



OFFICE OF THE DISTRICT ATTORNEY
TWENTIETH JUDICIAL DISTRICT

Michael T. Dougherty, District Attorney

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Contact: Shannon Carbone
Phone: 303-441-3804
scarbone@bouldercounty.org

District Attorney Joins Over 100 Prosecutors and Law Enforcement Leaders in Defending DACA

Amicus Brief in Fifth Circuit Argues DACA Builds Trust and Cooperation with Law Enforcement and Prosecutors

District Attorney Michael Dougherty joined 103 current and former prosecutors, law enforcement leaders and Department of Justice officials from 34 states and the District of Columbia in filing an [amicus brief](#) in the Fifth Circuit Court of Appeals defending the Deferred Action for Childhood Arrivals (DACA) program.

The brief, authored by Georgetown Law's [Institute for Constitutional Advocacy and Protection \(ICAP\)](#) and coordinated with [Fair and Just Prosecution](#), argues that DACA promotes public safety by allowing DACA recipients to step out of the shadows, obtain valid identification and work cooperatively with police and prosecutors without fear of adverse immigration consequences.

Established in 2012, DACA offers protection against deportation for more than 600,000 individuals who were brought to the United States as children and meet a stringent set of requirements. In July 2021, a federal district court in Texas ruled that the creation of DACA and its continued operation violate the Administrative Procedure Act (APA). The Fifth Circuit is reviewing the case on appeal.

"DACA benefits everyone who cares about creating safer neighborhoods," said [Mary McCord](#), Executive Director at ICAP and a former federal prosecutor. "As current and former law enforcement leaders, our goal is to reduce barriers for people to engage with law enforcement. Eliminating DACA would have the opposite effect."

District Attorney Michael Dougherty explained, "This amicus brief is consistent with our emphasis on community safety, immigrant protection, and victim's rights. When community members fear law enforcement, they are less likely to call 911 or cooperate with investigators. In order to enhance public safety and hold offenders accountable, we need community members to trust that they can come forward and trust law enforcement."

ICAP's *amicus* brief in the Fifth Circuit is similar to one it [filed](#) in the Supreme Court that was signed by more than 80 law enforcement officials when the Court considered a challenge to the Trump Administration's efforts to rescind DACA in 2019. In that case, *DHS v. Regents of the University of California*, the Supreme Court held that the decision to rescind DACA was arbitrary and capricious under the APA.