

# EXHIBIT O



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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

THE UNITED STATES OF AMERICA,  
JAM-KJN

Plaintiff,

vs.

Case No. 2:18-cv-00490

THE STATE OF CALIFORNIA; EDMUND  
GERALD BROWN, JR., Governor of  
California; in his official capacity;  
and XAVIER BECERRA, Attorney General  
of California, in his official  
capacity,

Defendant.

VIDEOTAPED DEPOSITION OF

TOM WANG

TAKEN ON  
WEDNESDAY, MAY 30, 2018  
1:45 P.M.

US ATTORNEY'S OFFICE  
880 FRONT STREET, ROOM 6239  
SAN DIEGO, CALIFORNIA 92101

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**APPEARANCES**

**FOR PLAINTIFF:**

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**APPEARANCES**

**FOR DEFENDANTS:**

CHRISTINE CHUANG, ESQUIRE  
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**STATE OF CALIFORNIA**

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1 Q There were no other documents?

2 A No other documents.

3 Q Okay. Is the dataset that you refer to in  
4 paragraph 9 one of the documents you brought with you  
5 today?

6 A Yes, it's on that CD rom.

7 Q Thank you.

8 A Do they call it CD roms any more? It's on the  
9 CD.

10 Q How recently is the data in that dataset?

11 A I believe the ILRC obtained the data December  
12 2016.

13 Q Have you ever taken any steps to verify this  
14 data?

15 A No. I got it from the ILRC. I asked them if  
16 this was the raw data. They said yes. I don't have any  
17 reason to believe that it's not the data that they  
18 obtained from the FOIA request. It's also ICE's data,  
19 so ICE can verify it, I believe, if they would like to.

20 Q Have you ever verified whether or not there's  
21 any updates to this data?

22 A I was going to and that's how I came across  
23 ILRC's updated FOIA request, so I'm just kind of waiting  
24 for them to get that update, and if they get that  
25 update, then hopefully I can get my hands on that data

1 as well.

2 Q And what were you going to do -- when you say  
3 you were going to verify it, what steps were you going  
4 to take to verify it?

5 A Well, so I want updated data so I can update  
6 the analysis so I can know if we see -- from sort of a  
7 research perspective, we're interested in sort of  
8 whether or not things hold over time, so that is my  
9 interest in getting the updated data.

10 Q When you say things hold over time, what do  
11 you mean?

12 A So the findings that we see in the initial  
13 analysis.

14 Q Have you ever verified -- for example, in your  
15 dataset you say some of these counties are sanctuary  
16 because they don't cooperate and some of these are not  
17 because they do essentially.

18 A Okay. I see what you're --

19 Q Have you ever called the county to verify that  
20 they are, in fact, still cooperating or not cooperating?

21 A No. At the time that I did the analysis, it  
22 was about a month after they received the FOIA data. I  
23 kind of took ICE at its words.

24 Q Okay.

25 A So because -- yeah, you know, ICE is doing the

1 categorization of the places and so in getting this  
2 dataset, it's like a, sort of, treasure trove for an  
3 academic, especially on a topic where there are no clear  
4 definitions because ICE did the defining. I got the  
5 data December 2016, December 2016, I was able to analyze  
6 that data right away. So in that gap there, I don't  
7 believe -- you know, there would have been a lot of  
8 movement and -- because ICE was doing the  
9 categorization, I took ICE for its word.

10 **Q Okay. So are you aware of whether there have**  
11 **been any changes to any of these jurisdictions since the**  
12 **time that your -- since the time you obtained this data?**

13 **A** I saw a news report of Texas counties joining  
14 287-G, and I think that was in 2017, which is what  
15 initially got me thinking about updating this dataset  
16 here, but, then again, ILRC beat me to the punch.

17 **Q Do you happen to know why ICE collected the**  
18 **data that is in this dataset?**

19 **A** Yeah.

20 **MS. CHUANG:** Objection. Calls for  
21 speculation.

22 **BY MS. BINGHAM:**

23 **Q** Again, just to be clear, I'm not asking you to  
24 speculate, I'm asking just whether or not you know if  
25 this was -- if that information was provided to you in

1 Q "Of California's 58 counties, 53 are  
2 characterized by ICE as either not willing to accept  
3 notifications or detainer requests."

4 So does that sentence characterize your  
5 understanding of the column in the spreadsheet that we  
6 previously discussed?

7 A Yes.

8 Q And what was that column called in the  
9 spreadsheet?

10 A Current Detainer or Notification Acceptance  
11 Status, I believe.

12 Q Okay.

13 A Yeah.

14 Q So moving on to the next sentence, it said,  
15 "Of these 53, one is characterized as not willing to  
16 accept notification and detainer requests; six are  
17 characterized as not willing to accept detainer requests  
18 but not notification requests."

19 So I want to ask you about that part  
20 specifically that begins on line 14: "Six are  
21 characterized as not willing to accept detainer requests  
22 but not notification requests."

23 Does that mean that they are not willing to  
24 accept detainers but they are willing to accept  
25 notification requests?

1 A Let me see. Excuse me.

2 Q **Of course.**

3 A I'm going to reread this.

4 Q **Take a minute to reread it.**

5 A I think there's -- I think there's an error  
6 here because "not willing to accept detainer requests  
7 but not notification requests," I think this should be -  
8 - and this is why I needed a second. "Six are  
9 characterized as" -- this should be "willing to accept  
10 detainer requests but not notification requests."

11 Q **Okay. So six are characterized as willing to**  
12 **accept detainer requests, but not notification requests"**  
13 **--**

14 A Yes.

15 Q **-- is how it should read?**

16 A Yes.

17 Q **Okay. So the next line says, "11 are**  
18 **characterized as willing to accept notification" --**

19 A Yeah, so the opposite, yeah.

20 Q **Okay. That was my confusion.**

21 A Yeah, sorry. No, thank you for catching that.

22 Q **Thank you for explaining that.**

23 **So that means that essentially 17 counties of**  
24 **the 53 counties are cooperating in one respect but not**  
25 **the other?**

1 A It's a little unclear. There is -- when you  
2 think about the different combinations of detainer and  
3 notification, there are four different combinations, so  
4 both, both, yes, yes, right? No, no, and then yes, no  
5 on one or two -- the first dimension, not the second  
6 dimension, and then no, yes for first dimension, second  
7 dimension.

8 But there's actually five different  
9 categories, and five is currently not willing but -- and  
10 then in parentheses considering, so that column there is  
11 the bulk of California counties.

12 Q I understand that, but asking specifically  
13 about the six counties that are willing to accept  
14 detainers but not notifications, and the 11 counties  
15 that are characterized as willing to accept  
16 notifications but not detainers, those would fall into  
17 those two squares where they're cooperating on either/  
18 or, right?

19 A That we know of. If the 35 -- because the 35  
20 -- the wording in the -- in -- in the fifth category  
21 that ICE has in that column is considering but currently  
22 not willing to accept notifications and/or detainers, 16  
23 and 17, so because there's that and/or, I -- I don't  
24 know what it is.

25 Q So --

1 A So it could fall as part of the 17 is what I'm  
2 saying.

3 Q Okay. I might need to ask you another  
4 question about that to make sure that I'm clear.

5 A Okay.

6 Q I understand what you're saying, but  
7 essentially the 53 is broken down here into three  
8 categories: Six that are willing to accept detainers  
9 but not notification, 11 that are willing to accept  
10 notification requests but not detainers, and 35 that are  
11 considering one or the other.

12 So just to make sure I understand your last  
13 statement, you're saying that of the 35, potentially  
14 other -- potentially members of that class of 35 could  
15 be following -- excuse me, could fall into the class of  
16 six or --

17 A Or --

18 Q -- in the class of 11?

19 A Exactly. Exactly.

20 Q So hypothetically there could be more than six  
21 and there could be more than 11?

22 A More than 11, yes.

23 Q So it would be accurate to say that at least  
24 17 are cooperating in one way or another?

25 A At least 17, yes. I think you can actually

1 say at least 22.

2 Q Oh.

3 A Because there are five that are currently both  
4 detainer and notifications.

5 Q But at least 17 of the 53?

6 A Of these 53, yeah.

7 Q Okay. Thank you for explaining that.

8 I want to make sure I go through my questions  
9 here.

10 I think I know the answer to this, but I want  
11 to make sure. In the considering column, which is 35 as  
12 we were just talking about --

13 A Uh-huh.

14 Q -- you have not done any follow-up research to  
15 verify whether or not they made a decision that -- you  
16 know, at the time they were considering?

17 A No. At the time of the analysis, because it  
18 was so close to ICE providing the data, I took ICE at  
19 its word that these localities at that point were  
20 considering, but at that point also not willing.

21 Q I want to tie this back to your analysis --

22 A Okay.

23 Q -- where here you say that you took ICE at its  
24 word as to whether someone was cooperating or not.

25 A Uh-huh.

1 CERTIFICATE

2  
3 I, Mary Anne Young, do hereby certify that  
4 I reported all proceedings adduced in the foregoing matter  
5 and that the foregoing transcript pages constitutes a  
6 full, true and accurate record of said proceedings to the  
7 best of my ability.

8  
9 I further certify that I am neither related  
10 to counsel or any party to the proceedings nor have any  
11 interest in the outcome of the proceedings.

12  
13 IN WITNESS HEREOF, I have hereunto set my  
14 hand this 1st day of June, 2018.

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DECLARATION

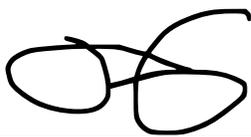
Deposition of: Tom Wong Date: 05/30/18  
Regarding: United States vs. State of California  
Reporter: Young

\_\_\_\_\_

I declare under penalty of perjury the following to  
be true:

I have read my deposition and the same is true and  
accurate save and except for any corrections as made  
by me on the Correction Page herein.

Signed at \_\_\_\_\_,  
on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Signature   
Tom Wong