

San Francisco Immigrant Rights Defense Committee

Press statement
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Contact: [Angela Chan](#), Asian Law Caucus, (415) 848-7719
Ana Pérez, CARECEN, (510) 205-9640

On Human Rights Day, Youth Due Process Policy Becomes Law Community calls on City Attorney Herrera to stand up for democratic process

City still reporting innocent immigrant youth for deportation without a hearing

San Francisco – This Thursday, as a sensible policy to restore due process rights to all youth in the city’s juvenile justice system officially becomes part of the municipal code, community advocates are urging City Attorney Dennis Herrera to advise Mayor Newsom to implement the new law without delay. Fittingly, the law goes into effect on December 10, which is world Human Rights Day.

“San Francisco is a democracy. The Mayor simply cannot refuse to implement a duly-enacted law,” said Ana Pérez, Executive Director of the Central American Resource Center. “This human rights day, the community calls on **City Attorney Herrera to fulfill his responsibilities and make a clear public statement that the Mayor cannot refuse to implement a democratically enacted law.** The city needs to put this critical human rights law into practice at once.”

“We need City Attorney Herrera to stand up for democratic principles and advise the mayor that he can’t refuse to implement the due-process law. Right now, he’s failing to be accountable to the community. **Herrera cannot shirk his responsibility to defend the democratic process,**” remarked Bobbi López of La Voz Latina. “**That’s why many community members will be placing calls to the city attorney’s office today.**”

Over a dozen community advocates, representing a diverse coalition of prominent immigrant and human rights organizations, met with Herrera on Tuesday to urge him to ensure that the policy is swiftly implemented. “Our hearts break when we hear the [story of Jesús](#), a 17-year old recently **deported even though the DA declared him innocent.** Due process is a fundamental human right and our city must start following the new law right away,” said Robert Haaland, co-chair of SF Pride at Work, after the meeting. The meeting came days after the groups staged a delegation to Herrera’s office to express their concerns.

A host of legal scholars from Stanford, UC Davis, USF, and Yale have found the due process policy to be **legally sound and in compliance with federal and state law.** In a [statement issued last week](#), leading experts affirmed that the empty threats from U.S. Attorney Joe Russoniello are merely “hot air.” USF Law Professor Bill Ong Hing pointed out, “There has never been a federal prosecution anywhere in the country against city officials for following sanctuary ordinances.”

At the heart of the matter is the prior draconian policy, unilaterally adopted by the Mayor in July 2008, which requires probation officers to tear innocent youth from their families and report them for deportation without the basic right to a hearing. This policy encourages **racial profiling and discrimination** against innocent immigrant youth, which in turn create a climate of fear that harms public safety for all.

Newsom’s remarks that he intends to ignore the law restoring due process for youth – despite the Supervisors’ override of his veto on November 10th – have sparked anger from grassroots community groups that have spent the past year and a half deeply engaged in the civic process to achieve the change.

“Over 70 organizations rolled up our sleeves and got involved in our democracy, and the end result was a fair policy that will uphold the fundamental value of due process, keep innocent families together, and improve public safety,” said Angela Chan, staff attorney at the Asian Law Caucus. “It’s time to end the crisis in our schools and communities and restore due process rights for all youth.”

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