

# EXHIBIT K

1 IN THE UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF CALIFORNIA  
3 SACRAMENTO DIVISION  
4

5 THE UNITED STATES OF AMERICA,

6 Plaintiff,

7 v.

8 THE STATE OF CALIFORNIA; EDMUND G.  
9 BROWN, JR., GOVERNOR OF  
10 CALIFORNIA, IN HIS OFFICIAL  
11 CAPACITY; AND XAVIER BECERRA,  
12 ATTORNEY GENERAL OF CALIFORNIA,  
13 IN HIS OFFICIAL CAPACITY,

14 Defendants.

CASE NO. 18-CV-490

DECLARATION OF ASSISTANT FIELD OFFICE  
DIRECTOR JESUS M. ROCHA

15 Pursuant to 28 U.S.C. § 1745, I, Jesus M. Rocha, do hereby declare:

16 1. I am the Assistant Field Office Director in charge of Staging and the Criminal Alien  
17 Program (CAP), Detention and Removal Management, Enforcement and Removal Operations (ERO)  
18 employed by U.S. Immigration and Customs Enforcement (ICE) in Los Angeles, California.

19 2. I joined ICE/ERO in Los Angeles as an Immigration Enforcement Assistant in September  
20 of 2005. In June of 2009, I was promoted to Deportation Officer and again promoted to Supervisory  
21 Detention and Deportation Officer (SDDO) in September of 2015. In October 2017, I was promoted to  
22 Assistant Field Office Director over the Staging/Criminal Alien Program (CAP) unit.

23 3. I have a Bachelor of Arts degree in Criminal Justice and a minor degree in  
24 Communications from the California State University, Los Angeles.

25 4. As the Assistant Field Officer Director of the Staging/CAP Unit, ERO Field Office, Los  
26 Angeles, I oversee approximately 90 employees who are involved in the processing of individuals who  
27 come into ICE custody through the Staging Unit and those who work in the Criminal Alien Program at  
28 ERO Field Office, Los Angeles. In the Staging Unit, officers collect biometric and biographical  
information of individuals who are apprehended by ICE to determine whether they are amenable to  
removal from the United States and to the determine the appropriateness of taking an individual into ICE

1 custody. The Staging Unit is also a transitory area for individuals who are scheduled to be removed  
2 from the United States. CAP's goal is to identify, arrest and remove priority aliens who are incarcerated  
3 within federal, state and local prisons and jails. As such, CAP officers routinely gather and analyze  
4 biometric and biographical information available in federal and state databases to determine whether  
5 individuals incarcerated in federal, state and local prisons and jails are amenable to arrest and removal.  
6 The CAP Unit also investigates leads on at-large criminal aliens who have been released from federal,  
7 state, or local prisons or jails or otherwise eluded identification to arrest and remove such aliens from the  
8 United States.

9 5. The statements contained in this declaration are based upon my personal knowledge or  
10 upon information provided to me in my official capacity. I have also reviewed the declarations of Joe  
11 Dominic (ECF No. 75) ("Dominic Declaration") and of Christopher Caligiuri (ECF No. 75-1)  
12 ("Caligiuri Declaration") submitted in support of Defendants' Opposition to Plaintiff's Motion for  
13 Preliminary Injunction.

14 6. Address and Release Dates Information in CLETS. The Dominic Declaration states that  
15 the Supervisory Release File and California Sex and Arson Registry accessible through the California  
16 Law Enforcement Telecommunications System ("CLETS") contain addresses for individuals "who have  
17 had interactions with the criminal justice system." Dominic Decl. ¶¶ 6, 7. Those databases contain  
18 address information for only a subset of that population. The Supervisory Release File only contains  
19 information concerning including "active parolees, probationers, sex and arson registrants, violent  
20 offenders and career criminals," *id.* ¶ 6, all of whom have been convicted of crimes and who are  
21 therefore, based on my understanding of SB 54, exempt from SB 54's prohibitions on information  
22 sharing and transfer. The California Sex and Arson Registry only contains address information about  
23 current sex and arson registrants, *id.* ¶ 7, who, again, are individuals convicted of crimes, and to my  
24 understanding, already exempt from SB 54's prohibitions on information sharing and transfer. Neither  
25 the SRF nor the CSAR contain complete address information for all individuals encountered by law  
26 enforcement who may be sought by ICE, and ICE officers under my supervision routinely report an  
27 absence of timely, and useful information in these databases concerning addresses.

28 7. The Dominic Declaration states that the Supervisory Release File contains a "Start Date  
of Supervision" which is "the date a person begins his or her probationary period" and that "[u]nder

1 some circumstances, this [date] would correlate with the date that a person is scheduled to be released  
2 from custody.” *Id.* ¶ 6. However, not every individual who is or has been in the custody of state or local  
3 law enforcement has a start date of supervision. Also, an individual’s state date of supervision does not  
4 always correlate to an individual’s release date because many individuals in state or local custody are  
5 released prior the start date of supervision. ICE officers under my supervision have informed me that  
6 these databases are nowhere near as reliable as contacting County sheriffs directly, and do not contain  
7 on any consistent basis the information ICE previously received from law enforcement agencies in  
8 California prior to SB 54.

9 8. Based on my experience, actual release dates are difficult to obtain in time to apprehend  
10 an individual being released from the custody of state or local law enforcement agencies (“LEAs”) by  
11 using CLETS alone or in combination with publicly-available information. To my knowledge, there is  
12 no way to obtain a list of currently detained individuals with their release date and time in CLETS. It is  
13 also not feasible to cross-check publicly available information with information in CLETS to obtain  
14 actual release dates for current detainees. For example, in the case of the Los Angeles County Jail  
15 (“LACJ”) run by the Los Angeles Sheriff’s Department, ERO can access a publicly-available list of the  
16 individuals who are currently detained at LACJ. The list includes an individual’s first and last name,  
17 booking number and projected release date. In my experience, the LACJ projected release dates are not  
18 always accurate and in many cases, the inmate will be released earlier than the release date provided on  
19 the list. Even if we cross-check the information from LACJ with other publicly available information or  
20 with CLETS for each incarcerated individual, which is a time-consuming process, the actual release  
21 dates may not be identified until after the individual has already been released. Consequently, in my  
22 experience, since SB 54, my officers cannot rely on publicly available information or information in  
23 CLETS to obtain accurate release dates and times at LACJ and instead must refer the case to the Pro  
24 CAP team which then will attempt to conduct an at-large arrest, which results in more time spent and a  
25 greater public safety threat than if my officers were able to apprehend the incarcerated individuals in the  
26 secure confines of the county jail.


27 9. Increased Burden on Resources and Public Safety Resulting from SB54 and Similar  
28 Legislation. In January 2018, ERO created a permanent Pro-Active CAP Team (“Pro CAP”) consisting  
of one full-time Supervisory Detention and Deportation Officer (“SDDO”) and six Deportation Officers

1 dedicated to identifying and arresting criminal aliens who have been released from state and local  
2 criminal custody. Such officers would otherwise be assigned to other priority enforcement duties of  
3 ERO, such as apprehending fugitive aliens or participating in CAP and Staging activities. ERO  
4 anticipates fielding a second Pro CAP Team due to the decrease in apprehensions from the local jails  
5 resulting from the lack of cooperation from state and local LEAs in the Los Angeles area.

6 10. The Pro CAP Team conducts at-large arrests of released criminal aliens. At-large arrests  
7 generally result in a greater expenditure of ERO time and resources and a greater risk to public and  
8 officer safety, than if ICE could the arrest the alien in a non-public jail setting. For example, in March  
9 2018, the Pro CAP Team attempted to conduct a traffic stop to apprehend a criminal alien with a final  
10 order of removal. The alien had previously been convicted of numerous dangerous offenses, including  
11 preventing/dissuading a witness to testify, twice for driving under the influence of alcohol (DUI),  
12 driving on a suspended license based on a prior DUI, and a hit and run with property damage. During  
13 the at-large arrest, the alien failed to stop his vehicle and even ran a red light to evade arrest by the Pro  
14 CAP Team. The alien remains at large and ERO is conducting further surveillance to locate him to  
15 conduct another at-large arrest, which results in a further expenditure of manpower and resources.

16 I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and  
17 belief.

18 Executed on this 7th day of June 2018.

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23 Jesus M. Rocha  
24 Assistant Field Office Director  
25 Enforcement and Removal Operations  
26 U.S. Immigration and Customs Enforcement  
27 U.S. Department of Homeland Security  
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