



Office of the San Diego City Attorney

Mara W. Elliott
City Attorney

August 31, 2018

The Honorable Ricardo Lara
California State Capitol, Room 5050
Sacramento, CA 95814

Senate Bill 349 (Privilege from Civil Arrest at Courthouses) – Support

Dear Senator Lara:

The San Diego City Attorney's Office supports Senate Bill 349 (Lara), which codifies the common law privilege from arrest and service of process while attending, and going to and from, court proceedings.

The U.S. Immigration and Customs Enforcement (ICE) authorizes access to federal, state, and local courthouses for the purpose of targeting and arresting individuals based on their immigration status. This overreach of the federal government into our state and local court systems has the potential to deny individuals their right to due process, deter crime victims from seeking protection and justice, and discourage witnesses from assisting with important criminal proceedings.

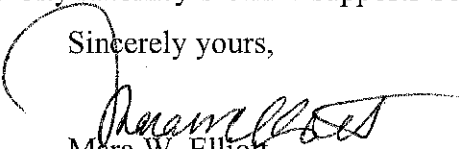
Public access to the courts is essential to upholding the rule of law and the fair administration of justice. Legal authorities throughout the state of California understand this fact and have expressed their concerns to the federal government.

In response to recent immigration arrests at courthouses, California Chief Justice Tani Cantil-Sakauye wrote a letter to U.S. Attorney General Jeff Sessions to "respectfully request that you refrain from this sort of enforcement in California's courthouses," because such activities "not only compromise our core value of fairness but they undermine the judiciary's ability to provide equal access to justice." My office partnered with the offices of eleven other City and District Attorneys in the state to issue a letter of support for Chief Justice Cantil-Sakauye's request (attached).

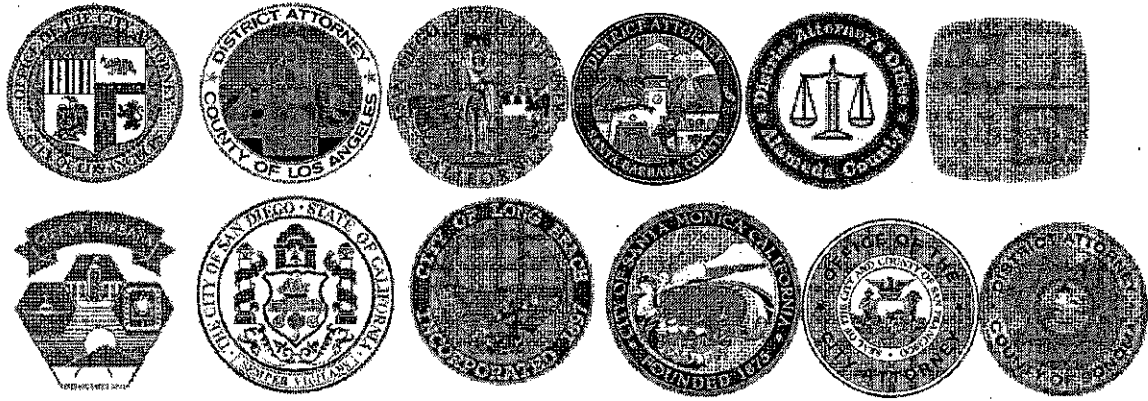
Senate Bill 349 is a legislative remedy to ICE courthouse arrests. With its passage, California residents will be free to enter and leave the courts without the fear of arrest. Most importantly, the courts will remain neutral locations where justice can be served safely, fairly, and without interference.

For these reasons, the San Diego City Attorney's Office supports Senate Bill 349.

Sincerely yours,


Mara W. Elliott
City Attorney

MWE:vj
Attachment



April 4, 2017

Attorney General Jeffrey Sessions
U.S. Department of Justice
950 Pennsylvania Avenue, NW

Secretary of Homeland Security John Kelly
U.S. Department of Homeland Security
3801 Nebraska Avenue, NW

Dear Attorney General Sessions and Secretary Kelly:

As prosecutors with extensive experience protecting communities with immigrant populations, we write in strong support of California Supreme Court Chief Justice Tani Cantil-Sakauye's objections to immigration enforcement arrests in and around California courthouses.

ICE courthouse arrests make all Californians less safe. These practices deter residents concerned about their immigration status from appearing in court--including as crime victims and witnesses--jeopardizing effective prosecution of criminals who may then re-offend. Courthouse enforcement by ICE also risks confrontations that could endanger members of the public at courthouses throughout our state.

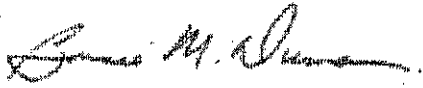
No one should fear that their immigration status prevents them from seeking justice, whether as a crime victim or otherwise. ICE's practice is antithetical to a fair system of justice that must protect all of us.

We urge you to reconsider your position, and include areas in and around courthouses among the sensitive sites where immigration enforcement actions are discouraged.

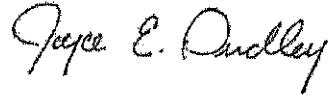
Thank you.

Mike Feuer
Los Angeles City Attorney

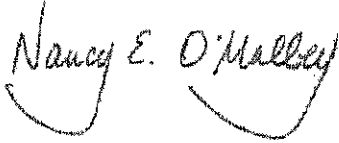
Jackie Lacey
Los Angeles County District Attorney



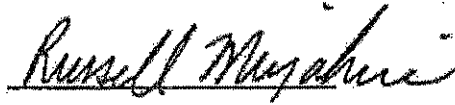
Bonnie Dumanis
San Diego County District Attorney



Joyce E. Dudley
Santa Barbara County District Attorney



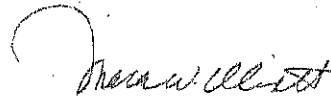
Nancy E. O'Malley
Alameda County District Attorney



Russell I. Miyahira
Hawthorne City Attorney



Amy Albano
Burbank City Attorney



Maria Elliott
San Diego City Attorney



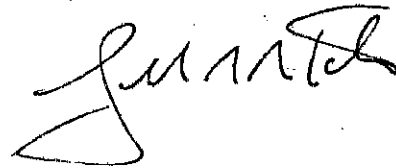
Doug Haubert
Long Beach City Prosecutor



Joseph Lawrence
Santa Monica City Attorney



George Gascon
San Francisco District Attorney



Jill Ravitch
Sonoma County District Attorney