

Res. No.

Resolution calling on the State Legislature to pass, and the Governor to sign, the “Protect Our Courts Act” (A.2176 / S.425), in order to protect certain interested parties or people from civil arrest while going to, remaining at, or returning from the place of a court proceeding.

Whereas, U.S. Immigration and Customs Enforcement (ICE) arrests of immigrants in the community have increased overall, and aggressive ICE tactics that were rare under the Obama administration have become commonplace; and

Whereas, The Immigrant Defense Project (IDP) reports that since 2016, ICE operations in and around New York courthouses rose 1700%, and that ICE expanded its courthouse arrest operations in upstate New York in 2018, including arresting people on the way to court, in the courthouse, and leaving court; and

Whereas, Alongside this astronomical rise, IDP has documented ICE’s increased use of violent force to conduct arrests, including slamming family members against walls, dragging individuals from cars, and even pulling guns on people leaving court; and

Whereas, The ICE Out of Courts Coalition issued a report that documents the harmful impacts of ICE’s aggressive courthouse operations, including the widespread chilling effect, which discourages victims, witnesses, and defendants from seeking legal protections; and

Whereas, When ICE arrests a defendant during an unrelated court proceeding, ICE is under no obligation to produce them for such court appearance; and

Whereas, The fear of deportation acts as a deterrent for victims of crime, witnesses to crime, and defendants, to engage in the criminal court system; and

Whereas, Public calls made by judges, district attorneys, attorneys general, anti-violence advocates, public defenders, elected officials and others across the country to end courthouse arrests have been unanswered by ICE; and

Whereas, In January 2019, New York State Senator Hoylman and New York State Assembly Member Solages introduced the “Protect Our Courts Act” (A.2176/S.425), which would exempt individuals from civil arrest while “going to, remaining at, or returning from the place of such court proceeding;” and

Whereas, Absent a signed judicial warrant or judicial order authorizing a civil arrest, A.2176/S.425 would prohibit the civil arrest of any person attending a court proceeding “duly and in good faith;” and

Whereas, The legislation would designate the willful violation of the exemption as contempt of the court and false imprisonment, and would grant individuals the ability to bring a civil action for appropriate equitable and declaratory relief in instances of violation of the exemption; and

Whereas, The unchecked interference of federal law enforcement, specifically ICE, in the state court system endangers New Yorkers' access to due process and public safety by making witnesses to crime and victims of crime less likely to engage in the court system; and

Whereas, Federal interference additionally removes criminal defendants from our jurisdiction, making it impossible to seek justice in their ongoing, non-immigration related cases; now, therefore, be it

Resolved, That the [JURISDICTION] calls on the State Legislature to pass, and the Governor to sign, the "Protect Our Courts Act" (A.2176 / S.425), in order to protect certain interested parties or people from civil arrest while going to, remaining at, or returning from the place of such court proceeding.