

September 24, 2024.

Statement from San Francisco District Attorney Brooke Jenkins:

I am committed to closing open-air drug markets and ensuring that suspected and admitted drug dealers are held accountable and face consequences.

I support and respect our Sanctuary City policy. In my effort to protect all of our residents, especially immigrant communities, from the scourges of the drug trade, I have fostered and welcomed collaboration with all levels of government to ensure that they can live in dignified, safe neighborhoods, that are not held hostage by unrepentant drug traffickers.

To successfully partner with the federal government, my team worked hard to ensure that we were 100% consistent with both the spirit and letter of our Sanctuary City policies. The partnership was forged out of numerous and significant discussions with the federal government to ensure that our position was honored and respected.

Federal prosecution provides a critical deterrent to drug dealing because if a person goes to trial in federal court, and they are convicted, they will be sentenced to time in prison. In contrast, in San Francisco state court the majority of judges do not treat drug dealing as a serious crime despite repeat offenses, and the grave consequences visited upon our communities; and the drug dealers therefore do not fear incarceration, or any significant consequence.

There is a fundamental misunderstanding surrounding how the prosecutorial process works –cases are charged based on facts/law (regardless of the persons immigration status). Cases are settled based on the conduct that the person engaged in and the prior criminal history of the person (regardless of the persons immigration status). In state court, immigration status is only considered during the case when the defense affirmatively tells us they want it considered under Penal Code section 1016.3. In every case that is sentenced in state court and federal court, part of the plea involves the judge asking the defense attorney if they have discussed immigration consequences with their client - this is required by law – the judge asks this in every case, including those where a person is a citizen because there are no assumptions made regarding a person's immigration status. Pleas and sentences in federal and state court do not include deportation or non-deportation as a term of any sentence, it is a risk in any case, that is why the court has to give the admonishment that there may be immigration consequences as the result of a criminal conviction, but there is no certainty over what may occur. What happens after sentencing is outside of the purview of the court and the prosecutors.

We will continue to do everything we can to protect the safety of the public and hold drug dealers accountable. We will not relent or go back to the days of admitted drug dealers being allowed to operate with impunity as the Public Defender's office so shamelessly would.