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ACLU OF RI POSITION: SUPPORT

TESTIMONY ON 26-H 7360, RELATING TO CRIMINAL PROCEDURE – PROTECT OUR COURTS ACT March 4, 2026

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) have had the effect of deterring residents from accessing essential court services, potentially undermining the safety of the entire community.

This is not a new issue. Nine 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.

In response to the current state of affairs, the courts have been promoting the availability of remote court proceedings in some instances. But that option is limited, and stronger safeguards must be in place if we wish to ensure the court system is accessible to all. We have all read or heard about the out-of-control actions that ICE agents have taken in and around our state’s courthouses – bypassing security and rushing into the Garrahy courthouse with guns and unlawfully seeking to grab a court intern outside the Licht complex from the car of a Superior Court judge, to name two – that demand action from the legislature.

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 the law if a segment of the community is afraid to appear in court. In light of the fear that these ICE arrests have understandably 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.

The bill’s enactment would mirror the actions of other states – like California and Washington – that have adopted similar laws to prevent the intimidating and chilling courthouse actions of ICE. We strongly urge this committee to follow those examples.