



## Pennsylvania Commission for Fairness & Justice

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*Via Email ([lawrence.krasner@phila.gov](mailto:lawrence.krasner@phila.gov)) Only*  
Honorable Larry Krasner, District Attorney  
Philadelphia District Attorney's Office  
Three South Penn Square  
Philadelphia, PA 19107-3499

### **Re: Concerns Regarding ICE**

Dear District Attorney Krasner:

On behalf of the Pennsylvania Commission for Fairness & Justice (“PCFJ” or “Commission”) (formerly the Pennsylvania Interbranch Commission for Gender, Racial, and Ethnic Fairness), I write to raise concerns regarding the ongoing threat of U.S. Immigration and Customs Enforcement (“ICE”) detentions in and around courthouses. These enforcement actions create a significant barrier to access to justice, particularly for immigrant communities and other vulnerable populations who may find themselves litigants in civil matters or the victims of human trafficking, domestic abuse, sexual assault, or gang violence.<sup>1</sup> As district attorney, you play a crucial role in ensuring that all residents—regardless of immigration status—can safely participate in the legal system.

By way of background, the Commission was established in 2005 by the three branches of Pennsylvania government. The purpose of PCFJ is to promote equal application of the law. We fulfill that purpose by, among other things, implementing the findings and recommendations of the Final Report published by the Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Justice System in 2003.<sup>2</sup>

The Commission has long recognized that the presence of ICE agents in judicial spaces undermines public trust in the judiciary, discourages participation in legal proceedings, and ultimately impedes the fair administration of justice. Several years ago, the Commission received numerous reports of judges and court personnel barring individuals’ entry into ARD programs based on their immigration status and assisting

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<sup>1</sup> To be clear, research demonstrates that immigrants commit crimes at lower rates than the U.S.-born population. See, e.g., American Immigration Council, *Debunking the Myth of Immigrants and Crime* 1, 2-4 (Oct. 2024), [https://www.americanimmigrationcouncil.org/sites/default/files/research/debunking\\_the\\_myth\\_of\\_immigrants\\_and\\_crime.pdf](https://www.americanimmigrationcouncil.org/sites/default/files/research/debunking_the_myth_of_immigrants_and_crime.pdf) (citing 19 research reports published from 2017 to 2024 finding that the proportion of immigrants either has no effect on or is associated with lower violent and property crime rates); and Michael T. Light & Ty Miller, *Does Undocumented Immigration Increase Violent Crime?*, 56 J. Criminology 1, 13-14 (March 25, 2018), <https://pmc.ncbi.nlm.nih.gov/articles/PMC6241529/pdf/nihms960696.pdf> (finding that, over the period of 1990 to 2014, undocumented immigration is generally associated with decreasing violent crime, even when one accounts for the possibility of decreased reporting).

<sup>2</sup> See Final Report of the Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Justice System, available at <https://pa-interbranchcommission.com/wp-content/uploads/2022/01/FinalReport.pdf>.

ICE agents with detaining and arresting individuals when they appeared for trial or to conduct other court business. The Commission submitted letters to the Court in [2018](#) and [2020](#), detailing these reports and the chilling effect that the fear of immigration enforcement has on state courts. The Commission also worked with the Pennsylvania Bar Association (“PBA”) to draft and submit proposed guidelines to the Court, recommending that the Court adopt and promulgate same to all judicial districts. The guidelines were designed to reduce ICE’s presence in state courthouses and efforts to arrest and detain immigrants absent a judicial warrant. The Commission has seen a recent uptick in similar reports of actual and attempted detentions in recent months.

When victims, witnesses, and defendants fear that seeking justice may result in detention or deportation, they are far less likely to report crimes, cooperate with law enforcement, or appear in court. This fear undermines public safety and the integrity of the justice system. Studies show that ICE enforcement in courthouse settings leads to a decline in crime reporting, particularly in cases of domestic violence, labor exploitation, and other serious offenses.<sup>3</sup>

As a leader in the justice system, your office can take meaningful steps to mitigate the harm caused by these enforcement actions:

1. Publicly Oppose ICE Arrests in and Around Courthouses – Prosecutors can be powerful voices in advocating against ICE enforcement that deters witnesses and victims from coming forward. Public statements and policy recommendations can influence how enforcement actions are conducted.
2. Implement Non-Cooperation Policies – Many district attorneys nationwide have taken steps to limit cooperation with civil immigration enforcement, ensuring that local prosecutorial resources are not used to facilitate ICE detentions. Your office can adopt policies that prevent unnecessary disclosure of immigration status or case information to immigration authorities.
3. Encourage Safer Reporting and Testimony Options – Work with local law enforcement and community organizations to develop safe reporting mechanisms that reduce fear, such as alternative locations for victim and witness interviews or virtual testimony options when appropriate.
4. Train Prosecutors and Staff – Ensure that attorneys and staff in your office are trained on the collateral consequences of immigration enforcement and understand how to work with immigrant communities without exposing them to unnecessary risk.
5. Support Legislation and Policies that Protect Access to Justice – Advocate for policies that prevent ICE from using courthouses as enforcement zones, recognizing that a justice system cannot function if people are too afraid to participate.

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<sup>3</sup> See, e.g., ACLU & Nat’l Immigrant Women’s Advoc. Project, *Freezing Out Justice: How immigration arrests at courthouses are undermining the justice system* (2018), <https://assets.aclu.org/live/uploads/publications/rep18-icecourthouse-combined-rel01.pdf>. The study surveyed 232 law enforcement officers in 24 states; 103 judges, three court staff, and two court administrators in 25 states; 50 prosecutors in 19 states; and 389 survivor advocates and legal service providers spread across all 50 states. It found that when immigration officers conduct arrests in courthouses, the ability of law enforcement, prosecutors, and judges to deliver justice is significantly impaired. 82% of responding prosecutors reported that, following ICE’s expanded presence in courthouses, domestic violence went underreported and became harder to investigate and/or prosecute. 70% of prosecutors reported the same for sexual assault, as did 55% for human trafficking and 48% for child abuse.

Your leadership is essential in protecting the integrity of Pennsylvania's justice system. Ensuring that all individuals—regardless of immigration status—feel safe reporting crimes, testifying, and seeking justice strengthens public safety and community trust. I would welcome the opportunity to discuss how we can work together to address this issue. We appreciate your thoughtful consideration and commitment to the safety of our community.

Sincerely,



Maraleen D. Shields, Esquire  
Executive Director  
Pennsylvania Commission for Fairness & Justice