



NEW YORK STATE SENATOR

Brad Hoylman-Sigal

Hoylman, Solage Intro ICE out of Courts Bill with Support from DAs, Defenders, and Community Advocates

BRAD HOYLMAN-SIGAL January 31, 2019



NEW YORK- Senator Brad Hoylman (D/WF-Manhattan) rallied alongside Assemblymember Solages, top prosecutors, defenders, community members rallied today in support of a new state bill that would keep ICE out of New York State courts and end the climate of fear and intimidation that has terrorized immigrant victims, witnesses and defendants in our court system. A new report this week revealed that ICE arrests in New York State courts have skyrocketed in the last two years.

Senator Brad Hoylman and Assemblymember Michaelle Solages announced the reintroduction of the Protect Our Courts Act (S.425/A.2176), a groundbreaking bill that would prohibit Immigration & Customs Enforcement (ICE) agents from making civil arrests in and around New York State courthouses without a judicial warrant or court order.

“We're all safer when everyone can feel comfortable participating in the justice system, regardless of their immigration status. President Trump's racist immigration policy, carried out by federal immigration agents serving as his personal deportation force, is instead undermining trust and forcing undocumented New Yorkers who have witnessed or been the victims of crimes into the shadows,” **said State Senator Hoylman**. “Since the start of the Trump Administration, we've seen an outrageous 1700% increase in ICE arrests and attempted arrests in and around courts in New York. That's unacceptable. It's time that New York law made clear: courthouses are sanctuaries, and ICE is not welcome. I'm proud to be the lead sponsor of the Protect Our Courts Act. I am grateful for Assemblymember Solages's leadership on this critical issue in the Assembly, and for the support of the Manhattan District Attorney Cyrus Vance, Brooklyn District Attorney Eric Gonzalez, Bronx District Attorney Darcel Clark, Immigrant Defense Project, The Bronx Defenders, The Legal Aid Society of New York, and other community organizations--who are fighting for immigrants every day.”

“Our judicial system is based on equity and equal accessibility to justice. Changes by federal agencies regarding the enforcement of federal immigration law have instilled significant fear in immigrant communities across New York State,” **said Assemblymember Solages**. “According to a report from the Immigrant Defense Project, courthouse arrests by ICE have dramatically risen statewide. As fewer individuals feel safe interacting with the justice system, fearing potential implications for themselves, friends or family, it becomes all the more challenging to promote public safety. We must pass the Protect Our Courts Act now in

order to ensure that all members of our community feel safe accessing New York's court system. I commend the efforts of the Immigrant Defense Project and other advocacy groups for pushing this issue to the forefront”

Manhattan District Attorney Cyrus Vance, Brooklyn District Attorney Eric Gonzalez, Bronx District Attorney Darcel Clark, Immigrant Defense Project, The Bronx Defenders, The Legal Aid Society of New York, 32BJ SEIU, UAW- Assoc. of Legal Aid Attorneys, Make the Road New York, Sanctuary for Families, Anti-Defamation League and other community members joined Solages and Hoylman at Judson Memorial Church in Manhattan on Thursday.

“Having ICE in our courts has the potential to force individuals to not appear because of fear. The presence of ICE agents in a court is not related to the instant proceedings one may face in our justice system. No witness or individual should feel intimidated because of the presence of individuals who do not belong there. I am proud to stand in solidarity with the Immigrant Defense Project, my colleagues in government, and advocates on this important issue,” **said State Senator Jamaal Bailey.**

If passed, the Protect Our Courts Act would provide the most protective regulations on ICE courthouses arrests in the U.S., and help ensure that all New Yorkers, including those accused of crimes, survivors of violence, and witnesses, have equal access to courts.

The report released this week by the Immigrant Defense Project reveals that since the Trump administration took office in early 2017, ICE courthouse arrests have skyrocketed by 1700%, effectively disrupting court proceedings, trampling the constitutional rights of immigrant New Yorkers, sowing fear in immigrant communities seeking justice, and undermining public safety.

“ICE’s presence in New York’s courts is jeopardizing our criminal justice system and putting everyone in our state at risk,” **said IDP Executive Director Alisa Wellek**. “ICE agents have been operating outside the guidelines the agency has set for itself and we desperately need a law that makes it clear that victims, witnesses and defendants have the right to a fair day in court. That is the just thing to do and a necessary step to restore faith in our court system.”

According to the IDP report, New York City has seen the biggest ICE presence in its courts and the most arrests. The Brooklyn, Manhattan and Bronx District Attorneys shared their support for the community members demanding an end to the climate of fear.

“Deporting New Yorkers who show up to court isn’t just contrary to our values – it makes us less safe,” **said Manhattan DA Cy Vance, Jr.** “When fear of deportation prevents victims and witnesses from coming forward, or deters defendants from responsibly attending their court dates, our justice system is less effective, and our City is less safe. I thank Assembly Member Solages and Senator Hoylman – as well as the Immigrant Defense Project and New York’s leading public defenders – for their attention to this public safety threat. New York lawmakers must now move swiftly to Protect Our Courts.”

“Witnesses and survivors already deal with enough trauma and are brave enough to show up to court and testify during a case. They should not have to worry about being arrested at our courthouses,” **said Bronx District Attorney Darcel D. Clark**. “Arrests by Immigration and Customs Enforcement could have a chilling effect on getting witnesses to assist in our cases, potentially resulting in a threat to public safety. We not only encourage but we desperately need everyone to cooperate in our fight to keep the streets of the Bronx safe. The Protect Our Courts Act will help make New York courts more accessible to people, regardless of their immigration status.”

“I have repeatedly called on ICE to stop their misguided practice of conducting enforcement actions in and around our courthouses and to treat courts as sensitive locations because these raids interfere with the administration of justice and, more importantly, they endanger our communities because they discourage our immigrant neighbors from participating in the justice system. These pleas have fallen on deaf ears, with ICE increasing this corrosive practice last year, hauling more Brooklyn residents than ever into custody, interrupting the judicial process and denying justice for victims. The time for action is now and I share the goal of this bill – to make our courthouses safe from ICE intrusion – and stand ready to work with the sponsors to make it as workable and effective as possible,” **said Brooklyn District Attorney Eric Gonzalez.**

“ICE enforcement activity at city courts undermines our justice system and creates fear within immigrant communities. We won't have a system of justice if people are afraid to come and be a part of that system. I am proud to support the Protect Our Courts Act to keep ICE out of our courts without a warrant,” **said New York City Councilmember Rory Lancman.**

Defense attorneys, anti-violence advocates, labor unions, and immigrants rights advocates rallied behind the bill.

“Today we stand with our colleagues in urging swift passage of the Protect Our Courts act to ensure access to our judicial system for all New Yorkers. The presence of ICE officials in our courthouses poses an immediate threat to our entire legal process and the principles upon which our justice system stands. As public defenders responsible for providing legal representation to thousands of people across New York's criminal, family, immigration, and housing courts, we will continue to demand today and every day, that immigrants are afforded their rights to go to court to fight the charges against them, to request due process and to seek justice,” **said Justine Olderman,** executive director of the Bronx Defenders.

“While studies show immigrants commit fewer crimes than native-born Americans and the majority of them are never even accused of a crime, those who do become court-involved often face disproportionate punishment, including indefinite detention and deportation, following minor offenses and even mere accusations. Courthouse arrests by ICE only add to the unfairness, denying immigrants the right to their day in court and often disrupting and prolonging criminal proceedings that would otherwise resolve favorably. Brooklyn Defender Services is in strong support of the Protect Our Courts Act and thanks bill champions Senator Hoylman and Assemblymember Solages for their leadership on this critical and urgent issue,” **said Lisa Schreibersdorf, Executive Director of Brooklyn Defender Services.**

“ICE presence in our courtrooms endangers our communities, instills fear in our clients and prevents us from safeguarding their constitutional rights. Immigrants, both people who are accused and witnesses, are terrified to appear in court knowing that ICE is indiscriminately targeting non-citizens. Enough is enough. We laud Senator Brad Hoylman and Assembly Member Michaelle C. Solages for introducing this critical legislation and we urge Albany to codify these protections immediately this session making us a true sanctuary state,” **said Anthony Posada, supervising attorney of the Community Justice unit of the Legal Aid Society.**

"Since last year, our members have stood with our clients, engaging in over 20 court walk-outs to protest ICE's presence in the court. Our members have long known that ICE's presence in the Court would only increase as long as the State Judiciary allowed them to conduct their arrests at the expense of our clients' legal rights. We call on the State Legislature to pass this bill and protect our clients and their right to due process," said Debbie Wright, president of Association of Legal Aid Attorneys - UAW Local 2325.

“For over thirty years, Safe Horizon’s Immigration Law Project has been assisting immigrant survivors of violence, abuse, trafficking and torture seek safety and protection under our immigration laws. Up until recently, our clients have had access to the courts to report

crimes, obtain orders of protection, serve as witnesses and otherwise assist in the investigation and prosecution of crimes, without fear of deportation. However, since 2017, Immigration and Customs Enforcement (ICE) enforcement activities in and around the courthouses have effectively silenced these immigrant victims and witnesses--our clients are now

afraid to go to court to exercise their rights and participate in the justice process. When that happens, not only is our entire judicial system undermined but our communities are made less safe for all of us. That is why we strongly support the Protect Our Courts Act, to ensure that all New Yorkers will have access to safety and justice regardless of immigration status," said Evangeline M. Chan, director of Safe Horizon Immigration Law Project.

"Her Justice deplores the ongoing presence of Immigration & Customs Enforcement (ICE) agents in our courts. Over one third of our clients we provide with free legal help are foreign-born, and many of them are now too scared to go to court for any reason – including to ask for an order of protection, or ensure custody of their children. The courts stand for the rule of law and have historically served as a safe place where rights are protected. When officials use their knowledge of the courts to aid in the detention and deterrence of peoples seeking to protect their rights, our system cannot function. We ask the courts to uphold their role as a place for access to justice for all," said Amy Barash, executive director of Her Justice.

The Neighborhood Defender Service of Harlem is proud to stand with our clients and colleagues to advocate for the Protect Our Court Act which will protect our clients who are attending court from arrest by ICE officers. It is hard to overstate the chilling effect of ICE's presence in the courthouse. This act goes a long way to ensuring that our clients can enjoy equal access to the courts free from fear of arrest," said Matt Knecht, Managing Director of the Neighborhood Defender Service of Harlem.

“As advocates for vulnerable children, we are extremely concerned about the staggering rise in ICE arrests that threatens our youngest New Yorkers’ ability to seek justice and protection from violence and abuse. The Protect Our Courts Act is absolutely necessary to keeping children and families safe. We thank Senator Hoylman and Assemblymember Solages for their commitment to ensure access to justice for all,” said Karen J. Freedman, executive director of Lawyers for Children.

"ICE's increasing presence in our courthouses – and the revelation that some court officers are actively cooperating with ICE – is an affront to our judicial system. We cannot allow our court officers to be agents of Trump and instill fear in the immigrant community. That's why we need New York State to require ICE to get nothing less than a full judicial warrant before they try to use our courts to do their dirty work," said Anu Joshi, Senior Director of Policy at the New York Immigration Coalition.

“When witnesses or victims of crimes stay away from our courthouses because they’re afraid ICE agents will detain them or their family members first and ask questions later, we all lose. Too many spaces have already become perilous for immigrant New Yorkers, and the Protect Our Courts Act will help safeguard equal access to the protections of the law to which they are entitled,” said Shirley Aldebol, Vice President 32BJ SEIU.

“The actions of ICE agents in our courthouses has compromised access to justice for for too many immigrants in New York. Their very presence undermines democratic principles, endangers due process, and threatens public safety. We cannot allow this to continue. The Fortune Society stands with Assemblymember Solages, Senator Holyman, the bill co-sponsors, DA Clark, DA Gonzalez, DA Vance, and all our ally agencies in support of the Protect Our Courts Act,” said Shola Ayeni, the Fortune Society Senior ATI Counselor and Immigrant New Yorker.

"We remain deeply concerned about the escalation in ICE arrests in and around New York state courthouses, which has denied vulnerable individuals access to justice by deterring them from contacting authorities and accessing courts when needed, such as in the event of a hate crime. All community members deserve equal access to our justice system, regardless of immigration status. That is why we remain steadfast in our support for the Protect Our Courts Act. This bill represents a significant step toward restoring confidence and trust so that all community members can access the justice system without fear of deportation," said Evan Bernstein, New York Regional Director of ADL (Anti-Defamation League).

Natalia Aristizabal, Co-Director of Organizing at Make the Road New York, said, "The presence of Immigration and Customs Enforcement (ICE) in New York courthouses is a tactic being used to terrorize our immigrant community, and undermines their constitutional right to access courts and our judicial system. Trump's deportation machine has no place in our courthouses and New Yorkers should not fear being ripped away from their families when accessing our courts. We support the Protect Our Courts Act, which will allow all New Yorkers, regardless of immigration status, to have equal and safe access to New York courts."

"Confidence in our judicial system is fundamental to who we are as a nation and a state. If those coming to court whether as an accused, a witness, a victim or a friend offering support cannot enter our courts for fear of arrest we do a disservice not only to them but to our system of justice. We urge immediate and favorable action on these protections crafted by Senate Judiciary Chair Brad Hoylman and Assembly Member Michael Solages," said Empire Justice Center CEO Anne Erickson.

For more information, please visit the Immigrant Defense Project at ImmigrantDefenseProject.org. Join the conversation on social using #ProtectOurCourts.

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