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11 ATTORNEYS FOR PLAINTIFF COUNTY OF SANTA CLARA

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

16 COUNTY OF SANTA CLARA,

17 Plaintiff,

18 v.

19 DONALD J. TRUMP, President of the
20 United States of America, ELAINE DUKE,
21 in her official capacity as Acting Secretary
22 of the United States Department of
23 Homeland Security, JEFFERSON B.
24 SESSIONS, in his official capacity as
25 Attorney General of the United States,
26 JOHN MICHAEL "MICK" MULVANEY,
27 in his official capacity as Director of the
28 Office of Management and Budget, and
DOES 1-50,

Defendants.

Case No. 17-cv-00574-WHO

**DECLARATION OF DISTRICT
ATTORNEY JEFFREY F. ROSEN IN
SUPPORT OF PLAINTIFF COUNTY OF
SANTA CLARA'S MOTION FOR
SUMMARY JUDGMENT**

Date: October 4, 2017
Time: 2:00 pm
Dept: Courtroom 2, 17th Floor
Judge: Hon. William Orrick

Date Filed: February 3, 2017

Trial Date: April 23, 2018

1 I, JEFFREY F. ROSEN, declare and state as follows:

2 1. I am the elected District Attorney of Santa Clara County. I have worked as a
3 prosecutor for 22 years and was elected District Attorney in 2010.

4 2. I submit this Declaration in support of the County of Santa Clara's Motion for
5 Summary Judgment. I have personal knowledge of the facts stated herein and, if called as a
6 witness, I could testify to them competently under oath.

7 3. As District Attorney, my duty under California law is to oversee the prosecution of
8 all state and local crimes within Santa Clara County. My office prosecutes cases involving a wide
9 range of criminal activity, including but not limited to fraud, elder abuse, homicide, burglary,
10 robbery, domestic violence, human trafficking, drug trafficking, rape, child molestation, gang
11 violence, and high-tech crime.

12 4. The District Attorney's Office serves a population of about 1.9 million. The
13 District Attorney's Office has more than 550 employees, including 193 deputy district attorneys,
14 and prosecutes approximately 40,000 cases each year.

15 5. The District Attorney's Office does not ask about or formally track information on
16 immigration status in the investigation or prosecution of state and local crimes. The mission of
17 the District Attorney's Office is to investigate and prosecute cases in pursuit of justice on behalf
18 of the People of the State of California. This pursuit is improved when people do not fear that
19 their participation in a criminal prosecution will give rise to deportation or other adverse
20 immigration consequences.

21 6. Crimes happen in all communities. The whole community benefits when everyone
22 in the community feels safe to report crimes, act as witnesses, and participate in trials.

23 7. In my experience, immigrants do not live in isolated, crime-ridden neighborhoods,
24 nor do statistics indicate that they are more likely to commit crimes than United States citizens.

25 8. Fear of deportation has ripple effects on entire communities and families. This is
26 because families and communities are often made up of members with various immigration
27 statuses, and families and communities may fear reporting crimes or serving as witnesses due to
28 fear that an undocumented member may be deported.

1 9. As one example, fear of deportation often arises in the context of domestic
2 violence cases, where abusers may use deportation as a threat to keep victims from reporting
3 abuse to law enforcement, or where victims may not want to report abuse out of fear that the
4 abuser (who is a co-parent and/or wage-earner) will be deported.

5 10. Undocumented individuals can report and help with the prosecution of crimes
6 committed by those with lawful status. My office has been assisted in the past by undocumented
7 individuals serving as key witnesses under these circumstances.

8 11. We cannot know the exact number of crimes that are not reported to authorities
9 because undocumented individuals or their family or community members fear deportation, but
10 we know anecdotally that this occurs. Moreover, we experience instances where our criminal
11 prosecutions fall apart due to lack of witness cooperation either because others who witnessed the
12 crime are hesitant to come forward, or because initial witnesses are afraid to come to Court.
13 Being forced to ask victims and witnesses about their immigration status, or report them to
14 immigration authorities, would interfere with my office's duties and my independent judgment as
15 District Attorney about how best to pursue criminal prosecutions – including in sensitive cases
involving gang activity, human trafficking, domestic violence, sexual assault, and the like.

16 12. Fear of deportation by victims, witnesses, and families and friends of
17 undocumented victims and witnesses has a toxic effect on our ability to detect and prosecute
18 crime, thereby making the entire community less safe.

19 I declare under penalty of perjury under the laws of the United States that the foregoing is
20 true and correct and that this Declaration was executed on August 3, 2017 in San José,
21 California.

22
23
24 
25 _____
26 JEFFREY F. ROSEN