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

16 THE UNITED STATES OF AMERICA,

17 Plaintiff,

18 v.

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

22 Defendants.
 23

Case No. 2:18-cv-00490-JAM-KJN

Hon. John A. Mendez

**DECLARATION OF KATHY
 MOORE IN SUPPORT OF MOTION
 TO INTERVENE OF THE
 CALIFORNIA PARTNERSHIP TO
 END DOMESTIC VIOLENCE AND
 THE COALITION FOR HUMANE
 IMMIGRANT RIGHTS**

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29 **pro hac vice application forthcoming*
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1 I, Kathy Moore, upon my personal knowledge, hereby submit this declaration pursuant to
2 28 U.S.C. § 1746 and declare as follows:

3 1. I am the Executive Director of the California Partnership to End Domestic
4 Violence (“the Partnership”).

5
6 2. The Partnership is a non-profit member association of over 1,000 advocates,
7 survivors, organizations, and allied groups across the State of California. Our membership body
8 is currently comprised of 285 organizations (148 of which provide direct services to domestic
9 violence survivors) and 126 individuals. The Partnership was founded in 2006 as a result of a
10 merger between the California Alliance Against Domestic Violence and the Statewide California
11 Coalition for Battered Women. These coalitions have worked with advocates and policy-makers
12 at the state and national levels for nearly 40 years, successfully supporting over 200 pieces of
13 legislation addressing domestic violence. We have a staff of 13.5 full-time employees and our
14 offices are headquartered in Sacramento, California.

15
16 3. The Partnership is California’s federally-designated State Domestic Violence
17 Coalition, as defined under 42 U.S.C. § 10402(11). As a State Domestic Violence Coalition, the
18 Partnership has a membership that includes a majority of the service providers in the State whose
19 primary purpose is to serve domestic violence survivors. In keeping with this designation, the
20 Partnership provides education, support, and technical assistance to those service providers to
21 enable them to establish and maintain shelter and supportive services for victims of domestic
22 violence and their dependents. It also serves as an information clearinghouse, primary point of
23 contact, and resource center on domestic violence for the State, and it supports the development
24 of policies to enhance domestic violence intervention and prevention in the State.

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27 4. In my role as Executive Director, I am responsible for providing direction,
28 guidance, and leadership to the Partnership and for facilitating the development and

1 implementation of its strategic plan. In addition to overseeing all functions and programs, I
2 serve as liaison with national, state, and local domestic violence communities, funding sources,
3 governmental agencies, and non-governmental organizations.

4
5 5. The domestic violence programs in California serve a large part of the State's
6 total population. According to the National Network to End Domestic Violence's annual
7 domestic violence census, California domestic violence programs report serving over 5,000
8 victims per day. And during the most recent fiscal year, California shelters that received federal
9 and state funds answered over 200,000 crisis calls and sheltered 22,000 victims.

10
11 6. All 148 direct service providers in our membership serve immigrant populations.
12 At least 10 are organizations that were founded specifically to serve immigrant communities.
13 Based on our members' stated missions and geographic locations, the Partnership conservatively
14 estimates that at least 39 of our member organizations serve high levels of immigrant survivors.

15
16 7. The Partnership delivers training and technical assistance to member
17 organizations, multi-disciplinary service providers, and state and local officials. Throughout the
18 year, we provide regional trainings and state-wide conferences, and offer a wide range of
19 technical assistance to our members. Many of these programs relate to issues that affect
20 immigrant survivors, witnesses, and their families:

- 21 • Legal options for immigrant survivors (such as filing applications for U-Visas, T-
22 Visas, and protection under the Violence Against Women Act);
- 23 • Employment protections for immigrant survivors;
- 24 • Ensuring that Limited English Proficient survivors have meaningful access to
25 critical public services;
- 26 • Advocating on behalf of immigrant survivors who are in immigration detention;
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1 • The risks and barriers faced by immigrant survivors who interact with Child
2 Protective Services;

3 • Legislation and administrative policies meant to protect immigrant survivors,
4 witnesses, and their families, including the Values Act and DACA;

5 • Building credit and maintaining income for undocumented survivors.

6 8. Over the last three years, in response to member demand, we have steadily
7 increased the percentage of our trainings that cover immigration-related content. In the 2015-16
8 fiscal year, 29% of trainings covered immigration-related topics. In the 2016-17 fiscal year, this
9 figure was at 31%. Thus far this fiscal year, 40% of all our trainings have covered immigration-
10 related topics.
11

12 9. Survivors' fear of police facilitating deportations has had a direct impact on the
13 work that we do and the work of our member organizations. A crucial part of helping domestic
14 violence survivors and promoting safer communities involves ensuring that victims and
15 witnesses feel safe reporting incidents of abuse, seeking medical treatment at hospitals, taking
16 refuge at domestic violence shelters, and reaching out to programs for assistance. When
17 survivors and witnesses do not report crimes or avail themselves of services for fear that contact
18 with the police and other public entities might result in their deportation or the deportation of a
19 family member, they face an untenable choice between seeking safety and support, and
20 experiencing abuse. Their inability to seek help also puts other members of the community at
21 risk, because public safety issues and threats are left unaddressed.
22

23 10. A member organization in the Bay Area reported to us that immediately following
24 the 2016 presidential election, its clients and their children consistently brought up their fear of
25 immigration enforcement during their one-on-one intakes and follow-up appointments. One of
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1 our member's clients told the member, "My children are scared that I am going to get deported
2 and they don't want to go to school now."

3 11. A member organization in Los Angeles reported to us that a domestic violence
4 victim was interviewed by police. Despite having suffered severe violence, she denied all her
5 partner's abuse because she was afraid to have police involved in her family's life. This victim
6 was scared that telling the truth about the abuse she suffered would lead to family members
7 being deported. She had heard about increased local law enforcement cooperation with ICE and
8 the heightened vulnerability of victims when they seek help. What is even more tragic is that,
9 had she felt safe coming forward, she may have been eligible for legal protections and
10 immigration relief as a crime victim.
11

12 12. Another member organization in Los Angeles reported an incident in which a
13 survivor was too afraid to complete a court-ordered child custody visitation transfer in the police
14 department lobby—even though police departments can be safe places for a survivor to transfer
15 child custody to a former abuser—because her former partner had previously threatened to get
16 her deported. This survivor was forced to choose between protecting herself and her daughter,
17 and facing the risk of deportation.
18

19 13. Prior to the passage of the Values Act and beginning in 2017, our member
20 organizations reported dramatic increases in immigrant survivors' fear of local law enforcement,
21 which had a chilling effect on their willingness to seek legal remedies. Member organizations—
22 particularly those located in geographic areas with large immigrant populations—reported to the
23 Partnership significant decreases in the number of calls they were receiving from immigrant
24 domestic violence survivors. This trend was deeply troubling because it indicated that an
25 increasing number of survivors were not reporting abuse or seeking help. Across California,
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1 immigrant survivors were scared to go to hospitals or call the police because they were afraid of
2 being deported and losing their children.

3 14. Reports from law enforcement corroborate this pattern. Los Angeles Police Chief
4 Charlie Beck has stated that since the beginning of 2017, reports of rape among the city's Latino
5 population have declined by 25%, and domestic violence reports have dropped nearly 10%.¹
6

7 15. Immigration agents' actions in the last year have exacerbated this fear. For
8 example, they have been using courthouses to arrest and deport immigrants, including victims of
9 and witnesses to crime, both here in California and throughout the country.²
10

11 16. Our members have felt the impact of these practices directly. One of our
12 members is a domestic violence shelter located in southern California. Historically, about half
13 the organization's clients have been undocumented immigrants. This changed after a widely
14 reported incident in which federal immigration agents in Texas entered a courthouse in February
15 2017 and arrested a domestic violence victim without legal status who was seeking a restraining
16 order against an abuser.³ As a result, immigrants immediately stopped reaching out to the
17 member for help. The chilling effect reduced this organization's immigrant clients to zero for
18 several ensuing months.⁴
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22 ¹ L.A. Times, Latinos Are Reporting Fewer Sexual Assaults Amid a Climate of Fear in
23 Immigrant Communities, March 21, 2017, <http://www.latimes.com/local/lanow/la-me-ln-immigrant-crime-reporting-drops-20170321-story.html>.

24 ² L.A. Times, ICE Agents Make Arrests at Courthouses, Sparking Backlash from Attorneys and
25 State Supreme Court, March 16, 2017, <http://www.latimes.com/local/lanow/la-me-ln-ice-courthouse-arrests-20170315-story.html>.

26 ³ Wash. Post, "This Is Really Unprecedented": ICE Detains Woman Seeking Domestic Abuse
27 Protection at Texas Courthouse, February 16, 2017,
28 https://www.washingtonpost.com/news/morning-mix/wp/2017/02/16/this-is-really-unprecedented-ice-detains-woman-seeking-domestic-abuse-protection-at-texas-courthouse/?utm_term=.e2e1b446d489.

⁴ L.A. Times, Fearing Deportation, Many Domestic Violence Victims Are Steering Clear of
Police and Courts, October 9, 2017, <http://www.latimes.com/local/lanow/la-me-ln-undocumented-crime-reporting-20171009-story.html>.

1 17. Other member organizations in Los Angeles, the Bay Area, and the Central
2 Valley have similarly reported that the incident in Texas has made clients reluctant to go to court
3 to obtain restraining orders or for family law matters, because their clients have become more
4 afraid of ICE than their abusers. Fears about being detained by ICE inhibits clients from taking
5 public transportation or otherwise leaving their homes to obtain services or legal relief.
6

7 18. Recent studies have shown that reporting rates among Latino Californians has
8 plummeted, while remaining the same for other races. A national survey conducted in April
9 2017 revealed that 78% of advocates and attorneys reported that the immigrant victims they
10 serve express fears about contacting state and local police. Similarly, 75% of service providers
11 reported that immigrant survivors express concerns about going to court for a matter related to
12 the abuser. And 43% of advocates have worked with immigrant survivors who dropped civil or
13 criminal cases because potential immigration consequences made them afraid to continue with
14 their cases.⁵
15

16 19. In another survey conducted in September 2017, only 56% of Latino Californians
17 responded that they would be likely to call the police if they needed help in an emergency, versus
18 77% of White Californians.⁶ The same study found that although nearly 65% of Latinas said
19 they had a friend or family member affected by domestic violence, 35% thought that calling the
20 police might make domestic violence matters worse, and 42% believed that intervening could
21 endanger the victim's immigration status.⁷
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25 ⁵ 2017 Advocate and Legal Service Survey Regarding Immigrant Survivors,
26 <http://www.tahirih.org/pubs/key-findings-2017-advocate-and-legal-service-survey-regarding-immigrant-survivors/>.

27 ⁶ Blue Shield of California Foundation, Californian's Views on Gender, Sexism, and Domestic
28 Violence, Survey Findings September 2017,
https://www.blueshieldcafoundation.org/sites/default/files/covers/DV%20Report%209.26_FINALE.pdf.

⁷ *Id.*

1 20. Another survey in San Diego found that when undocumented Mexican nationals
2 believe that local law enforcement will cooperate with ICE on deportation raids, they are 60.8%
3 less likely to report crimes they witnessed, 42.9% less likely to report being the victim of a
4 crime, 69.6% less likely to use public services that require them to disclose their personal
5 information, 63.9% less likely to do business (e.g., open a bank account, get a loan) that requires
6 them to disclose their personal information, 68.3% less likely to participate in public events
7 where police may be present, and 52.1% less likely to look for a new job. Among those with
8 children, they were 42.9% less likely to place their children in after-school or day-care
9 programs.⁸
10

11 21. Because of these disturbing trends, prior to the Values Act, the Partnership and its
12 members invested significant resources in local outreach to combat fear and distrust in local law
13 enforcement among immigrant communities. Last year, many of the Partnership’s monthly
14 regional network meetings, particularly in the Central Valley and the Bay Area, were focused on
15 developing strategies for how to shift outreach work to address these issues. The Partnership and
16 its members have run trainings on creating special safety plans with immigrant survivors, hosted
17 presentations by immigration law experts, and sponsored immigration-focused Know-Your-
18 Rights events.
19
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21 22. The Partnership has also supported bills that will ensure that victims and
22 witnesses of domestic abuse, sexual assault, and human trafficking are not afraid to report abuse
23 or seek help from law enforcement due to their immigration status. In 2017, the Partnership
24 spent 1,050 hours educating legislators and raising public awareness about the importance of
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27 ⁸ Wash. Post, Sanctuary Cities Don’t “Breed Crime.” They Encourage People to Report Crime,
28 April 24, 2018, https://www.washingtonpost.com/news/monkey-cage/wp/2018/04/24/sanctuary-cities-dont-breed-crime-they-encourage-people-to-report-crime/?noredirect=on&utm_term=.923388bac8ab.

1 safeguarding the rights of immigrants and maintaining the trust of California's immigrant
2 population.

3 23. The Partnership strongly advocated for the passage of Senate Bill 54 ("SB 54"),
4 which includes the Values Act. I, along with three of the Partnership's full time employees,
5 participated in 21 conference calls, attended and testified at two California State Committee
6 hearings, and submitted letters of support to the Senate Appropriations Committee, the Assembly
7 Appropriations Committee, the Committee Counsel in both houses, and Governor Jerry Brown.
8 We issued three calls-to-action to our members, conducted nine media interviews, spoke at press
9 conferences, mobilized our members to speak at press conferences, and signed two national
10 advocacy letters to DHS Secretary John Kelly and Senators Grassley and Vitter.
11

12 24. On May 2 and 3, 2017, the Partnership hosted Policy Advocacy Day, a two-day
13 lobbying event in which 13 of the Partnership's staff and 164 advocates participated,
14 representing 55 member organizations. During this event, members from across California
15 convened in Sacramento to speak with state legislators about their work, the community of
16 survivors they serve, and the Partnership's policy priorities. During Policy Advocacy Day, one
17 third of lobbying efforts were geared towards the passage of the Values Act.
18

19 25. The passage of the Values Act has already had a significant impact on the
20 Partnership and its members, and it will have a lasting effect on our work in the future. Our
21 members expect a significant increase in the number of immigrant victims they are able to reach
22 due to the increase in trust between immigrant victims and law enforcement.
23

24 26. Because the Values Act encourages immigrant victims of domestic violence to
25 seek safety and support, the law allows us to better serve our goals of advancing the safety and
26 healing of victims, survivors, and their families, and of eliminating domestic violence and
27 promoting public safety in California.
28

1 27. An injunction of the Values Act would create immediate and devastating harm to
2 the Partnership's individual members, its member organizations, and victims of domestic
3 violence throughout California. Immigrant survivors and survivors with immigrant family
4 members would be driven back into the shadows and dissuaded from seeking police protection
5 and other services, because they would legitimately fear that seeking those services could lead
6 them or their family members to be detained and deported. This likely impact of an injunction is
7 borne out by the experience of survivors and service providers prior to the Values Act.
8

9 28. Because of this fear, an injunction would force the Partnership's organizational
10 members to change their operations significantly. I have communicated with dozens of them
11 about this possibility, and they have reported several changes they would be forced to make.
12 Virtually all of our organizational members would have to divert resources to increase their
13 outreach to immigrant survivors who would be newly dissuaded from seeking protection from
14 domestic violence. That outreach would take many forms, including making presentations at
15 public meetings to encourage survivors to seek help; holding know-your-rights trainings and
16 other workshops; and distributing literature at clinics, places of worship, places of work, and
17 community centers to educate immigrant survivors and survivors from mixed-status families
18 about the types of protection they can safely seek in the absence of the Values Act. Almost all
19 members would also have to change the way they help survivors form individual safety plans, to
20 account for the fact that calling the police might no longer be an option for some survivors.
21 Some members report that they would redirect significant resources to advocating for protective
22 local policies if the Values Act were enjoined. And member agencies that are co-located with
23 law enforcement would have to find other physical spaces in which to meet with clients, many of
24 whom would no longer feel safe entering the offices of law enforcement agencies who could
25 now facilitate their deportation.
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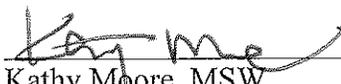
1 29. An injunction would also have a major effect on the Partnership itself. If the
2 Values Act were enjoined, addressing the new lack of trust between immigrant victims and law
3 enforcement would become a top priority for the Partnership. We would work towards local
4 public policy changes that would carve out protections for immigrant victims, increase our
5 administrative advocacy efforts with law enforcement agencies to protect immigrant victims,
6 provide more technical assistance to local programs about immigration enforcement, and
7 increase our collaboration with immigrants' rights organizations that are also working to address
8 immigrant crime victims' post-injunction inability to work with law enforcement.
9

10 30. An injunction would have an equally serious financial effect on our organization.
11 Given sufficient funding, the Partnership would strive to renew outreach efforts to immigrant
12 communities, develop new immigrant-focused training programs, create and implement a new
13 communications strategy, and mobilize a state-wide policy campaign. To do that, we would
14 need to hire an additional half-time Program Specialist, half-time Policy Specialist, and half-time
15 Communications Coordinator to counteract the injunction's negative effects. This would cost
16 the organization \$120,000. And we would strive to hire three full-time attorneys to provide legal
17 assistance to immigrant survivors, along with training and technical assistance to member
18 organizations who provide legal services, like helping apply for U visas, T visas, and protection
19 under the Violence Against Women Act. The estimated cost of the new attorneys is \$300,000.
20 These changes would alter the nature of our work significantly. And raising money for these
21 new activities would dramatically impair our ability to raise money for other activities.
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31. I declare under penalty of perjury that the foregoing is true and correct.

Dated: May 3, 2018
Sacramento, California


Kathy Moore, MSW
Executive Director
California Partnership to End Domestic Violence