

June 14, 2019

Dear Legislative Leaders,

We are District Attorneys for New York State, together serving thousands of New Yorkers and prosecuting cases in courthouses across the state. The astronomical rise of ICE arrests at New York's courthouses not only impedes access to justice for victims, but also disrupts the functioning of the courts because witnesses and others are afraid to go to the courthouse. We write today to encourage the Legislature to take action to restore access to state court proceedings that does not discriminate based on immigration status or any other factor.

New York is home to 4.4 million immigrants—including legal permanent residents, temporary protected status holders, refugees and asylum seekers, and undocumented people—more immigrants than any other state except California. Many of these individuals pass through the state courts as survivors of violence, witnesses, plaintiffs, defendants, and civil litigants. Our offices are dedicated to ensuring that every immigrant has meaningful access to justice, regardless of immigration status.

As ICE agents become an increasingly regular presence in our courthouses, there is a detrimental effect on our ability to investigate and prosecute crimes. Immigrant victims, both documented and undocumented, are scared to testify against their assailants, forcing our offices to sometimes reduce and even dismiss charges. A 2017 survey of legal service providers and advocates found that 46% of providers surveyed worked with immigrants who expressed fear of serving as a complaining witness. The chilling effect on victims is impacting the investigation of serious and violent crimes. In one disturbing case reported by Brooklyn Law Professor and former Sanctuary attorney Carmen Maria Rey, a woman who lost her daughter to her abusive partner chose not to go to Family Court for help because he threatened that “if she files for custody, he can tell ICE where she will be on the day of her Court hearing, and they will likely come to arrest her.”

ICE's growing presence in the courts is also furthering the isolation of domestic violence survivors, which only fuels the cycle of abuse. People with and without status may choose not to seek restraining orders at court because they fear civil arrest by ICE officers. In addition, they may not come forward if they fear their noncitizen partners may be at risk of arrest or deportation by being summoned to court.

ICE arrests at courthouses interfere with court proceedings, are a potential threat to public safety and instill fear in immigrant communities. As District Attorneys, we are charged with administering justice in the state, and this issue significantly undermines that purpose. We request that the New York State legislature immediately act to address this crucial issue.

Respectfully,

Albany County District Attorney P. David Soares
Bronx County District Attorney Darcel D. Clark
New York County District Attorney Cyrus R. Vance, Jr.
Nassau County District Attorney Madeline Singas
Westchester County District Attorney Anthony A. Scarpino, Jr.

cc: Governor Andrew Cuomo