

1 Edward W. Swanson (Bar No. CA-159859)
Ed@smlp.law
2 Carly Bittman (Bar No. CA-305513)
Carly@smlp.law
3 SWANSON & MCNAMARA LLP
300 Montgomery Street, Suite 1100
4 San Francisco, CA 94104
Tel: (415) 477-3800
5 Fax: (415) 477-9010

6 [ADDITIONAL COUNSEL LISTED
ON FOLLOWING PAGE]

7 *Attorneys for Defendant*
8 *CHRISTIAN NOEL PADILLA-MARTEL*

9
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF SAN FRANCISCO**

12 PEOPLE OF THE STATE OF CALIFORNIA,)
by and through Dennis J. Herrera, City Attorney)
for the City and County of San Francisco,)
13)
Plaintiff,)
14)
vs.)
15)
CHRISTIAN NOEL PADILLA-MARTEL aka)
16 CHRISTIAN PADILLA-MARTEL, an)
individual,)
17)
Defendant.)
18)
19)
20)

CASE NO. CGC-20-586763

**DECLARATION OF ARADHANA
TIWARI IN SUPPORT OF
DEFENDANT CHRISTIAN NOEL
PADILLA-MARTEL'S OPPOSITION
TO PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION**

Date: April 27, 2021
Time: 9:30 a.m.
Dept: 302
Judge: Hon. Ethan P. Schulman

Complaint Filed: September 24, 2020
Trial Date: Not Set

1 David F. Gross (Bar No. CA-83547)
david.gross@dlapiper.com
2 Robert Nolan (Bar No. CA-235738)
robert.nolan@dlapiper.com
3 Mandy Chan (Bar No. CA-305602)
mandy.chan@dlapiper.com
4 Katherine Thoreson (Bar No. CA-327443)
katherine.thoreson@dlapiper.com
5 DLA PIPER LLP (US)
555 Mission Street, Suite 2400
6 San Francisco, California 94105-2933
Tel: (415) 836-2500
7 Fax: (415) 836-2501

8 Anne Decker (Bar No. CA-268435)
adecker@aclunc.org
9 AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF NORTHERN CALIFORNIA
10 39 Drumm Street
San Francisco, CA 94111
11 Tel: (415) 621-2493
12 Fax: (415) 255-8437

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1 I, Aradhana Tiwari, declare as follows:

2 1. I have personal knowledge of the following facts except those stated on
3 information and belief. As to those facts, I believe them to be true. If called to testify, I could and
4 would testify competently to the contents of this declaration. I am over the age of 18. I make this
5 declaration in opposition to the City Attorney’s request for a preliminary injunction against the
6 defendant in this case and in support of more effective and economically prudent ways of
7 addressing the problems the City Attorney seeks to solve through regressive, punitive, and
8 ineffective measures.

9 2. I am an Immigration Attorney with the Deportation Defense and Legal Advocacy
10 Program of the non-profit Dolores Street Community Services (“DSCS”) in the city of San
11 Francisco. I am also the lead attorney for our organization’s Anti-Trafficking Project (“ATP”). I
12 am a licensed attorney in the State of California (Bar No.: 302223). I have worked with
13 immigrant survivors of violence for 10 years, and specifically with victims of trafficking for 7
14 years.

15 3. Established in 1982, DSCS is a community-based organization that houses several
16 programs aimed at addressing emerging needs of our community in an intersectional manner. For
17 nearly 40 years, DSCS has assisted community members with a wide variety of services including
18 housing/shelter, economic empowerment, substance abuse, and immigration advocacy. We
19 provide services to both San Francisco residents and Bay Area residents more broadly.
20 Approximately 45 percent of DSCS’s current clients have had some contact with the criminal
21 justice system.

22 4. Based on our long history of providing these services, DSCS understands that not
23 having stable housing, secure immigration status, or reliable employment are more often than not
24 underlying root causes that contribute to the plight of our clients. Addressing these needs has
25 allowed DSCS to be successful in assisting the most marginalized move from positions of
26 vulnerability to stability and ultimately healthy independence. Through this work, our
27 organization has empowered individual community members, and by extension improved the
28 overall health, and safety of our community.

1 5. Our Deportation Defense and Legal Advocacy (“DDLAP”) program within DSCS
2 launched in 2008. DDLAP provides a wide range of immigration services including free clinics,
3 consultation, and limited-scope representation to roughly 240 individuals annually. Additionally,
4 DDLAP provides full-scope representation to roughly 150 clients facing deportation annually.

5 6. In the immigration cases that DDLAP has been involved with either through direct
6 service or as a consultant, we have worked extensively with the U.S. Department of Justice
7 (“DOJ”), Department of Homeland Security (“DHS”), and the Department of Labor (“DOL”) as
8 well as other law enforcement agencies to assist our clients as they cooperate in investigations
9 against their abusers. This work is vital to ensuring our client’s protection.

10 7. As the lead attorney of the anti-trafficking project, I am very familiar with the
11 Trafficking and Violence Protection Act of 2000 (TVPA). I work directly with survivors of
12 trafficking to assess their legal and social service needs, this includes individuals who have been
13 forced to provide their labor in non-traditional work settings. Congress intentionally defined
14 trafficking as providing “labor or services” as it recognized traffickers may force individuals to
15 engage in informal, or illegal industries like drug trafficking.

16 8. Working with this specific population requires me to build relationships and work
17 with community partners, government agencies, and law enforcement officials to ensure that
18 survivors of trafficking access culturally competent and trauma informed resources needed to
19 stabilize their lives after severe victimization. Further, I actively engage in education and outreach
20 efforts to social service providers, and community members so that both professionals and affected
21 community members alike are informed of how human trafficking occurs in our modern era.
22 Almost all of my responsibilities in this role are geared towards ensuring traffickers are brought to
23 justice, and survivors gain security so that they are no longer susceptible to abusive, coercive, or
24 exploitative situations.

25 9. Though our Anti-Trafficking Project just launched in 2019, we have already
26 received referrals and provided services to several Central America immigrants who were forced
27 to sell drugs in San Francisco, and who were arrested and convicted for crimes they were forced to
28 commit. DSCS received these referrals without conducting any affirmative outreach. The true

1 numbers of how many victims there are remains unknown due to ineffective screening and
2 outreach. The several individuals who were referred have been positively identified as victims of
3 trafficking for having sold, possessed or transported drugs under force, fraud and coercion.

4 10. We received one referral for an individual named Bruce¹, a 25-year-old youth from
5 Honduras. Fleeing violence in his own country, he arrived in the U.S. with no support or
6 resources. As such, our client was extremely desperate to find shelter, work and survive. Preying
7 on this vulnerability, his traffickers obtained him under false promises. When he met this group of
8 men, he did not realize that they were offering him help in order to obtain him to work for them as
9 part of a larger criminal drug ring. By the time Bruce realized this, it was too late, and he was
10 already under their control.

11 11. For over a year and half, Bruce was under the complete control of his traffickers.
12 They provided him with a place to live, would arrange work for him selling drugs, and would
13 transport him to and from these sites. They controlled virtually all aspects of his life. Bruce sold
14 and transported drugs under threats of physical harm and death. At one point, Bruce witnessed his
15 traffickers beat another immigrant to death with a baseball bat for refusing to sell and/or transport
16 drugs.

17 12. I met and consulted with Bruce following his arrest in San Francisco. At that time,
18 though he had taken steps to change his phone number and find shelter in a confidential location,
19 Bruce remained terrified of his traffickers.

20 13. He did not trust speaking on the phone and was scared to engage in any legal
21 process despite being entitled to protection and being qualified for immigration, civil and criminal
22 legal redress as a victim of trafficking. Most of our meetings focused on reassuring him that we
23 were going to support him in establishing stability. As we were in the process of enrolling him
24 public and legal aid services, Bruce tragically passed away. We strongly believe the trauma,
25 stress, and on-going threats of harm contributed to his untimely death.

27 ¹ All names referenced throughout this declaration have been changed to protect client
28 confidentiality.

1 14. Bruce reported that there were several immigrants living in the home his traffickers
2 kept him in, and that this was part of a pattern of obtaining youth in order to compel them to
3 engage in the dangerous and illegal work the traffickers demanded. Based on the number of
4 referrals and other clients we have represented who shared similar stories, I strongly believe that
5 Bruce's experiences are not unique. Many immigrants who are desperate to find work, or room
6 and board are sought out, and subsequently forced to engage in drug trafficking.

7 15. State and Federal governments have recognized that victims of trafficking are often
8 vulnerable to exploitation and abuse because they may lack adequate housing, stable employment,
9 suffer from trauma, as well as lack knowledge and the ability to assert their rights. Accordingly,
10 California and Congress provide for a wide range of public and legal benefits which victims of
11 trafficking are entitled to by law. This includes public benefits, criminal expungement and
12 restitution, civil damages, as well as immigration relief.

13 16. In our experience, enrolling clients in these services helps to stabilize their lives
14 immediately. I have witnessed firsthand how integral these social and legal services are to my
15 clients regaining control of their life after horrendous victimization. The value of these services is
16 evident from the fact that those who receive these types of assistance can break cycles of violence
17 in which they are trapped, and instead become healthy, contributing members to their
18 communities.

19 17. Through my clients, I have seen deleterious effects of punitive actions being taken
20 without considering the full circumstances of the situation. The City's attempt to bar individuals
21 from the Tenderloin will not do anything to prevent drug sales and drug use. It does not make
22 sense to expend already limited resources in this way when such measures do nothing to address
23 the root cause of this problem, or rehabilitate or support those vulnerable enough to fall into this
24 type of work. Investing in better screening and referral services, as well as diversion programs
25 would greatly alleviate an already overburdened justice system while providing rehabilitative
26 services and ensuring community safety.

27 18. We were in the process of enrolling Bruce in housing assistance and case
28 management assistance when he died unexpectedly a few months ago. I strongly believe that had

1 Bruce been properly identified as a victim earlier, and been offered services at that time, benefits
2 which he was entitled to by law, his death could have been prevented. Instead, he was arrested
3 and convicted and subject to punitive measures which only further entrenched him in the cycle of
4 violence he was trapped within and led to his untimely death.

5 19. Bruce, like many of our clients, was not only the victim of human trafficking, but
6 also the victim of inadequate governmental policies that criminalize and further entrench
7 individuals in the exact trafficking schemes local and federal governments are purporting to
8 address with their draconian measures.

9 20. The harms that the requested injunction will visit on the defendant are also
10 illustrated by other DSCS clients, like Jessica. Jessica was a victim of severe emotional, physical
11 and sexual abuse at the hands of her former partner in Honduras. She ultimately fled for the
12 United States, but was forced to leave her two children behind in Honduras. Jessica struggled to
13 find a support system after her brother, who was living in the United States, was murdered.

14 21. Jessica ultimately moved in with a woman, Luz, who previously lived in her
15 neighborhood in Honduras. Luz was living in a Single Room Occupancy hotel (SRO) in the
16 Tenderloin. Once Jessica moved in with Luz, Jessica realized that Luz was involved with using
17 and selling cocaine. Jessica attempted to move out with another friend, but they were unable to
18 secure housing due to their status as undocumented immigrants. Jessica had no other option but to
19 go back to living with Luz or end up homeless. Jessica was traumatized and depressed due to all
20 of the hardship and ultimately began using cocaine as a coping mechanism and later developed an
21 addiction. Luz also insisted that Jessica become involved in drug selling and Jessica felt she
22 would end up homeless if she did not participate.

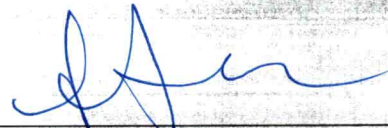
23 22. Jessica ultimately ended up living in SROs and on the streets of the Tenderloin for
24 about a decade. During this time she was arrested approximately 15 times, including for
25 accusations of drug dealing and for violations of court orders intended to prevent her from being in
26 certain areas of the Tenderloin. Police reports involving Jessica from this time rarely include
27 accurate information about Jessica's residence. For example, out of eight police reports reviewed
28 from the time period Jessica was living in the Tenderloin only two indicate that she lived in the

1 neighborhood. In fact, Jessica was living in the neighborhood either in SROs or on the streets at
2 the time of all of those eight arrests.

3 23. Jessica was ultimately able to find stable housing, get off drugs and turn her life
4 around. She has now been granted protection from deportation under the Convention Against
5 Torture and her children are DACA recipients. Her last arrest occurred nearly four years ago.
6 Had Jessica been subjected to the type of injunctions at issue in this litigation during the period
7 described above, she would have been barred from entering the very neighborhood in which she
8 resided. This undoubtably would have led to additional arrests.

9 24. In Jessica's case, being subject to punitive measures and arrested multiple times did
10 nothing to change the circumstances of her life or prevent her from being on the street or engaging
11 in unlawful behavior. Rather it was only after Jessica obtained stable housing and social support
12 that she was able to overcome her addiction and move forward as the productive member of
13 society that she is today.

14 I declare under penalty of perjury under the laws of the State of California that the
15 foregoing is true and correct. Executed this 9 day of April, 2021, in San Francisco, California.



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17
18 Aradhana Tiwari