaint](#)
- Sending an e-mail message to CRCL@dhs.gov
- Faxing to (202) 401-4708; or
- Writing to U.S. Department of Homeland Security, Office for Civil Rights and Civil Liberties, Compliance Branch, 245 Murray Lane, SW, Building 410, Mail Stop #0190, Washington, DC 20528.

ADDITIONAL HELP AND RESOURCES

If you need legal assistance, please contact the following agencies for help:

- [American Civil Liberties Union—Border Litigation Project Form](#)
- [National Immigrant Justice Center—Immigrant Resources](#)
- [Immigration Advocates Network—National Immigration Legal Services Directory](#)
- [U.S. Department of Justice—List of Pro Bono Legal Service Providers](#)

ASUNTOS RELACIONADOS CON INMIGRACIÓN QUE AFECTAN A NUESTROS PASAJEROS

Como pasajero que viaja en un autobús interurbano, debe saber que cualquier funcionario federal puede detener y abordar un autobús dentro de las 100 millas de cualquier frontera, de acuerdo con lo establecido en la ley federal. Es posible que le hagan preguntas o que le soliciten cierta documentación. Si esto sucede, usted goza de los siguientes derechos:

- Usted tiene derecho a permanecer en silencio.
- En caso de duda, no responda preguntas sobre su ciudadanía o situación migratoria ni firme ningún documento sin el consejo de un abogado.
- Si tiene documentos de inmigración válidos, proporciónelos. Nunca proporcione documentos falsos.
- Usted tiene derecho a preguntar a los agentes si está bajo arresto y por qué.
- Puede rechazar toda pesquisa de sus pertenencias diciendo "No doy mi consentimiento para ninguna pesquisa".
- Usted tiene derecho a grabar a los agentes de inmigración, siempre que esto no interfiera con sus actividades.

-[Unión Americana de Libertades Civiles \(ACLU\)](#) – (212) 549-2500

GREYHOUND ESTÁ AQUÍ PARA AYUDAR

Háganos saber si podemos proporcionarle asistencia durante su viaje. Pregunte a un agente o llame a nuestro Departamento de Servicio al Cliente al (214) 849-8966.

La ley existente permite que cualquier funcionario federal aborde un autobús interurbano sin una orden dentro de las 100 millas de cualquier frontera. Póngase en contacto con sus representantes en el Congreso para apoyar los cambios a esta ley.

NO DISCRIMINACIÓN

Todo argumento relacionado con la raza o el origen étnico como factor determinante para la realización de paradas, registros, inspecciones y otras actividades de aplicación de la ley basadas en la presunción errónea de que hay más probabilidades que una persona de una raza o grupo étnico cometa un delito que una persona de otra raza o grupo étnico es ilegal. La [Oficina de Derechos Civiles y Libertades Civiles \(CRCL\)](#) revisa e investiga las quejas relacionadas con los derechos y las libertades civiles presentadas por el público en relación con las políticas y actividades del Departamento de Seguridad Nacional (DHS), incluido el Servicio de Aduanas y Protección de Fronteras (CBP). Las personas que deseen presentar una queja de derechos o libertades civiles relacionadas con el CBP pueden hacerlo de las siguientes maneras:

- [presentando una queja de derechos civiles](#);
- enviando un mensaje de correo electrónico a CRCL@dhs.gov;
- enviando un fax al (202) 401-4708;
- escribiendo al Departamento de Seguridad Nacional de EE. UU., Oficina de Derechos Civiles y Libertades Civiles, Sección de Cumplimiento, 245 Murray Lane, SW, Building 410, Mail Stop #0190, Washington, DC 20528.

RECURSOS Y AYUDA ADICIONALES

Si necesita asistencia legal, comuníquese con las siguientes agencias para obtener ayuda:

- Unión Americana de Libertades Civiles ([formulario Proyecto de Litigio Fronterizo](#))
- Centro Nacional de Justicia para Inmigrantes ([Recursos para inmigrantes](#))
- Red de Defensores de Inmigración ([Directorio Nacional de Servicios Legales de Inmigración](#))
- Departamento de Justicia de EE. UU. ([Lista de proveedores de servicios legales voluntarios](#))

ALL TRAVEL INFO

Travel info

[Track your bus](#)

[Bus stop locations & info](#)

[Baggage](#)

[Children traveling](#)

Need to get in touch?

For feedback, questions or anything else:

[CONTACT US](#)

Customers with disabilities 

Traveling to and from Canada

Traveling to and from Mexico

Your rights & rules on board

Tips for your bus trip

Road Rewards

Road Rewards FAQs

Sign up to Road Rewards

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Exhibit 4

CBP Enforcement Law Course



**U.S. Customs and
Border Protection**

Fifteenth Edition – 2012

**Office of Chief Counsel
U.S. Customs and Border Protection**

NOTICE: CIRCULATION RESTRICTED

This text, the *CBP Enforcement Law Course* (Fifteenth Edition), is published for the exclusive use of Customs and Border Protection law enforcement personnel in the performance of their official duties. Circulation of this text is restricted as it contains law enforcement sensitive material, attorney work product, and privileged attorney-client communications.

The release or disclosure of this text to persons outside U.S. Customs and Border Protection is prohibited without the express prior approval of the Commissioner of CBP and the CBP Office of Chief Counsel (202-344-2990).

NO PRIVATE RIGHT CREATED

This document is an internal policy statement of CBP and does not create or confer any rights, privileges, or benefits upon any person, party, or entity. *United States v. Caceres*, 440 U.S. 741 (1979).

FOREWORD TO THE FIFTEENTH EDITION - 2012

The *CBP Enforcement Law Course* is designed to address the major areas of law relevant to CBP's law enforcement mission. U.S. Customs and Border Protection (CBP) was created as a result of the Homeland Security Act of 2002, supplemented by the President's Modified Reorganization Plan in 2003. As of March 1, 2003 this reorganization transferred the U.S. Customs Service, components of the Immigration and Naturalization Service, and the agricultural import and entry inspection functions of the U.S. Department of Agriculture to the Department of Homeland Security (DHS), then renamed the U.S. Customs Service as U.S. Customs and Border Protection, moved Customs Investigations to U.S. Immigration and Customs Enforcement, and added Immigration Inspections, the Border Patrol, and Agriculture Inspections to CBP. CBP combines personnel from three separate departments of government (Treasury, Justice, and Agriculture) into a single agency charged with securing, managing, and controlling the borders of the United States.

The *CBP Enforcement Law Course* serves as a framework for the legal training provided by CBP Office of Chief Counsel attorney-instructors and as a legal resource for CBP enforcement personnel. Prior editions of this text were titled "*Law Course for Customs Officers*" and "*Law Course for Customs and Border Protection Officers.*" This Fifteenth Edition has been renamed to reflect the expanded size and scope of CBP's law enforcement cadre.

The 2012 edition of the *CBP Enforcement Law Course* incorporates recent changes in the law that directly impact the agency's enforcement mission and includes new chapters addressing Border Patrol enforcement operations, agriculture enforcement operations, and immigration crimes. The chapters addressing forfeiture law and trade enforcement have been substantially revised. New sections addressing emergency search authority, material witness/Confrontation

Clause issues, and border search of electronic devices are also part of the 2012 edition.

The Office of Assistant Chief Counsel (Training), under the supervision of Associate Chief Counsel (Enforcement) Steven Basha, is responsible for researching, writing and publishing the *CBP Enforcement Law Course*. For more than thirty years, the Office of Chief Counsel has delivered legal training at the Glynco campus of the Federal Law Enforcement Training Center in Georgia. A satellite Chief Counsel legal training office was established at the Border Patrol Academy in Artesia, New Mexico in 2005.

While the *CBP Enforcement Law Course* provides an excellent overview of the major areas of law that govern CBP's enforcement operations, every case turns on its own facts. As always, CBP officers and agents are encouraged to consult their servicing Associate or Assistant Chief Counsel office for legal advice on individual cases.

(b)(6) (b)(7)(C)

Chief Counsel
U.S. Customs and Border Protection

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6.500 Transportation Checks¹³¹

6.510 Introduction

Transportation checks occur when Border Patrol agents have consensual encounters with travelers located in or near bus terminals, train stations and airports, or when they board stationary buses and trains at such locations to engage in consensual encounters with passengers. The purpose of transportation checks is to find and arrest smugglers and illegal aliens attempting to use public transportation to move from the border area to the interior of the United States. Transportation checks conducted at key hubs complement linewatch, roving patrol and immigration checkpoint operations by closing off another means of escape from the border area.

6.520 Constitutional Character of Transportation Checks

A transportation check must begin as a consensual encounter unless an agent has at least reasonable suspicion that a specific person is unlawfully present in the United States or has committed a federal crime. An agent conducting a transportation check will rarely have the articulable facts to support reasonable suspicion without first talking to someone; hence, the initial contact must generally be consensual to be lawful.

A consensual encounter is not a seizure of a person and requires no suspicion of criminal activity or immigration violations.¹³² Nothing in the Constitution prevents an agent from questioning any person in a location where the agent is lawfully present, such as a bus station, train depot, or airport.¹³³ Of course, the agent must interact with the person in such a manner that a reasonable innocent person would feel free to leave or terminate the encounter with the agent.¹³⁴ When the transportation check occurs on a bus or train, the agent will have to demonstrate that he gained access to the bus or train with the consent of its owner or employee. Agents have no inherent authority to simply board a common carrier without at least reasonable suspicion or consent. In addition, the agent must ensure that his conduct while onboard the conveyance would not cause a reasonable person to believe that he could not terminate the encounter with the agent.¹³⁵

¹³¹ The description of transportation checks provided herein is based on *Border Patrol Handbook* Chapter 14, "Transportation Check".

¹³² See § 2.61.

¹³³ See, e.g., *Florida v. Bostick*, 501 U.S. 429 (1991); *United States v. Mendenhall*, 446 U.S. 544 (1980).

¹³⁴ The Supreme Court has noted that "the appropriate inquiry is whether a reasonable person would feel free to decline the officers' requests or otherwise terminate the encounter." *Florida v. Bostick*, 501 U.S. 429, 436 (1991). *Bostick* has an extensive treatment of the legal parameters of consensual encounters.

¹³⁵ *Id.*

Exhibit 5

HQBOR 5078-C



**U.S. Customs and
Border Protection**

JAN 28 2020

MEMORANDUM FOR: All Chief Patrol Agents
All Directorate Chiefs

FROM: Carla L. Provost *Carla L. Provost*
Chief
U.S. Border Patrol

SUBJECT: Transportation Bus Check Operations

U.S. Border Patrol (USBP) transportation/bus checks provide a vital tool for layered border enforcement within the operational control paradigm. Bus checks provide additional options for detection, deterrence, and immigration enforcement that has proven to be effective for many decades.

The Immigration and Nationality Act (INA), Section 287 [8 U.S. Code § 1357] provides statutory authority for Border Patrol Agents (BPAs) to interrogate any alien or person believed to be an alien as to their right to be or remain in the United States (INA § 287(a)(1)). Additionally, the INA gives BPAs the authority, within a reasonable distance of the border, to board and search for aliens in any vehicle without a warrant. INA Section 287(a)(3) 8 CFR § 287.1(a)(2) defines reasonable distance as 100 air miles from the border.

However, even when a statute authorizes an agent's enforcement activity, the agent's actions must always be constitutionally reasonable. See *Almeida-Sanchez v. United States*, 413 U.S. 266, 272 (1973) and *U.S. v. Drayton*, 536 U.S. 194 (2002).

When transportation checks occur on a bus at non-checkpoint locations, the agent must demonstrate that he or she gained access to the bus with the consent of the company's owner or one of the company's employees. In addition, the BPA will have to ensure that his or her actions, while onboard the conveyance would not cause a reasonable person to believe that he or she is unable to terminate the encounter with the agent. See *Florida v. Bostick*, 501 U.S. 429 (1991).

If BPAs are refused access to a bus, they may still engage in suspicionless and consensual encounters at the public bus or train stations. The BPA can attempt to question individuals before they board or after they exit a bus. Law enforcement officers are permitted to ask questions of people in any place where the agent is lawfully present. See *I.N.S. v. Delgado*, 466 U.S. 210 (1984).

Possible outcomes of a consensual encounter include the following:

- **No Suspicion Developed:** The BPA should professionally and courteously return the person's personal property that the agent may have received during the encounter, allow the person to depart, and then continue performing their duties.
- **Reasonable Suspicion Developed:** The agent should conduct an investigative detention to resolve the agent's suspicion that the person is unlawfully present in the United States or involved in unlawful activity.
- **Probable Cause Developed:** The BPA should arrest the person, based on probable cause that the person has committed an immigration violation or a criminal offense within the agent's enforcement authority.

In situations where consent is denied and/or consensual encounters are not possible without reasonable suspicion or probable cause, the agent should terminate the encounter and notify their respective chain of command to report the access denial. Absent reasonable suspicion or probable cause, BPAs do not have legal authority to board a bus without the consent of the transportation company or one of its employees. In the event of a denial, agents should remain professional and courteous.

BPAs are required to document all instances when consent is denied, either by the carrier or its employees, in an Issue Paper/Quad chart. This report is to be routed through the sector chain of command and then to the respective operational corridor at USBP Headquarters.

Any questions regarding this memorandum should be directed to Acting Associate Chief Bradley S. Curtis at 202-344-1401 or bradley.s.curtis@cbp.dhs.gov.

Exhibit 6



June 15, 2018

The Honorable Joaquin Castro
First Vice Chair
Congressional Hispanic Caucus
1221 Longworth House Office Building
U.S. House of Representatives
Washington, DC 20515

Dear Representative Castro:

I received the letter that you co-signed regarding Customs and Border Patrol (CBP) enforcement actions on Greyhound buses. I want you to know that I share your concerns about these warrantless searches. Greyhound does not coordinate with CBP nor support these actions and we are very unhappy that our drivers and passengers are being stopped by armed federal officers conducting immigration raids on our buses.

The experience of our customers is an enormous concern to me. In addition to the primary objections raised by the ACLU, these raids impact our business by causing delays, missed connections, and unhappy customers. As you may know, Greyhound is not alone in this matter; other bus companies and Amtrak have also been subjected to these warrantless enforcement actions and to my knowledge we are all handling these raids in the same manner.

Unfortunately, Congress did pass legislation that expressly allows warrantless searches on common carriers such as Greyhound within a reasonable distance from all external boundaries of the United States. In final regulations, the Department of Homeland Security defined this distance as within 100 miles from all borders. We would strongly support a legislative effort to change this regulation and the underlying law. Greyhound would like to work constructively with you and all Members to change the law.

However, in the meantime, we believe it would present a serious danger to our union drivers to direct them to physically block armed federal officers who have been instructed that they do not need a warrant to board our buses. If Greyhound were to require a driver to obstruct a federal officer, they would be subject to arrest, fine, and jail. Their physical safety might be harmed by attempting to resist these armed federal agents. CBP officers do not ask if they may board our bus; they simply demand to board. Our intercity bus drivers do not have the legal training or background to raise a constitutional objection to a search.



Greyhound looks forward to working with you to enact new legislation to stop the warrantless immigration searches on our buses. We ask that other bus companies, the American Bus Association, and Amtrak also be brought into this process, as Greyhound should not be singled out as the sole company facing these problems.

In addition, we appreciate that the ACLU is attempting to address the constitutionality of these searches through the federal courts, although disappointed that they have claimed we are complicit in these raids. We are not. We look forward to the resolution of the constitutional question they have raised. Once the case is resolved we will have much more clarity on the limits of CBP enforcement actions.

In the meantime, please do not hesitate to contact me directly to discuss how Greyhound can support your efforts in Congress to change the underlying statutes governing CBP enforcement actions.

Sincerely,

David S. Leach
President & CEO

Exhibit 7



Book Travel

Statement Regarding CBP

Posted by [admin](#) on June 20, 2018

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While we are required to comply with the law by allowing Border Patrol agents to board our buses when they ask to do so, we do not support or coordinate these searches, nor are we happy about them. We understand that this practice negatively impacts our customers, and we have had conversations with the Border Patrol to determine if there is anything that can be done to balance the enforcement of federal law with the dignity and privacy of our valued customers. We have also been in contact with the ACLU for the past few months in order to work towards a solution.

Greyhound is a private company caught in the middle of an issue that is not in our control. Our drivers face arrest and fines for obstructing these agents, and we would not want to put their safety, or the safety of our passengers at risk by attempting to physically stop a federal agent from boarding.

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NEWS

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Statement Regarding CBP [Read »](#)

January 31, 2018

Website alert: Feb. 3 and Feb. 6 [Read »](#)



Exhibit 8



TRAVEL ALERT: [FIND OUT MORE DETAILS](#)

Greyhound Lines, Inc. Policy Statement on Warrantless Searches by U.S. Customs and Border Protection

10.19.2018

We understand our customers' concerns about U.S. Customs and Border Protection (CBP) conducting warrantless, but still legal, searches on our buses. CBP officers do not ask permission to board our buses. We do not want to put our drivers' safety or the safety of our passengers at risk by attempting to stop a federal agent from conducting checks.

CBP searches have negatively impacted both our customers and our operations. Greyhound does not coordinate with CBP, nor do we support these actions. That is why we are calling on Congress to change the law and will support positive efforts to do so. We also encourage all our customers to know their rights and share their opinion on this important issue with their members of Congress.

###

Contact: Greyhound Media Relations at 214-849-7846

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Exhibit 9

Redacted

From: ROBINSON, MICHAEL J [mailto:michael.j.robinson@cbp.dhs.gov]
Sent: Monday, April 02, 2018 5:16 PM
To: bob@tckrep.com
Subject: FW: Greyhound

Bob – I received the below request from Stacy Forbes, who told me you were the POC for setting up this meeting. Please let me know when you're available to discuss, I have a couple of quick questions for you.

Thanks,
Mike

From: Forbes, Stacy [mailto:stacy.w.forbes@mail.house.gov]
Sent: Monday, April 2, 2018 4:05 PM
To: ROBINSON, MICHAEL J <michael.j.robinson@cbp.dhs.gov>
Subject: Greyhound

Mike,

I was contacted by Greyhound today requesting a meeting between Dave Leach, President and CEO of Greyhound Bus Lines and Commissioner McAleenan regarding CBP activities in Greyhound terminals and on buses and the need to provide the media with accurate and timely responses to CBP activities (pamphlet).

Greyhound enjoys an excellent relationship with the CBP HQ office and staff. They have been a strategic partner for many years, having worked together on APIS on intercity buses.

Based on my discussion with Greyhound:

- Greyhound is committed to supporting CBP enforcement actions (inspections).
- ALCU has targeted Greyhound since they are the largest and face of the motorcoach industry.
- They feel that they have been "abandoned" by CBP.
- During their last meeting with CBP, they were promised a pamphlet they could distribute to their customers that has not been delivered.
- They are a publicly traded company (FirstGroup) with shareholders. They are concerned how the negative press they are receiving will impact their business.
- They need CBPs assistance dealing with the ACLU.

Here is an example of the type of pressure Greyhound is receiving from ACLU.

VOLUNTERS DISTRIBUTE FLYERS AT GREYHOUND STATION TO PROTECT PEOPLE FROM ICE AGENTS

Mar. 23, 2018

KMIR (NBC-Palm Springs, CA)

There's been an increase in the presence of immigration agents in the country, including our valley.

[Read more](#)

Date: April 6

Time: 11:30 AM or 12N

Attendees:

- Dave Leach, President and CEO of Greyhound Bus Lines
- Tricia Martinez, Sr. V P of Legal Affairs
- Greg Cohen and Bob Schwarz (Government Affairs Representatives for Greyhound)

They apologize for the short notice.

Thank you,

Stacy W. Forbes

DHS Legislative Fellow

Congressman Henry Cuellar (TX-28)

2209 Rayburn House Office Building

Office: 202-225-1640

Cell: 202-644-2416