

Testimony In Support of SB-083

Hello chair and committee members,

My name is Perla and I am writing these paragraphs to share my experience, in a situation where ICE did not make my life easy. I was unable to make it to the hearing today in person because I already missed a day of work yesterday for Latino Advocacy Day and I am not able to take another day off work or be away from my kids. I am a single mom with 5 kids. After a few years of struggling to be a mom and dad for my kids, I decided to allow myself to go on a date which led me to meet my current fiance. A few months after we started dating, he made a decision that was not right which led to him having court. On the day of his court on January 28, 2019, we wanted to go and fix his mistake. We walked to the front desk at the court in Eagle, Colorado, to ask what courtroom he was supposed to be in. The lady at the front desk asked for his name and when we finished saying his first name, 6 people came up to us and grabbed him by his shoulder. All of a sudden there were hands pushing me away from him. They were saying his name, Jesus, and after they handcuffed him they identified themselves as ICE and said that he was in their custody. In the meantime, I tried to tell them that he has a visa to stop them from taking him. But they did not let me speak, telling me to move out of the way. They detained him and as a result, Jesus was not able to go to his court. I walked back up to the front desk to tell them that he had been taken and he would not be able to appear at his scheduled court date. I called lawyers to see what to do. Then, I waited and waited until he called me. Jesus said that they took him to our ICE facility nearby and that in 2 hours he was going to be sent to Denver and he would be in contact with me. For me it felt a very long time waiting until he was able to call me next. He had to be bonded out with \$12,000, which I did not have. In my bank account I only had \$200 dollars (which is money I was planning to use for food for my kids). After 15 days of prayers and crying long nights, we spent the \$150 that he had in his bank account for phone calls back and forth while he was in detention, but I knew that would not help him in the long run. I decided to ask neighbors, family members, co-workers, anybody to lend me money. It was a big decision because I could be the one to pay it back and we were not even married but did it, I collected the money. The process to get him released on bond from the

detention center was very challenging.

When I finally got him out and went to pick him up in Denver and took him home he slept for a few hours before presenting himself for missing his court date in Eagle where he was arrested by the police this time. It was like a nightmare that did not have an end. Today we are working to fix his mistake and I am struggling to pay my debt, support my kids and help pay \$3,000 more for a new lawyer to help represent Jesus in the immigration court. On April 7, 2020 Jesus has his first immigration court. Until then, not knowing what will happen is a big weight on me and my entire family. Jesus was trying to do the right thing by going to court and now we are struggling with so many other challenges. Thank you for listening to my testimony today.

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Fwd: Testimony for SB20-083 - michael neil
Mike Weissman
to:
Jessika Shipley
02/25/2020 10:12 PM
Hide Details
From: Mike Weissman <mike@mikeweissman.com>
To: Jessika Shipley <Jessika.Shipley@state.co.us>

Mike Weissman
State Representative
Colorado House District 36
www.mikeweissman.com

Begin forwarded message:

From: Michael Neil <mneilacademics@gmail.com>
Subject: Testimony for SB20-083
Date: February 25, 2020 at 2:21:14 PM MST
To: Mike Weissman <mike@mikeweissman.com>, leslie.herod.house@state.co.us,
serena.gonzales.gutierrez.house@state.co.us, kerry.tipper.house@state.co.us,
dylan.roberts.house@state.co.us, matthew.soper.house@state.co.us,
hugh.mckean.house@state.co.us, adrienne.benavidez.house@state.co.us,
terri.carver.house@state.co.us

Dear Chairman Weissman, Vice Chair Herod, and esteemed members of the House Judiciary Committee, My name is Michael Neil and I rise in strong support of the Prevention of Civil Arrest in a Courthouse Act on behalf of Colorado Cross-Disability Coalition and myself. I regret not being able to stay for in person testimony for this bill.

As we all know, one of the greatest beneficiaries of this bill are those immigrants who will likely not come to court when charged with a minor traffic violation or even those who are seeking custody of children in divorce proceedings. Nor might they testify in court cases where their testimony might be important to either prosecutors or defense attorneys. The justice system itself would likely be chilled.

For those immigrants with disabilities, the situation is far worse. Not only is potential jail time more difficult and dangerous due to possible lack of such healthcare as proper medication, but deportation courtesy of Immigration and Customs Enforcement might very likely result in a return to a nation that often lacks the support services, physical accessibility, and societal mentality of inclusion that are available in the United States.

For these reasons, I strongly ask for your yes vote on SB20-083.

February 25, 2020

House Judiciary Committee
200 East Colfax Avenue
HCR 0112
Denver, CO 80203

Re: Support for SB20-083

Dear Members of the House Judiciary Committee:

We join in this letter as members of Colorado's victim advocacy community. We are organizations dedicated to the representation and protection of victims and survivors of domestic abuse and sexual assault in Colorado. We write in support of Senate Bill 20-083, Concerning Protection of Access to Colorado's Courts. Civil arrests at courthouses interrupt the administration of justice and interfere with victims' rights to come forward and seek the protection of courts without fear of arrest. The legislation preserves the core value of access to justice, which is crucial to people seeking to break cycles of violence.

Domestic abuse and sexual assault are issues of national importance and impact Colorado much as they impact the rest of the country. For starters, according to the Colorado Domestic Violence Fatality Review Board, the number of domestic-violence related deaths went up from 2017 to 2018, rising from 40 to 43.¹ Of those, 26 were the primary victim, 2 were children, 4 were other adults, and 11 were the suspected primary perpetrator. In 2018, 13.5% of victims of violent crimes were an intimate partner of the offender, 26.5% were acquaintances, and 10.8% were family members.² Similarly, 9.9% of victims of sexual assaults were an intimate partner of the offender, 21.1% were in a family relationship with the offender, and 43.5% were an acquaintance of the offender.³

Civil arrests conducted by federal immigration authorities at courthouses have kept victims away from seeking the protection of the courts. For example, in September 2018, Denver City Attorney Kristin Bronson reported that since President Trump's inauguration, she had dropped 30 cases of domestic violence because the victims were too afraid of deportation to cooperate and appear in court.⁴ When victims of domestic abuse and sexual assault are threatened with immigration consequences by their partners, former partners, acquaintances, or family members—who are the most likely to know about immigration status—Colorado courts lose the ability to address a significant proportion of crimes. According to the Pew Research Center, as of 2017 there

¹ <https://coag.gov/app/uploads/2019/12/2019-Colorado-Domestic-Violence-Fatality-Review-Board-Annual-Report-1.pdf>

² <https://coloradocrimestats.state.co.us/tops/report/violent-crimes/colorado/2018>

³ *Id.*

⁴ <https://www.nbcnews.com/politics/immigration/immigration-crackdown-makes-women-afraid-testify-against-abusers-experts-warn-n908271>.

were 180,000 undocumented individuals in Colorado. Of those, 130,000 resided in the Denver/Aurora/Lakewood area as of 2016/2017.⁵ This is not a small concern for our communities.

While domestic abuse and sexual assault cuts across religion, class, ethnicity, and immigration status, in cases involving undocumented victims, their immigration status can and often is used against them while they seek redress and protection within the judicial system. Abusers leverage the fear of deportation against their partners, telling them that if they try to file for a protection order, testify against them, or avail themselves of the domestic relations courts, they will be deported and, worse, forever lose their children. These threats impact not only the individuals threatened, but also their children who are forced to continue witnessing and experiencing domestic abuse. Nonprofits have already reported an increase in deportation threats among victims and survivors of domestic abuse.⁶ These threats not only force domestic abuse victims to forego seeking safety, but also interfere with their cooperation with law enforcement in prosecuting these crimes of violence.⁷ In addition, the threat of being detained creates a deterrent for individuals who are needed in court proceedings, thereby fundamentally undermining the orderly conduct of litigation, by depriving courts, district attorneys, and defense attorneys of witnesses, litigants, and defendants. Senate Bill 20-083 addresses this important issue.

Victims of domestic abuse and sexual assault need to be able to seek the protection of the courts without fear of civil arrest, which can carry dire consequences. According, we voice our support for SB 20-083, Concerning Protection of Access to Colorado's Courts.

Sincerely,



Together we can end relationship abuse



Jake Lilly
Candidate for District Attorney, Judicial
District 1



Joanna Pollack
Director of Victim-Witness Unit
Boulder District Attorney's Office



ROCKY MOUNTAIN
victim law center

⁵ <https://www.pewresearch.org/hispanic/interactives/ unauthorized-immigrants-by-metro-area-table/>

⁶ <https://coloradosun.com/2019/07/29/colorado-domestic-violence-immigration-threats/>

⁷ <https://www.npr.org/2017/03/21/520841332/fear-of-deportation-spurs-4-women-to-drop-domestic-abuse-cases-in-denver>

CWBA
COLORADO WOMEN'S BAR ASSOCIATION
Colorado Women's Bar Association



The Survivors' Legal Institute

Safe Shelter
of St. Vrain Valley
For individuals affected by domestic abuse

Safe Shelter of St. Vrain Valley