

PROTECT OUR COURTS ACT

How the Bill Supplements the OCA Policy to Protect the Right to Attend Court

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On April 17, 2019, the New York State Office of Court Administration (OCA) announced a new court rule prohibiting ICE from arresting immigrants inside New York State courthouses without a judicial warrant or judicial order, and limiting surveillance in courthouses. The new [OCA rule](#) is a significant step toward protecting the right of all New Yorkers to attend court.

But to maximize protections against ICE courthouse arrests, the New York State Legislature must pass the [Protect Our Courts Act](#). This legislation would expand the Civil Rights Law by providing broader protections that prohibit ICE from arresting people, and those accompanying them, on their way to or from court, without a judicial warrant, and by ensuring that this right to attend court is enforced throughout the state.

Why do immigrants need additional protections outside the courthouse?

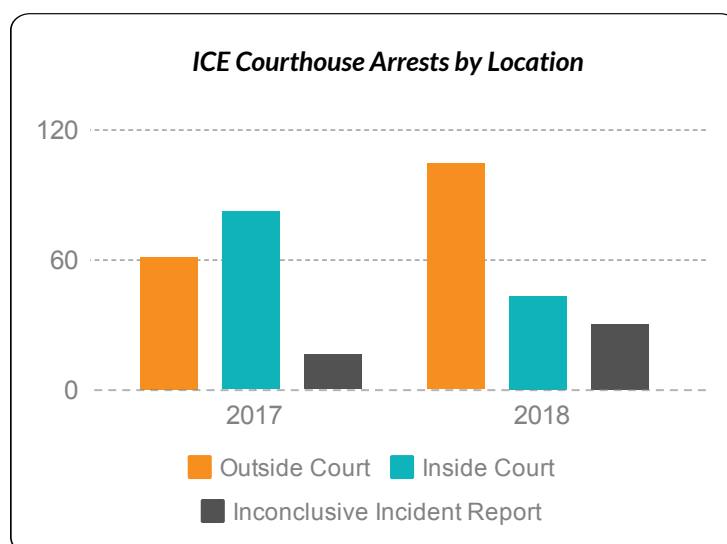
ICE makes a significant number of courthouse arrests directly outside of courthouses as people are coming to court or leaving court.

According to data from the Immigrant Defense Project (IDP), the majority of courthouse arrests (58%) in 2018 occurred outside a court building. This was a dramatic increase from 2017, when only 38% of arrests occurred outside the courthouse.

ICE arrests in the areas outside courthouses have become increasingly violent.

“One block away from the Brooklyn criminal court, two plain-clothes agents grabbed a young man who was attending court with his mother and dragged him towards an unmarked car. His mother thought her son was being kidnapped, and the agents refused to identify themselves as ICE when she asked. As the mother cried for help, a third plain-clothes ICE officer pushed her against a wall, repeatedly told her to “shut up,” and physically blocked her from going over to the unmarked car where her son had been pushed inside.”

[The Courthouse Trap: How ICE Operations Impacted New York Courts](#)



Additional legal protections will prevent ICE from conducting surveillance inside courthouses and then trailing people outside to arrest them.

What would the Protect Our Courts Act do to expand the protection provided under the new OCA rules?

- Protects people not just inside the courthouse, but also outside -- on the adjacent sidewalk, in the parking lot, a block away -- by requiring a judicial warrant or court order for a civil arrest of someone attending court while they are coming to, attending, and leaving court.
- Protects people who accompany their loved ones to court.
- Protects people attending certain town and village courts that OCA does not oversee.
- Makes a violation of the right to access courts enforceable, so that federal agents who willfully violate the law can be held accountable.
- Authorizes the New York State Attorney General to go after violators of the law.
- Provides additional authority for New York State judges to issue orders ensuring the civil rights law is not violated.