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11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE EASTERN DISTRICT OF CALIFORNIA
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14

15 **THE UNITED STATES OF AMERICA,**

16 Plaintiff,

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

**DECLARATION OF JIM HART IN
SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFF'S
MOTION FOR PRELIMINARY
INJUNCTION**

Judge: Honorable John A. Mendez
Action Filed: March 6, 2018

1 I, Jim Hart, declare as follows:

2 1. I am a resident of the State of California. I have personal knowledge of the facts
3 set forth in this declaration. If called as a witness, I could and would testify competently to the
4 matters set forth below.

5 2. I am the Sheriff of Santa Cruz County, California. I have worked with the Santa
6 Cruz Sheriff's Office for 29 years and have served as Sheriff since 2015.

7 3. The Santa Cruz Sheriff's Office serves unincorporated areas of the County of
8 Santa Cruz which spans approximately 420 square miles. There are approximately 140 thousand
9 people in these areas and approximately 275 thousand in the County in total. On any given
10 weekend, there are 50-100 thousand visitors. The Sheriff's Office has more than 360 employees,
11 including 160 sworn peace officers. The Sheriff's Office investigates thousands of suspected
12 crimes each year.

13 4. The core function of the Santa Cruz Sheriff's Office is to effectively police the
14 unincorporated areas of Santa Cruz County and protect the communities living within the County
15 of Santa Cruz. Community trust and cooperation are essential elements to community oriented
16 policing, and the foundation of the Sheriff's Office public safety work.

17 5. I am familiar with the Santa Cruz Sheriff's Office's policies regarding the
18 investigation and enforcement of immigration laws. I am also familiar with the California Values
19 Act, or "SB 54." For the reasons discussed below, these laws and policies benefit the public
20 safety of our community. They foster trust between law enforcement and the residents we serve,
21 and facilitate open and candid reporting of crimes. Moreover, they have been successful in
22 creating an environment where community members, regardless of their immigration status, feel
23 comfortable to report crimes, serve as witnesses, and assist law enforcement with investigations.

24 6. Since at least 1996, the Santa Cruz Sheriff's Office has had in place policies
25 restricting employees from questioning, investigating, searching, or arresting members of the
26 public solely because of their immigration or citizenship status or an actual or suspected violation
27 of federal immigration law. Based on my experience and my opinion about the law enforcement
28 needs and priorities of the County of Santa Cruz, I agree with and support these policies, which

1 align with the Sheriff's Office's longstanding community policing practices and have been
2 updated since I was elected to Sheriff to conform with California state law, including the Values
3 Act.

4 7. This practice, and state confidentiality statutes that limit the sharing of information
5 about witnesses and victims of crime for federal immigration enforcement purposes, including the
6 limitations on sharing personal information in SB 54, also assists the Santa Cruz Sheriff's Office
7 in detecting and investigating suspected criminal offenses. The Sheriff's Office relies on members
8 of the local community, without regard to immigration status, on a daily basis to assist with the
9 detection, investigation, and prosecution of crimes, as well in deterring criminal activity.

10 8. Conversely, based on my experience, I have found that community members are
11 less forthcoming in assisting the Santa Cruz Sheriff's Office if it were viewed as an extension of
12 Immigration and Customs Enforcement (ICE). Witnesses and victims are less likely to report
13 crimes to local law enforcement if they fear that the information they provide will be used against
14 them or someone they know for federal immigration enforcement purposes.

15 9. For example, in February 2017, ICE conducted numerous raids in Santa Cruz City
16 and in the unincorporated areas of Santa Cruz County. Despite the ostensible purpose of the raids
17 being to locate and arrest criminal gang members, ICE detained and held over twenty individuals
18 for suspected immigration violations that were not named in any arrest warrant or suspected of
19 any criminal activity. Although the Sheriff's Office did not participate in the raids, this single
20 day's events created a rift in our community and undid years of relationship-and trust-building
21 between our office and the community. This fear of deportation permeates throughout families
22 and communities that often consist of individuals with mixed immigration statuses. If a witness or
23 victim to a crime is a legal permanent resident, or even a U.S. citizen, they still may be hesitant
24 about reporting a crime if the report may implicate an individual they know who may be
25 undocumented. Overall, all community members, not just the undocumented, are less likely to
26 report crimes or to seek help from law enforcement if they fear that law enforcement officers are
27 operating as de facto ICE agents.

1 10. As another example, these problems arise in the domestic violence context. A
2 victim who is an undocumented immigrant may be afraid to report an abusive spouse out of fear
3 that the spouse may retaliate by telling law enforcement that the victim is undocumented. Or a
4 victim whose spouse is undocumented may be afraid to report the abuser out of fear that the
5 abuser, who may be a co-parent or wage-earner, will be deported. In my role as Sheriff, I continue
6 to be informed that the failure to report these crimes is due, in part, because of the fear mentioned
7 above. These are the types of scenarios where the Santa Cruz Sheriff's Office policy and SB 54
8 can encourage community members to come forward and report crimes, to protect the public
9 safety, without the fear of deportation.

10 11. During my tenure, the Santa Cruz Sheriff's Office has certified U or T
11 immigration visas for more than 60 individuals who have reported crimes ranging from domestic
12 violence to armed robbery and serious, violent gang crimes that led to the arrest and prosecution
13 of numerous criminal offenders. The Sheriff's Office has also received two reports of hate crimes
14 that target one's race, ethnicity, national origin, citizenship, or immigration status that led to the
15 arrest and prosecution of two criminal offenders. Without State laws and local practices that
16 protect the confidentiality of victims and witnesses of certain crimes, it would have been
17 significantly less likely that these victims and witnesses would have come forward, the offenders
18 would have gone free, and the community would be less safe.

19 12. If the Santa Cruz Sheriff's Office was forced to revise its policies to allow
20 unfettered compliance with federal immigration enforcement, this would undoubtedly undermine
21 community trust and cooperation with law enforcement in the County of Santa Cruz. Such
22 erosion of community trust in local law enforcement would have a chilling effect on the
23 reporting of criminal activity and assisting the Sheriff's Office in criminal investigations in the
24 County of Santa Cruz. Entangling local law enforcement with ICE would particularly lead to dire
25 consequences to our community's most vulnerable victims. Many victims of hate crimes, labor
26 trafficking, domestic violence, and sexual assaults-as well as witnesses to these crimes-are
27 undocumented immigrants or associated to undocumented immigrations. The net result is that the
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1 Sheriff's Office would be in a worse position to effectively police, protect, and serve the
2 communities of the County of Santa Cruz.

3 13. Moreover, the Santa Cruz Sheriff's Office simply does not possess adequate
4 resources to enforce federal immigration laws. With respect to our law enforcement operations,
5 we have relatively few deputies to cover a wide area of land – approximately one deputy on patrol
6 for every 50 square miles. Our deputies simply do not have the time to police the community and
7 engage in federal immigration enforcement. With respect to the corrections side of our work, any
8 additional duties imposed on us by ICE is burdensome. We have four jails in the Santa Cruz
9 County Jail system that run, on average, at 122 percent of capacity. On any given day, the daily
10 population runs anywhere from 115 to 130 percent of capacity. Our main jail, where pretrial
11 detainees are kept, can run as high as 135 percent of capacity. On top of this, we are often faced
12 with staffing shortages that make even processing the additional paperwork related to detainers
13 difficult. Thus, even if we wanted to cooperate with ICE's detainer requests, we simply do not
14 have the resources to do so.

15 14. Moreover, 60 percent of all arrests in Santa Cruz County are for misdemeanor
16 offenses. These individuals are booked in a matter of hours and immediately released. So, by the
17 time we get a request from ICE to hold these individuals or to notify them of their release, they
18 are already out of our custody.

19 15. Based on my experience as a law enforcement officer, I firmly believe that
20 cooperation between local law enforcement and ICE to enforce federal immigration laws harms
21 our relationship with our immigrant community and results in a less safe community because
22 immigrants fail to disclose crimes that they witness and/or are victims to out of fear of
23 deportation. It is my experience that an immigrant is no more likely to commit crime than a long
24 time community member. When our office is able to establish trust in the community, we see that
25 more people are willing to come out of the shadows and report crime which, in turn, enhances
26 public safety. Indeed, our rolling monthly total crime rate per one thousand residents is half of
27 what it is for the state: 15.28 compared to 29.89. For violent crime, the rate per one thousand
28 residents is also roughly half of what it is for the state: 2.0 compared to 4.4.

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16. It is for all of these reasons that I support the limitations on local law enforcement's participation in immigration enforcement specified in SB 54.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed on April 26, 2018 in Santa Cruz.



Jim Hart, Sheriff, Santa Cruz County