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

14 COUNTY OF SANTA CLARA,

15 Plaintiff,

16 v.

17 DONALD J. TRUMP, President of the
18 United States of America, JOHN F. KELLY,
19 in his official capacity as Secretary of the
20 United States Department of Homeland
21 Security, DANA J. BOENTE, in his official
22 capacity as Acting Attorney General of the
23 United States, JOHN MICHAEL "MICK"
MULVANEY, in his official capacity as
Director of the Office of Management and
Budget, and DOES 1-50,

Defendants.

Case No. 5:17-cv-00574-WHO

**DECLARATION OF SANTA CLARA
COUNTY DISTRICT ATTORNEY
JEFFREY F. ROSEN**

Date: April 5, 2017
Time: 2:00 p.m.
Dept.: Courtroom 2
Judge: Hon. William H. Orrick

Date Filed: February 3, 2017

Trial Date: Not yet set

1 I, JEFFREY F. ROSEN, hereby declare as follows:

2 1. I am the elected District Attorney of Santa Clara County. I make this declaration
3 based on personal knowledge.

4 2. The District Attorney's Office serves a population of about 1.9 million. The
5 District Attorney's Office has more than 550 employees, including 190 deputy district attorneys,
6 and prosecutes approximately 40,000 cases each year.

7 3. As District Attorney, I oversee the prosecution of all state crimes within Santa
8 Clara County. I have worked as a prosecutor for 22 years.

9 4. The mission of the District Attorney's Office is to investigate and prosecute cases
10 in pursuit of justice. This pursuit is improved when people do not fear that their participation in a
11 criminal prosecution will give rise to deportation or other adverse immigration consequences.

12 5. The District Attorney's Office does not ask about or formally track information on
13 immigration status in the investigation or prosecution of state crimes.

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

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

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

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

26 10. Undocumented individuals can report and help with the prosecution of crimes
27 committed by those with lawful status.

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11. We cannot know the exact number of crimes that are not reported to authorities because undocumented individuals or their family or community members fear deportation, but we know anecdotally that this occurs. Moreover, we experience instances where our criminal prosecutions fall apart due to lack of witness cooperation either because others who witnessed the crime are hesitant to come forward, or because initial witnesses are afraid to come to Court.

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

I declare under penalty of perjury that the foregoing is true and correct and that this Declaration was executed on February 15, 2017 in Santa Clara County, California.



JEFFREY F. ROSEN