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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
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FOR PLAINTIFF:

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FOR DEFENDANTS:

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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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20 Mary Anne Young
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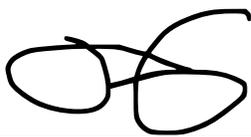
DECLARATION

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