

The Court may adjust the policy or deviate from its application as unique conditions warrant, at the discretion of the Presiding Judge and/or Court Administrator. This policy is a general guideline only. This policy is not a binding contract and may not be treated as such. Employees covered by a collective bargaining agreement should also refer to the appropriate agreement.



**The Municipal Court of Seattle
Judicial Policies and Procedures**

<i>Chapter Title:</i> Court Administration	<i>Section #:</i> MCS – 720 – 6.10
<i>Section Title:</i> Arrests of Persons Based Upon Immigration Status	<i>Effective Date:</i> April 7, 2017 <i>Supersedes:</i> N/A

I. Purpose

To ensure that the Seattle Municipal Court is accessible and open for all persons and families to resolve disputes under the rule of law.

II. Policy

The Seattle Municipal Court Judges affirm the principle that our courts must remain open and accessible for all persons and families to resolve disputes under the rule of law. It is the policy of the Seattle Municipal Court that warrants for the arrest of individuals based on their immigration status should not be executed within any of the Seattle Municipal Court courtrooms unless directly ordered by the Presiding Judge or assigned Judicial Officer and shall be discouraged in the Seattle Municipal Courthouse unless the public's safety is at immediate risk. Each Judicial Officer remains responsible for enforcing this policy within his or her courtroom.

III. Reference

[Chief Justice Fairhurst Letter to US Dept. of Homeland Security, March 22, 2017](#)

Adopted by the Seattle Municipal Court Bench: April 7, 2017

Approved by:


The Honorable Karen Donohue
Presiding Judge


Elizabeth J. Baldwin
Court Administrator

The Supreme Court
State of Washington

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March 22, 2017

The Honorable John F. Kelly
U.S. Department of Homeland Security
Secretary of Homeland Security
Washington, D.C. 20528

Dear Secretary Kelly,

As Chief Justice of the Washington State Supreme Court and co-chair of the Board for Judicial Administration, I write to express concern regarding immigration agents being in and around our local courthouses. Lawyers and judges working in our courts have advised me that agents from the Immigration and Customs Enforcement agency of the Department of Homeland Security are being present with increased frequency. These developments are deeply troubling because they impede the fundamental mission of our courts, which is to ensure due process and access to justice for everyone, regardless of their immigration status.

In many locations around our state, a courthouse is the only place where individuals are ensured of a trusted public forum where they will be treated with dignity, respect, and fairness. This includes victims in need of protection from domestic violence, criminal defendants being held accountable for their actions, witnesses summoned to testify, and families who may be in crisis.

We have worked diligently to earn and maintain the trust of communities throughout Washington State to ensure that courthouses are that public forum. The fear of apprehension by immigration officials deters individuals from accessing our courthouses and erodes this trust, even for those with lawful immigration status.

When people are afraid to access our courts, it undermines our fundamental mission. I am concerned at the reports that the fear now present in our immigrant communities is impeding their access to justice. These developments risk making our communities less safe.

Our ability to function relies on individuals who voluntarily appear to participate and cooperate in the process of justice. When people are afraid to appear for court hearings, out of fear of apprehension by immigration officials, their ability to access

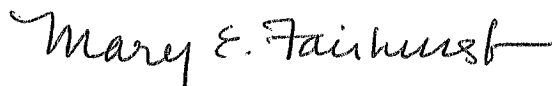
justice is compromised. Their absence curtails the capacity of our judges, clerks and court personnel to function effectively.

In light of the above, I ask that you consider taking the necessary and appropriate steps to address these concerns. For example, I encourage you to designate courthouses as "sensitive locations" as described in your Policy 10029.2. Such a designation will assist us in maintaining the trust that is required for the court to be a safe and neutral public forum. It will assure our residents that they can and should appear for court hearings without fear of apprehension for civil immigration violations.

We understand that the mission of your agency is to enforce federal laws. However, we request that the manner in which these obligations and duties are carried out aligns with, and does not impede, the mission, obligations, and duties of our courts.

My request is offered with all due respect to your commitment to serve the United States, your office, and its functions. I welcome the opportunity to meet with you or your staff to explore possible resolutions.

Very truly yours,



MARY E. FAIRHURST
Chief Justice

cc: Thomas D. Homan, Acting Director, Immigration & Customs Enforcement
Nathalie R. Asher, ICE Field Office Director, Seattle Washington
Bryan S. Wilcox, Acting Field Office Director