EXHIBIT V

IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

SACRAMENTO DIVISION

THE UNITED STATES OF AMERICA, Plaintiff, v. THE STATE OF CALIFORNIA; EDMUND G. BROWN, JR., GOVERNOR OF CALIFORNIA, IN HIS OFFICIAL CAPACITY; AND XAVIER BECERRA, ATTORNEY GENERAL OF CALIFORNIA, IN HIS OFFICIAL CAPACITY, Defendants.	CASE NO.: 2:18-CV-490 DECLARATION OF ASSISTANT FIELD OFFICE DIRECTOR APRIL JACQUES

I, April Jacques, hereby declare, under penalty of perjury pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge, information, and belief:

1. I am an Assistant Field Officer Director with U.S. Department of Homeland Security (DHS), U.S. Immigration and Enforcement (ICE), Enforcement and Removal Operations (ERO), in the San Francisco Field Office of the San Francisco Area of Responsibility (AOR). I have held this position since December 2017. In this position, I manage immigration enforcement operations in eleven counties in northern California, to wit: San Francisco, Alameda, Contra Costa, Marin, Sonoma, Napa, Lake, Mendocino, Humboldt, San Mateo, and Del Norte.
2. I hold a Bachelor of Science degree in Criminal Justice Management from the Union Institute and University.
3. I have 12 years of law enforcement experience with ICE ERO. From April 2006 to May 2011, I was an Immigration Enforcement Agent with the Fresno, California ERO office. In May 2011, I was promoted to Deportation Officer in that office and I served in that position until I was promoted to Supervisory Detention and Deportation Officer in September 2015. I served

as a Supervisory Detention and Deportation Officer in the Fresno, California office from September 2015 until I was promoted to AFOD in December 2017.

4. I am aware that Defendants filed an opposition to Plaintiff's Motion for Preliminary Injunction in the case of *United States v. California*, et al., 2:18-cv-490. I have reviewed the declarations of Joe Dominic and Holly S. Cooper, ECF Nos. 75 and 75-6, filed in support of Defendants' opposition. The facts in this declaration are based on my personal knowledge or upon information provided to me in my official capacity.

5. After January 1, 2018, the following counties will no longer provide notification to ICE of an alien's release date after a detainer has been lodged with that county's jail: Modoc, Nevada, Trinity, and Yuba.

6. After January 1, 2018, Monterey County Jail (MCJ) changed its policy because of SB 54, which has been overly burdensome for the ICE ERO San Jose office. MCJ now only notifies ICE of release dates sometimes and only after ICE re-lodges the detainer the Pacific Enforcement Response Center (PERC) previously lodged, and provides additional documentary evidence that the alien meets the criminal history criteria established by SB 54.

7. After January 1, 2018, due to the change in MCJ's policy, the ICE ERO San Jose office found it necessary to reallocate resources to identify, investigate, and follow-up on detainers lodged by the PERC with the MCJ to prevent removable aliens from being released to the street. Specifically, the ERO San Jose office has assigned a Supervisory Detention and Deportation Officer and five Deportation Officers (DOs), and hired one new Enforcement and Removal Assistant (ERA) to focus on MCJ cases and perform the additional work necessary to convince the jail to notify and release the alien to ICE. For example, the ERA officer sorts through the multiple detainers lodged by the PERC with the different county jails and identifies and separates those detainers lodged with MCJ and distributes them to the DOs; the DOs need to verify SB 54 eligibility in each case by running a criminal history; the DOs then affirmatively communicate with the jail regarding the case and attach the same detainer previously lodged with the administrative warrant and provide additional documentation of criminal history establishing SB 54 criteria; MCJ must then verify the alien meets SB 54 criteria based on the

information provided by the DO and later send a confirmation e-mail to the DO regarding SB 54 eligibility; the DOs thereafter continue to track the case by following up with the jail to confirm release dates after each court date.

8. Between January 1, 2018 and June 7, 2018, the ICE ERO San Jose Office determined that two hundred and five detainers were lodged with MCJ for aliens who had been arrested. Only forty-two of the two hundred and five detainers lodged with the jail met the limiting criminal history criteria of SB 54. Of those forty-two detainers lodged with the jail, only twelve aliens were released to ICE, and at least four aliens were released to the street without prior notification. All four aliens had multiple convictions. They each had at least one qualifying SB 54 conviction for either battery on spouse, in violation of Cal. Penal Code (CPC) § 243(e)(1), false imprisonment, in violation of CPC § 236, or inflicting corporal injury on spouse, in violation of CPC § 273.5(a). The four aliens released by MCJ without prior notification to ICE have not been apprehended by ICE and are presumed to be at large.
9. Even though ERO has access to CLETs, the "Start Date of Supervision" contained in the Supervised Release File (SRF) is not a reliable source for determining release dates because the start date of supervision or probation is not necessarily the same date that the county jail releases the alien and there is no information contained in the system to confirm the dates are the same. In addition, aliens arrested -- but not yet convicted – who are deemed a priority for immigration enforcement would not even have a SRF. As a result, ICE ERO generally did not use CLETs as a primary source for determining release dates; rather, the county jail release dates are more reliable and accurate.
10. The ICE ERO San Francisco AOR has existing contracts with four facilities in California to house only immigration adult detainees: Contra Costa West County Detention Facility, Rio Cosumnes Correctional Center (RCCC), Yuba County Jail, and the Mesa Verde Detention Facility. The ICE contract with RCCC will expire on June 30, 2018, because the Sacramento County Board of Supervisors recently voted not to renew that contract. The ICE San Francisco AOR does not house juveniles (unaccompanied or accompanied children), and to my knowledge, ICE does not house any juveniles in other jurisdictions within California. All

contract facilities must meet ICE applicable detention standards and are regularly inspected by ICE according to the applicable standards. The three county jail facilities must comply with the ICE 2000 National Detention Standards. The privately-run Mesa Verde Detention Facility falls under the ICE 2011 Performance-Based Detention Standards since it began housing ICE detainees in 2015. The 2000 and 2011 applicable detention standards, which are publicly available, provide threshold requirements for detainees, including medical and mental health screening and care, access to telephones, legal materials and legal counsel while detained at the facilities. If, after an ICE inspection, a facility has been found deficient in certain requirements, it is provided notice and a reasonable period to remedy the problems identified during the inspection process. In 2017, each facility within the ICE ERO San Francisco AOR was inspected by ICE under the applicable detention standards and all facilities ultimately passed.

11. Ms. Cooper alleges that during a visit of the Mesa Verde Detention Facility after it had recently opened in 2015, she expressed concern over seemingly insufficient medical staffing. However, Ms. Cooper, either does not know, or fails to mention, that the facility hired several additional medical staff since she visited in 2015. The Mesa Verde Detention Facility is more than adequately staffed to handle the detainee population of less than 400. The medical staff includes a Doctor, Psychiatrist, three Licensed Social Workers, and several LVNs, RNs, Nurse Practitioners, a Dentist and his assistant, and a Health Service Administrator and his clerical staff.

12. Ms. Cooper alleges that the ICE facilities have inadequate mental health care, but fails to mention that the U.S. District Court for the Central District of California consistently found ICE in substantial compliance with the Implementation Order in *Franco-Gonzalez v. Holder*, 2014 WL 5475097 (C.D. Cal. 2014) during the three-year monitoring period, and thus, terminated monitoring in April 2018. *Franco-Gonzalez* provides for certain medical/mental health screenings by specific qualified medical staff and information-sharing procedures at all ICE facilities (including contract facilities) in California, Washington, and Arizona.

Executed in San Francisco, California on this 8th day of June 2018.

April Jacques
Assistant Field Office Director
ICE ERO San Francisco