



Seattle
City Attorney's Office

Peter S. Holmes, City Attorney

February 3, 2020

Susan L. Carlson
Clerk of the Supreme Court
Washington State Superme Court
P.O. Box 40929
Olympia, WA 98504-0929

Dear Ms. Carlson,

On behalf of the Seattle City Attorney's Office, I'm writing to express our strong support for New General Rule 38 (GR 38), which would prohibit warrantless civil arrests of people conducting business at, or in-transit to, Washington courthouses.

The Seattle City Attorney's Office charges approximately 1,800 domestic violence offenses every year at Seattle Municipal Court. Securing Court-based intervention and treatment for offenders in those cases is challenging, especially when presented with limited evidence. Most of these cases require victim participation in order to prove the allegations. When domestic violence victims are afraid to appear and testify to their experience, batterers are exponentially more likely to avoid accountability and rehabilitation.

Surveillance and warrantless arrest actions at courthouses create a chilling effect that impacts the local administration of justice. These tactics prompt people to avoid their court dates, witnesses to crimes choose silence over justice, and victims of abuse suffer quietly in their homes rather than risk deportation.

I and those in my office have grave concerns following media reports that Immigration and Customs Enforcement (ICE) agents surveilled the Seattle Municipal Courthouse with the intent of detaining undocumented immigrants following their court hearings. According to the Washington State Coalition Against Domestic Violence, there have been over 200 documented civil arrests of immigrants at courthouses in Washington State since January 2018.

Scaring people away from local courthouses is a recipe for an unworkable criminal justice system which will likely result in a Seattle that's less safe and less just. When our most vulnerable and highest-risk victims feel deprived from access to the law, it only serves to further marginalize them.

[Echoing](#) former Washington State Supreme Court Chief Justice Mary E. Fairhurst, who raised similar concerns regarding immigration arrests at local courthouses, **we ask that you adopt New General Rule 38** to make courthouses places that are accessible to all.

Very truly yours,



Peter S. Holmes
Seattle City Attorney

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Tracy, Mary](#)
Subject: FW: Public Comment - GR 38
Date: Monday, February 3, 2020 10:27:32 AM
Attachments: [image001.png](#)
[020320 Holmes Civil Arrest Letter.GR38.pdf](#)

From: O'Connor-Kriss, Sara K [mailto:Sara.OConnor-Kriss@seattle.gov]
Sent: Monday, February 3, 2020 10:14 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Holmes, Peter <Peter.Holmes@seattle.gov>; Nolte, Dan R <Dan.Nolte@seattle.gov>
Subject: Public Comment - GR 38

Good Morning Ms. Carlson,

On behalf of the Seattle City Attorney's Office, attached please find our letter in support of the adoption of proposed General Rule 38.

Thank you,



Sara O'Connor-Kriss
Assistant City Attorney

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