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ACLU OF RI POSITION: SUPPORT

TESTIMONY ON S-291, RELATING TO CRIMINAL PROCEDURE – ARREST March 18, 2025

The ACLU of Rhode Island strongly supports this bill, which would generally bar the civil arrest of individuals while they are in a courthouse to attend a court proceeding. This bill is an important antidote to address the growing tide of immigration enforcement taking place at or near courthouses in the state. These arrests by agents of U.S. Immigration and Customs Enforcement (ICE) can only have the effect of deterring residents from accessing essential court services, potentially undermining the safety of the entire community.

This is not a new issue. Eight years ago, at the beginning of the first Trump administration, similar actions by ICE were taking place across the country, but they were not as organized or pervasive as they appear to be now. At the time, state Supreme Court Chief Justice Paul Suttell reaffirmed the importance of having our courts “open and accessible to all persons, including undocumented immigrants,” and urged ICE officials to consider adding state courts to a list of “sensitive” locations where ICE was supposed to avoid engaging in raids or arrests. That request was ignored.

A recent *Providence Journal* article reported on the very public detention and arrest of an undocumented immigrant in the sally port of the Garrahy courthouse. We have also heard from a number of local criminal defense and immigration attorneys with clients who were arrested either in or directly outside of state courthouses and then moved to the Wyatt Detention Facility. The immigrant community appears to be in an even worse position now than eight years ago.

Passage of this bill would follow the actions of other states – like California and Washington – that have adopted similar laws to prevent the intimidating and chilling courthouse actions of ICE.

It needs to be emphasized that people come to court for many important reasons: to obtain restraining orders as victims of domestic violence, to testify as witnesses in criminal cases, and to pay traffic fines. The administration of justice depends on all people having free and full access to the courts. The state cannot deliver the promise of equal access to justice and due process under law if a segment of the community is afraid to appear in court. In light of the fear that these ICE arrests have generated in the immigrant community, for both documented and undocumented residents alike, and its resulting severe and adverse impact on access to the courts, we urge passage of this bill.