

FOLLOW THE LAW

Protecting Immigrant Families and Making the Community Safer



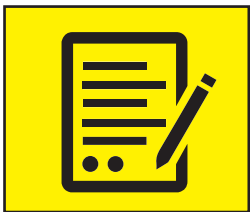
In the last year, undocumented communities have come under attack because of increasingly vicious federal immigration laws. ***These policies not only allow for deportation because of minor allegations like possession of drugs, but they also makes communities less safe as undocumented victims fear going to court or speaking to law enforcement.*** It is therefore critical that prosecutors adopt policies that protect some of our nation's most vulnerable residents.

THE LAW

In *Padilla v. Kentucky*, 559 U.S. 356 (2010), the United States Supreme Court held that the Sixth Amendment requires defense counsel to provide affirmative and competent advice to noncitizen defendants regarding the potential immigration consequences of their criminal cases. Under California law, Cal. Penal Code § 1016.2-3, prosecutors are required to consider adverse immigration consequences.



DISTRICT ATTORNEYS, LAW ENFORCEMENT, & POLICYMAKERS CAN:



- Use their discretion when deciding when to dismiss a case that does not further the interest of justice and when to offer informal and formal diversionary programs, especially in cases where the collateral consequences outweigh the alleged offense.
- Recognize that the immigration consequences that follow arrests and convictions results in disproportionate, often devastating consequences for non-citizens accused of crimes, and that this undermines the DA's commitment to just outcomes.
- Make specialized training available to their deputies to increase their awareness of the immigration consequences of various criminal charges and dispositions.
- Work with the corresponding Public Defender immigration specialists where available and/or the Immigrant Legal Resource Center to develop and implement best policies and practices relating to the consideration and avoidance of adverse immigration consequences.