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

THE UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. ) Case No.  
 ) 2:18-cv-00490-JAM-KJN

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, )  
 )  
 Defendants. )  
 \_\_\_\_\_ )

VIDEO RECORDED DEPOSITION OF ARIF ALIKHAN  
Los Angeles, California  
Thursday, May 24, 2018

Reported by:  
Lisa Hess  
CSR No. 13045

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DEPOSITION OF ARIF ALIKHAN, taken on behalf of  
the Plaintiff, at 100 W. 1st Street, Los Angeles,  
California, beginning at 9:19 a.m. and ending at  
1:35 p.m., on Thursday, May 24, 2018, reported by  
LISA HESS, CSR. No. 13045, a Certified Shorthand  
Reporter for the State of California, pursuant to  
Notice.

## 1 APPEARANCES:

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1           Appearances (Cont'd):

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1 was designated by ICE as a previously deported 11:41:34

2 aggravated felon. 11:41:36

3 Q Okay. And why did the policy also -- not also 11:41:41

4 permit transfer for people with crimes that did not 11:41:45

5 constitute aggravated felony? 11:41:48

6 A That was the decision that was made sometime 11:41:50

7 ago. 11:41:52

8 Q Okay. Do you -- do you know the reasons for the 11:41:53

9 decision? 11:41:55

10 A I don't. Not specifically. I think it predated 11:41:55

11 my time at the LAPD. 11:42:00

12 Q Okay. Do you know who would have made that 11:42:02

13 determination? 11:42:09

14 A I don't. 11:42:10

15 Q Okay. Are you aware of any instances where 11:42:11

16 somebody who was in LAPD custody who didn't qualify for a 11:42:24

17 transfer was released and then was later rearrested for 11:42:29

18 committing a crime? 11:42:33

19 MR. CHAPMAN: Objection. That lacks foundation. Do 11:42:36

20 you know of any specific person? 11:42:38

21 THE WITNESS: I'm sure it's happened, but I -- I 11:42:40

22 don't remember any specific instance similar to that. 11:42:43

23 BY MR. DARROW: 11:42:47

24 Q Okay. In those instances where -- where L.A. 11:42:48

25 determines that the person has committed a sufficient 11:43:00

1 BY MR. DARROW: 11:46:58

2 Q But generally speaking, based on your general 11:46:58

3 understanding of human nature, isn't there a greater 11:47:01

4 opportunity for somebody to resist or flee when they need 11:47:05

5 to be apprehended free in the world, as opposed to being 11:47:09

6 unhandcuffed by a police officer right in the presence of 11:47:13

7 the ICE officer? 11:47:17

8 MR. CHAPMAN: Objection. It's not calculated to lead 11:47:19

9 to relevant evidence as to Mr. Alikhan's testimony about 11:47:21

10 human nature. Calls for speculation. If you want to 11:47:24

11 testify about human nature, you can. 11:47:27

12 THE WITNESS: I mean, if somebody wants to resist, 11:47:29

13 they can resist. If somebody wants to flee, they can try 11:47:31

14 to flee. It all depends on what the circumstances are. 11:47:34

15 I mean the tactical circumstances. I mean, we -- as I 11:47:36

16 mentioned, we will contact ICE and transfer somebody if 11:47:44

17 they fit within the legal and policy definitions, and try 11:47:48

18 to do that as safely and securely as we can. 11:47:52

19 Q It's just that in your declaration, you say that 11:47:55

20 this policy on transfer largely pre-existed SB 54, and 11:47:58

21 that the policies designed by the City are intended to 11:48:04

22 promote public safety and cooperation with the community. 11:48:11

23 And I am trying to understand how requiring ICE 11:48:15

24 to arrest somebody at large as opposed to in a secure 11:48:21

25 facility, how that would promote public safety? 11:48:26

1 BY MR. DARROW: 12:45:24

2 Q So then based on your understanding, why would 12:45:27

3 victims and witnesses have otherwise been afraid to come 12:45:33

4 forward if we're talking about policies that only involve 12:45:37

5 what L.A. does with people who've been arrested, not the 12:45:45

6 victims or witnesses? What's the connection between how 12:45:50

7 L.A. treats people who've been arrested and the 12:45:53

8 willingness of people who haven't been arrested, the 12:45:56

9 victims or witnesses to come forward? 12:45:59

10 A Well, you're talking about two different groups 12:46:01

11 of people, and it's actually the inverse. If somebody 12:46:03

12 commits a crime, we're going to take action. That's 12:46:07

13 the -- we're very clear about that. And if somebody's 12:46:10

14 arrested, there is the possibility that they may be 12:46:14

15 deported. 12:46:16

16 We don't -- we don't make decisions on whether 12:46:18

17 to arrest somebody or not arrest somebody based on civil 12:46:20

18 immigration status or what the consequences are. We make 12:46:24

19 the decision on whether the law was broken and the 12:46:26

20 seriousness of their offense and all these other factors. 12:46:31

21 Whether a victim or witness is willing to come forward, 12:46:34

22 I'm not sure it is not directly related to whether we 12:46:36

23 transfer someone or not or the fact that we do transfer a 12:46:40

24 serious or violent felons. 12:46:43

25 I think the bigger issue on that aspect of it 12:46:45



1 is, do they feel we are civil immigration enforcers, or 12:46:48  
2 are we going to when somebody calls to say they've been 12:46:52  
3 raped by someone who was a gang member, do they think our 12:46:55  
4 first call is going to be to immigrations and customs 12:46:59  
5 enforcement, so they can be deported? We're not treating 12:47:02  
6 them as a victim. We're treating them as somebody who 12:47:04  
7 should be kicked out of the country. 12:47:07

8 Our biggest goal and our responsibility is to 12:47:09  
9 find that rapist, arrest them, get that person convicted, 12:47:11  
10 prove beyond a reasonable doubt in a court of law, and 12:47:16  
11 send him to prison. That's a much more important, in our 12:47:19  
12 obligation as criminal law enforcement authority to deal 12:47:23  
13 with. So the fact that we are transferring -- and we 12:47:26  
14 allow transfers of people who are undocumented, illegally 12:47:31  
15 reentered the company after committing a serious or 12:47:35  
16 violent offense, I don't think there's a connection 12:47:38  
17 between the two. 12:47:40

18 Q Okay. And then just to try to elicit a point 12:47:41  
19 you raised, the fact that a victim or witness might feel 12:47:47  
20 hesitant to call the LAPD because they're worried that 12:47:52  
21 the first call might be to ICE to say, you know, that 12:47:56  
22 this person is undocumented, would you say that that is 12:47:59  
23 less about what any LAPD policy actually is or was and 12:48:05  
24 were just a misperception of what the LAPD would be 12:48:11  
25 doing? 12:48:15

## INSTRUCTIONS FOR READING/CORRECTING YOUR DEPOSITION

To assist you in making corrections to your deposition testimony, please follow the directions below. If additional pages are necessary, please furnish them and attach the pages to the back of the errata sheet.

This is the final version of your deposition transcript.

Please read it carefully. If you find any errors or changes you wish to make, insert the corrections on the errata sheet beside the page and line numbers.

If you are in possession of the original transcript, do NOT make any changes directly on the transcript.

Do NOT change any of the questions.

After completing your review, please sign the last page of the errata sheet, above the designated "Signature" line.


### ERRATA SHEET

Page	Line	
<u>14</u>	<u>11</u>	Change: <u>"their practices" to "there are practices"</u> Reason: <u>typo</u>
<u>68</u> <u>141</u>	<u>4</u> <u>15</u>	Change: <u>"shock collars" to "shot callers"</u> Reason: <u>typo</u>
<u>75</u>	<u>12</u>	Change: <u>"lawsuit" to "policy"</u> Reason: <u>mispoke</u>
<u>125</u>	<u>1</u>	Change: <u>"post" to "past"</u> Reason: <u>typo</u>

Page	Line	Change: "TRV" to "Tor U"
<u>131</u>	<u>25</u>	Reason: <u>typo</u>
		Change: "TRV" to "Tor U"
<u>133</u>	<u>3/14</u>	Reason: <u>typo</u>
		Change: "an illegal" to "law"
<u>158</u>	<u>15</u>	Reason: <u>typo</u>
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X Subject to the above changes, I certify that the transcript is true and correct.

\_\_\_\_\_ No changes have been made. I certify that the transcript is true and correct.


  
 Signature

6/4/2018  
 Date

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I do solemnly declare under penalty of perjury, under the laws of the State of California, that the foregoing is my deposition under oath; that these are the questions asked of me and my answers thereto; that I have read same and have made the necessary corrections, additions, or changes to my answers that I deem necessary.

In witness thereof, I hereby subscribe my name this 4<sup>TH</sup> day of JUNE 2018.



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Witness Signature

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## CERTIFICATION OF COURT REPORTER

## FEDERAL JURAT

I, the undersigned, a Certified Shorthand Reporter of the State of California do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were placed under oath; that a verbatim record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; further, that the foregoing is an accurate transcription thereof.

That before completion of the deposition, a review of the transcript [ x ] was [ ] was not requested.

I further certify that I am neither financially interested in the action nor a relative or employee of any attorney of any of the parties.

IN WITNESS WHEREOF, I have the date subscribed my name

Dated:05/25/2018



Certificate No. 13045