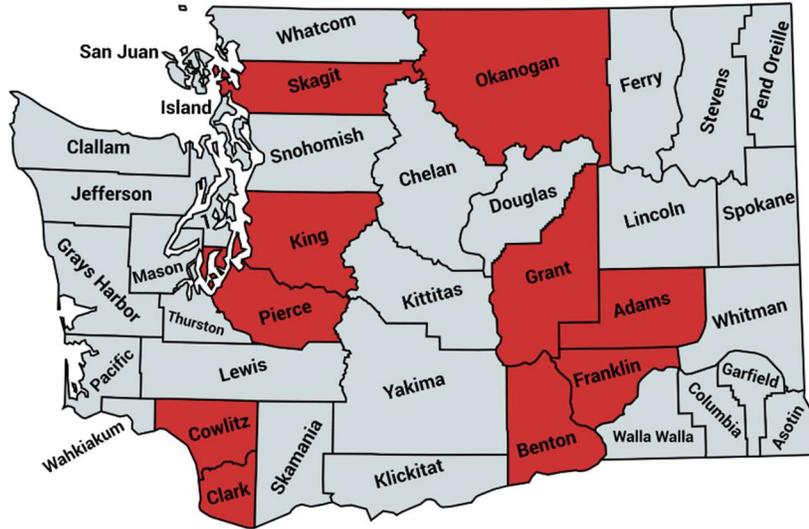




# Immigration Enforcement at Washington State Courthouses

Summary of Preliminary Data<sup>i</sup>



*Key: Incidents of ICE or CBP activity in and around courthouses, as reported to the authors. Preliminary data indicates that the highest level of activity is concentrated in Grant, Adams and Clark counties.*

## Background on Immigration Enforcement Activities at Washington State Courthouses

Over the past two years, advocates and community members in Washington State and throughout the country have seen a sharp increase in incidents in which federal immigration officials conduct arrests for alleged civil immigration violations at state or local courthouses. While this tactic is not new, its use has reached levels not seen prior to 2017, when the Trump Administration issued new enforcement policies.

In 2018, Immigration and Customs Enforcement (ICE) also issued a formal policy<sup>ii</sup> in which it makes clear that it plans to continue to conduct arrests at courthouses, which it has refused to designate as “sensitive locations.” Agents with ICE and Customs and Border Protection (CBP) are now regularly conducting arrests for alleged immigration violations in and around numerous Washington courthouses, significantly interfering with people’s ability to access justice in our courts.

Contrary to statements by some elected officials, these arrests are not limited to individuals who have previously been deported or who have been convicted of felony offenses. Rather, it is now a reality in many areas of our state that community members, many of whom have no or minor criminal history, who need to attend state court proceedings or conduct business at the courthouse expect that they may be questioned or arrested by immigration officials as a consequence of seeking justice.

**Typical arrests by ICE and CBP involve:**

- Targeting Latino community members based on appearance or use of Spanish language;
- Targeting people with no prior deportations or criminal history, or only pending charges or civil traffic or vehicle infractions;
- Surveillance of court hearings, then either pursuit of community members or communication with other officers outside who apprehend people after they leave the courtroom or courthouse;
- Kidnapping-style tactics, including use of plainclothes officers who refuse to identify themselves and drag community members into unmarked vehicles outside the courthouse;
- Excessive force, verbal harassment and or intimidation;
- Failure to display a warrant showing probable cause of deportability or criminal activity;
- Collaboration with local officials, including prosecutors, law enforcement & court security staff.

**Negative Impacts:** Civil arrests of this type are gravely problematic because they:

- **Violate the constitutional right of access to the courts** and the well-established **common law privilege against civil arrests** when attending court proceedings;
- Create **unequal access to justice** for anyone who “appears” to be a non-U.S. citizen, **which disproportionately affects Latino community members**;
- **Violate the right of accused persons to contest criminal charges** by effectively preventing them from appearing in court;
- **Make community members afraid to come to the courthouse**, and their fear is exacerbated by reports that **immigration officials are using excessive force** during their arrests;
- **Undermine public trust in law enforcement** and thus **compromise public safety**, including protection from and redress for gender-based violence and other crimes;
- **Discourage civil court claimants** seeking protection from eviction, discrimination, and consumer abuses
- **Separate families** and create additional **financial strain** on working families;
- **Disrupt** the work and mission of **public defender offices**;
- **Complicate** and frustrate the work of **prosecuting attorney offices**;
- **Complicate** the protocol and duties of **courthouse staff**;
- Ultimately **undermine the mission, administration and integrity of the entire criminal and civil justice system by preventing parties and witnesses from appearing in court.**

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<sup>i</sup> The information provided is based on government records and eye-witness accounts of community members, their families, advocates and attorneys, as reported to the contributing organizations from 2017 to 2019. Contributors include: Washington Immigrant Solidarity Network, Northwest Immigrant Rights Project, Washington Defender Association, Central Washington Justice for Our Neighbors, Northwest Justice Project, ACLU of Washington, Asian Pacific Institute on Gender-Based Violence. Information-gathering is ongoing, but the information in this report can serve as an initial sketch of the problem. It is important to note that the actual level of enforcement activity is likely higher than has been reported.

<sup>ii</sup> See Directive Number 11072.1: Civil Immigration Enforcement Actions Inside Courthouses (Jan. 10, 2018), at <https://www.ice.gov/sites/default/files/documents/Document/2018/ciEnforcementActionsCourthouses.pdf>.