

To the Supreme Court Rules Committee:

We write on behalf of Strengthening Sanctuary Alliance, a Thurston County-based immigrant rights advocacy organization, in support of nearly all the changes to CrR 3.4 and CrRLJ 3.4 proposed by the Washington Defender Association (WDA).

Given that many other commenters have enumerated in detail the heavy burdens imposed on defendants – especially indigent ones – by court appearances at which their presence is not needed, we do not recapitulate the considerable social, economic and personal toll the current setup takes here. Instead, we wish to highlight the perils these unnecessary court appearances pose to immigrant defendants, in particular those who lack proper documentation.

As members of the Rules Committee are no doubt aware, there has been a significant uptick in courthouse arrests by ICE and CBP in the State of Washington during the last few years. The University of Washington Center for Human Rights (UWCHR) documented 51 courthouse arrests by federal immigration agencies from 2016 to October 2019 and emphasized that this figure represents only a small fraction of the total. UWCHR subsequently learned, via a FOIA request, that the CBP *alone* had made 157 courthouse arrests in our state between January 2018 and late November 2019. In December 2019, the Attorney General’s Office noted that “Many of the individuals...targeted for civil courthouse arrests have no criminal history at all, or are charged with a non-violent misdemeanor such as driving with no valid operator’s license.”

For undocumented immigrants, showing up in court not only involves contending with the near certainty of lost wages, the prospect of job loss, arranging (and often paying for) transportation, and/or finding alternatives for (and often paying for) the provision of care to children or other dependents. Over and above these considerations, undocumented immigrants must also weigh whether going to court is worth running the risk of detention and deportation, all-too-possible outcomes that, at the front-end, involve the traumas of forcible long-term family separation; the abandonment of livelihoods; and the forsaking of assets sometimes painstakingly built up over decades.

While the Washington State Legislature recently passed the Courts Open to All bill (SHB 2567) which seeks to halt courthouse civil arrests by federal immigration enforcement and while the Attorney General’s office has filed a lawsuit against the U.S. Department of Homeland Security (among others) with the same goal in

mind, absent a federal court ruling favorable to Washington, our state's courthouses remain at risk, as do immigrant courthouse visitors.

In view of the foregoing, Strengthening Sanctuary Alliance supports WDA's efforts to limit court appearances as a means of protecting immigrants from unconstitutional civil arrests and safeguarding their right to due process. We believe that the proposed rule revisions, with certain limited modifications such the ones put forward by Attorney Marek Falk, serve the cause of justice, further constructive statewide trends in criminal justice reform, and give added teeth to recently enacted immigration-related state legislation.

Thank you for your time and consideration.

Best regards,

Alice Dinerman, Lynne Glore, Alejandra Hunt, Peter Kardas, Steffani Powell, and Bob Zeigler on behalf of Strengthening Sanctuary Alliance

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Tracy, Mary](#)
Subject: FW: Support for changes to CrR 3.4 and CrRLJ 3.4
Date: Tuesday, April 28, 2020 8:03:30 AM
Attachments: [SSA court appearances rule changes \(final\).docx](#)

From: alice dinerman [mailto:alicedinerman@yahoo.com]
Sent: Monday, April 27, 2020 8:27 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Support for changes to CrR 3.4 and CrRLJ 3.4

To the Supreme Court Rules Committee:

I have attached the submission of Strengthening Sanctuary Alliance, on behalf of which I am acting, in favor of the proposed changes to the above rules.

Thank you for your time and consideration.

Best regards,

Alice Dinerman