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11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE EASTERN DISTRICT OF CALIFORNIA
13
14

15 **THE UNITED STATES OF AMERICA,**

16 Plaintiff,

17
18 v.

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

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

**AMENDED DECLARATION OF
CHEROKEE MELTON IN SUPPORT OF
DEFENDANTS' OPPOSITION TO
PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION**

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

1 I, Cherokee Melton, declare as follows:

2 1. I am a member of the California State Bar, admitted to practice before this Court,
3 employed by the Office of the California Attorney General as a Deputy Attorney General, and
4 counsel to Defendants in this action.

5 2. In December 2017, the Attorney General's Office began visiting California
6 detention facilities that hold civil immigration detainees, pursuant to Assembly Bill 103 (AB
7 103), codified at Government Code § 12532.

8 3. As of February 2018, the Attorney General's Office had visited the following five
9 county-owned facilities used by Immigration and Customs Enforcement (ICE) to hold civil
10 immigration detainees: Contra Costa West County Detention Facility; James A. Musick Facility;
11 Theo Lacy Facility; Rio Cosumnes Correction Center; and Yuba County Jail. In addition, the
12 Attorney General's Office has visited Yolo County Juvenile Detention Facility which, upon
13 information and belief, contracts with the Office of Refugee Resettlement to hold juvenile civil
14 immigration detainees.

15 4. The Attorney General's Office has not yet gained access to the following four
16 privately-owned facilities: Adelanto Detention Center; Mesa Verde Detention Facility; Imperial
17 Regional Detention Facility; and Otay Mesa Detention Center.

18 5. Attached hereto as Exhibit A, is a true and correct copy of excerpts from the
19 certified transcript of the deposition of Thomas Homan, taken on Tuesday, April 10, 2018, in
20 Washington D.C.

21 6. Attached hereto as Exhibit B is a true and correct copy of Bates No.
22 USvCA_Homan_Depo000463, produced at the deposition of Mr. Homan on April 10, 2018, and
23 marked as Homan Exhibit 5. This exhibit was designated CONFIDENTIAL by Plaintiff and has
24 been filed provisionally under seal pending Court Order. *See* Notice of Request to Seal
25 Documents in Support of Defendants' Opposition to Plaintiff's Motion for Preliminary
26 Injunction, filed concurrently herewith.

27 7. Attached hereto as Exhibit C is a true and correct copy of Bates No.
28 USvCA_Homan_Depo000389, produced at the deposition of Mr. Homan on April 10, 2018. This

1 document was designated CONFIDENTIAL by Plaintiff and has been filed provisionally under
2 seal pending Court Order. *See* Notice of Request to Seal Documents in Support of Defendants'
3 Opposition to Plaintiff's Motion for Preliminary Injunction, filed concurrently herewith.

4 8. Attached hereto as Exhibit D is a true and correct copy of Bates No.
5 USvCA_Homan_Depo000246-250, produced at the deposition of Mr. Homan on April 10, 2018.
6 This document was designated CONFIDENTIAL by Plaintiff and has been filed provisionally
7 under seal pending Court Order. *See* Notice of Request to Seal Documents in Support of
8 Defendants' Opposition to Plaintiff's Motion for Preliminary Injunction, filed concurrently
9 herewith.

10 9. Attached hereto as Exhibit E is a true and correct copy of excerpts from the
11 certified transcript of the deposition of Todd Hoffman, including an errata sheet with corrections
12 to cited sections of the excerpts, taken Thursday, April 12, 2018, in Washington D.C.

13 10. Attached hereto as Exhibit F is a true and correct copy of Bates No.
14 USvCA_Hoffman_Depo000001-000005, produced at the deposition of Mr. Hoffman on April 10,
15 2018, and marked as Hoffman Exhibit 11. This exhibit was designated CONFIDENTIAL by
16 Plaintiff and has been filed provisionally under seal pending Court Order. *See* Notice of Request
17 to Seal Documents in Support of Defendants' Opposition to Plaintiff's Motion for Preliminary
18 Injunction, filed concurrently herewith.

19 11. Attached hereto as Exhibit G is a true and correct copy of Bates No.
20 USvCA_Hoffman_Depo000006-000011, produced at the deposition of Mr. Hoffman on April 10,
21 2018, and marked Hoffman Exhibit 12. This exhibit was designated CONFIDENTIAL by
22 Plaintiff and has been filed provisionally under seal pending Court Order. *See* Notice of Request
23 to Seal Documents in Support of Defendants' Opposition to Plaintiff's Motion for Preliminary
24 Injunction, filed concurrently herewith.

25 12. Attached hereto as Exhibit H is a true and correct copy of Bates No.
26 USvCA_Hoffman_Depo0000012-000017, produced at the deposition of Mr. Hoffman on April
27 10, 2018, and marked Hoffman Exhibit 13. This exhibit was designated CONFIDENTIAL by
28 Plaintiff and has been filed provisionally under seal pending Court Order. *See* Notice of Request

1 to Seal Documents in Support of Defendants' Opposition to Plaintiff's Motion for Preliminary
2 Injunction, filed concurrently herewith.

3 13. Attached hereto as Exhibit I is a true and correct copy of Bates No.
4 USvCA_Hoffman_Depo0000018-000023, produced at the deposition of Mr. Hoffman on April
5 10, 2018, and marked Hoffman Exhibit 14. This exhibit was designated CONFIDENTIAL by
6 Plaintiff and has been filed provisionally under seal pending Court Order. See Notice of Request
7 to Seal Documents in Support of Defendants' Opposition to Plaintiff's Motion for Preliminary
8 Injunction, filed concurrently herewith

9 14. Attached hereto as Exhibit J is a true and correct copy of a webpage from the
10 Alameda County Sheriff's Office that I accessed and downloaded on May 2, 2018.

11 15. Attached hereto as Exhibit K is a news article titled "Alameda County Sheriff's
12 Decision to Make Inmate Release Dates Public Stirs Concern Among Immigrant Rights
13 Advocates," dated April 3, 2018. I accessed and downloaded this article on May 2, 2018 at
14 [https://www.eastbayexpress.com/SevenDays/archives/2018/04/03/alameda-county-sheriffs-](https://www.eastbayexpress.com/SevenDays/archives/2018/04/03/alameda-county-sheriffs-office-decision-to-make-inmate-release-dates-public-stirs-concern-among-immigrant-rights-advocates)
15 [office-decision-to-make-inmate-release-dates-public-stirs-concern-among-immigrant-rights-](https://www.eastbayexpress.com/SevenDays/archives/2018/04/03/alameda-county-sheriffs-office-decision-to-make-inmate-release-dates-public-stirs-concern-among-immigrant-rights-advocates)
16 [advocates.](https://www.eastbayexpress.com/SevenDays/archives/2018/04/03/alameda-county-sheriffs-office-decision-to-make-inmate-release-dates-public-stirs-concern-among-immigrant-rights-advocates)

17 16. Attached hereto as Exhibit L is a true and correct copy of the privilege log
18 produced by the United States on April 19, 2018 in this matter.

19 17. Attached hereto as Exhibit M is a summary index of information contained in
20 detention facility contracts, Exhibits N-S, which were produced by Plaintiff and designated
21 CONFIDENTIAL by Plaintiff, and have been filed provisionally under seal pending Court Order.
22 See Notice of Request to Seal Documents in Support of Defendants' Opposition to Plaintiff's
23 Motion for Preliminary Injunction, filed concurrently herewith.

24 18. Attached hereto as Exhibit N is a true and correct copy of an excerpt of an
25 Intergovernmental Service Agreement produced by Plaintiff. This exhibit was designated
26 CONFIDENTIAL by Plaintiff and has been filed provisionally under seal pending Court Order.
27 See Notice of Request to Seal Documents in Support of Defendants' Opposition to Plaintiff's
28 Motion for Preliminary Injunction, filed concurrently herewith.

1 19. Attached hereto as Exhibit O is a true and correct copy of an excerpt of an
2 Intergovernmental Service Agreement produced by Plaintiff. This exhibit was designated
3 CONFIDENTIAL by Plaintiff and has been filed provisionally under seal pending Court Order.
4 *See* Notice of Request to Seal Documents in Support of Defendants' Opposition to Plaintiff's
5 Motion for Preliminary Injunction, filed concurrently herewith.

6 20. Attached hereto as Exhibit P is a true and correct copy of an excerpt of an
7 Intergovernmental Service Agreement produced by Plaintiff. This exhibit was designated
8 CONFIDENTIAL by Plaintiff and has been filed provisionally under seal pending Court Order.
9 *See* Notice of Request to Seal Documents in Support of Defendants' Opposition to Plaintiff's
10 Motion for Preliminary Injunction, filed concurrently herewith.

11 21. Attached hereto as Exhibit Q is a true and correct copy of an excerpt of an
12 Intergovernmental Service Agreement produced by Plaintiff. This exhibit was designated
13 CONFIDENTIAL by Plaintiff and has been filed provisionally under seal pending Court Order.
14 *See* Notice of Request to Seal Documents in Support of Defendants' Opposition to Plaintiff's
15 Motion for Preliminary Injunction, filed concurrently herewith.

16 22. Attached hereto as Exhibit R is a true and correct copy of an excerpt of a contract
17 for detention services produced by Plaintiff. This exhibit was designated CONFIDENTIAL by
18 Plaintiff and has been filed provisionally under seal pending Court Order. *See* Notice of Request
19 to Seal Documents in Support of Defendants' Opposition to Plaintiff's Motion for Preliminary
20 Injunction, filed concurrently herewith.

21 23. Attached hereto as Exhibit S is a true and correct copy of an excerpt of an
22 Intergovernmental Agreement produced by Plaintiff. This exhibit was designated
23 CONFIDENTIAL by Plaintiff and has been filed provisionally under seal pending Court Order.
24 *See* Notice of Request to Seal Documents in Support of Defendants' Opposition to Plaintiff's
25 Motion for Preliminary Injunction, filed concurrently herewith.

1 I declare under penalty of perjury under the laws of the United States that the foregoing is
2 true and correct and that this declaration was executed on May 14, 2018 in Los Angeles,
3 California.

4 
5
6 CHEROKEE MELTON

EXHIBIT A

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

- - - - - x

THE UNITED STATES OF AMERICA, :
Plaintiff, :

vs. : No. 18-264

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. :

- - - - - x

VIDEOTAPED

DEPOSITION OF: THOMAS HOMAN

DATE: Tuesday, April 10, 2018

TIME: 10:12 a.m.

LOCATION: Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C.

REPORTED BY: Denise M. Brunet, RPR
Reporter/Notary

A P P E A R A N C E S

On behalf of the Plaintiff:

COLIN A. KISOR, ESQUIRE

EREZ REUVENI, ESQUIRE

LAUREN BINGHAM, ESQUIRE

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On behalf of the Defendants:

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(Appearances continued on the next page.)

1 APPEARANCES (continued):

2

3 On behalf of the Defendants (continued):

4 LEE I. SHERMAN, ESQUIRE

5 CHEROKEE DM MELTON, ESQUIRE

6 SATOSHI YANAI, ESQUIRE

7 State of California

8 Department of Justice

9 300 S. Spring Street

10 Suite 1702

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14

15 ALSO PRESENT: Rene E. Browne

16 Michael P. Davis

17 Michael F. Arnold

18 Moria Skinner

19 Julie Laughlin

20 Dan Reidy, Videographer

21

22

23

24

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1 were accurate and up to date. I don't know --
2 I'm -- certainly, you know, would say the numbers
3 are different today, as of today, because people
4 have been arrested since I've signed this.

5 Q Thank you. In fiscal year 2018, has ICE
6 increased its immigration enforcement operations
7 in California?

8 A We have increased our enforcement
9 footprint in California.

10 Q In what specific ways?

11 A I have sent more officers and agents to
12 the State of California to do the same job we used
13 to do with less officers and agents.

14 Q Besides sending more agents, are there
15 other ways in which ICE has increased its
16 immigration enforcement activities in California?

17 A Again, the prioritization has changed.
18 The aperture of those who fall within a priority
19 has increased. So there are more fugitive arrests
20 as per the executive order. There are more
21 collateral arrests because we can't work in a
22 jail, which means we have to go to a neighborhood
23 where we'll find collaterals.

24 That's probably the biggest changes.

25 Q Do you attribute the increase to [sic]

1 immigration enforcement activities in California
2 to SB 54?

3 A I contribute [sic] the increase in
4 non-criminal alien arrests and the increase in
5 collateral arrests to SB 54, yes.

6 Q And can you please explain why you
7 attribute it to SB 54?

8 A Because when we used to have offices
9 inside the jail, one officer could sit in the
10 county jail and process 10, 12 aliens a day. When
11 that jail chooses to release those people, I have
12 to send a fug-ops team, which is usually staffed
13 by five or six officers, to locate that person.

14 So one officer used to process 10 to 12
15 aliens a day. Now I've got to send an entire
16 fug-ops team to go find one person. So that has
17 required me to send more resources to the State of
18 California to do the same job we used to do with
19 less. We lost the efficiency of working inside
20 the jail.

21 So that's had a direct impact on our
22 operations, not only costing more money for the
23 government to send more additional officers out
24 there to support at large operations, it also puts
25 my officers at great risk.

1 Q You just stated that it costs more money
2 for the government to send additional agents. Do
3 you have an estimate of how much more money it
4 costs?

5 A I don't know the figure offhand. We --
6 we did operations recently in southern California
7 and in northern California. We did three
8 operations this -- in the past several months in
9 California. We had to send many detail agents to
10 augment existing staff to do these operations.
11 I'm certain we track those expenses. I don't know
12 off the top of my head. We certainly can provide
13 them.

14 Q Do you attribute the increase in ICE
15 enforcement activities in California to AB 450?

16 A I think AB 450 is requiring us to work
17 harder and less efficient than prior to the
18 enactment of 450.

19 Q Can you please describe why you believe
20 that?

21 A Well, a couple of things. We just did an
22 I-9 operation in California, and I recently
23 learned that, for instance, one company in San
24 Francisco did not want to supply the I-9 forms per
25 the notice of inspection. It was the delay in

1 giving us the I-9 forms until the company -- the
2 company felt like they would be in violation of
3 450, so they got an attorney. We had to do an
4 administrative subpoena to get the documents.
5 That caused more work.

6 There seemed to be confusion on what the
7 employer thought between 450 versus what the
8 federal requirements are. So we spent more time
9 in working that one case. That's one I was
10 briefed on specifically.

11 Q What company are you referring to?

12 A I don't have that number offhand.

13 Q The name offhand?

14 A I don't know it offhand.

15 Q Okay. When did this I-9 operation
16 relating to this company occur?

17 A Within the past eight weeks. I don't
18 know the exact dates. We have a rolling I-9
19 inspection throughout the country. California
20 was -- I think we've already completed the first
21 phase in California. So several weeks ago.

22 Q And did the company specifically inform
23 you that they did not want to comply with the I-9
24 inspection process?

25 A The information I received from HSI

1 leadership was that the company would not --
2 didn't think they had to comply with the notice of
3 inspections to give the I-9s within the three days
4 required. They thought they were going to be in
5 violation of 450.

6 They contacted an attorney. We actually
7 did an administrative subpoena, and we got the
8 I-9s after additional work. That is what was
9 relayed to me.

10 Q Who relayed that to you?

11 A Derek Benner, the acting executive
12 associate director for Homeland Security
13 investigations.

14 Q And who relayed that to Derek?

15 A The e-mail was -- first, Derek verbally
16 told me that he followed up with an e-mail. The
17 e-mail was from Derek. And their staff below -- I
18 don't know who -- I'm sure the e-mail split up
19 between -- we have three SACs, special agents in
20 charge: San Francisco, L.A. and San Diego. So it
21 was -- I'm sure he got it from the SACs, but I do
22 not know for sure because I did not ask him that
23 question.

24 Q Do you know if Derek obtained that
25 information directly from the company?

1 A It has to be submitted and requested
2 through HSI leadership in the field office. So I
3 don't know if that's -- at what level that is. I
4 mean, back when I was an agent, it was the head of
5 that office, which would be the ADDI. I'm not
6 sure what the approval level is now for an
7 administrative subpoena. But it requires work by
8 the staff to request an administrative subpoena,
9 draw the administrative subpoena up and have
10 someone approve it, sign it, then serve it.

11 Q In this situation in which you had to
12 obtain an administrative subpoena, how long after
13 the initial request for the I-9 inspection did you
14 obtain the subpoena?

15 A I do not know.

16 Q Do you have enough information to give a
17 good faith estimate of how long?

18 A No.

19 Q Do you know whether it was within one
20 week of the initial request for the I-9
21 inspection?

22 A No. I don't recall what the e-mail said
23 other than there's a delay. So I -- if there's a
24 time frame in the e-mail or he said it verbally, I
25 don't recall. But I just -- during the I-9

1 process, the operations, knowing the difficulties
2 with the legislation, I asked for information on
3 how the operation was going. This was just one
4 issue that I remember being briefed on. I do not
5 have a time frame.

6 Q So after you served the administrative
7 subpoena, were you able to obtain the documents
8 that you needed for your inspection?

9 A That is my understanding.

10 Q Besides this one company that we are just
11 talking about, do you know of any other incidents
12 about employers being confused about what they are
13 or are not allowed to do during an I-9 inspection?

14 A Not specifically other than what I read,
15 of course, the numerous media reports about
16 employers being confused.

17 Q What media reports are you referring to?

18 A News stories. I read news clips every
19 morning when I come to work, and there was a lot
20 of news stories about our worksite operations in
21 California and how some employers seem to be
22 confused on complying with federal law or the
23 state law.

24 Q Do you recall any specific employers
25 referenced in these news clips that you reviewed?

1 A No.

2 Q Besides this one company in San Francisco
3 that we talked about, since the passage of AB 450,
4 have any employers informed ICE that they are
5 confused about what they are or are not allowed to
6 provide during the I-9 inspection?

7 A Not that I'm aware of.

8 Q Since the passage of AB 450, have any
9 employers informed ICE that they are confused
10 about what documents may or may not be provided
11 without a warrant?

12 A Can I go back to the previous question?
13 I just remembered something.

14 Q Yes.

15 A On that case in San Francisco, there was
16 another issue. We went and got an administrative
17 subpoena to get the I-9s because they didn't seem
18 like they could give them voluntarily, notice of
19 inspection, because of 450.

20 Also, the company notified our agent that
21 they were withdrawing from the IMAGE program
22 because they thought that was in violation. So
23 they were, my understanding, part of the ICE IMAGE
24 program, and now no longer because of the
25 legislation.

1 your answer was wrong.

2 A It's correct.

3 Q Okay. Do you know whether AB 450
4 prohibits the service of additional documents
5 during a form I-9 inspection?

6 A I do not know.

7 Q Since the passage of AB 450, are you
8 aware of any instances in California where HSI was
9 denied the ability to serve additional notices on
10 an employer?

11 A I'm not aware of any.

12 Q Since the passage of AB 450, are you
13 aware of any instances in California in which an
14 employer did not comply with providing additional
15 notices that were served during an I-9 inspection?

16 A Additional notices beyond the notice of
17 inspection?

18 Q Yes. So additional notices, as
19 referenced in your declaration, includes a notice
20 of technical procedural failures, notice of
21 discrepancies, notice of suspect documents,
22 warning notice and a notice of intent to fine.

23 A I'm not aware of any.

24 Q If you go to the middle of the paragraph
25 of paragraph 85, the sentence that begins with,

1 "This prohibition could impede HSI from obtaining
2 valuable evidence (for example, statements from
3 business owners, employees and/or human resources
4 managers)" -- do you see that sentence?

5 A Yes.

6 Q Since the passage of AB 450, are you
7 aware of any instances where HSI has been impeded
8 from obtaining valuable evidence that could have
9 been used in the prosecution of an employer?

10 A Could you repeat the question again?

11 Q Yes. Since the passage of AB 450, are
12 you aware of any instances where HSI has been
13 impeded from obtaining valuable evidence that
14 could have been used in the prosecution of an
15 employer?

16 A I'm not aware of any, but we certainly
17 wouldn't know what we don't know.

18 Q The next sentence states, "This
19 prohibition may also prevent HSI from obtaining
20 sufficient determination -- sufficient information
21 to determine the existing -- existence of
22 aggravating or mitigating factors."

23 Do you see that sentence?

24 A Yes.

25 Q Have any such incidents occurred?

1 A Not that I'm aware of.

2 Q Let's turn --

3 A I think the reason why this affidavit is
4 worded the way it is is based on our experience of
5 what happens during worksite operations, that this
6 is certainly an issue that we're concerned about
7 from past experience.

8 As I discussed before, doing a lot of
9 this work in a public area will tend to -- people
10 won't be freely discussing issues that would be
11 very important to criminal investigations or
12 protecting victims of trafficking or peonage. So
13 all of -- well, I don't know of any specific
14 incident that may have happened in California yet.
15 I think the possibility is very strong that it
16 will impede what we're trying to do.

17 Q And you believe that possibility is very
18 strong based on your experience as a law
19 enforcement official; is that correct?

20 A Yes.

21 Q Is there any other basis for your belief?

22 A Just my belief, along with other law
23 enforcement officers I've talked to that do this
24 type of work. I think there's an understanding
25 within law enforcement as a profession that we

1 Are those individuals within ICE?

2 A Yes.

3 Q Have you spoken with any law enforcement
4 agencies or officers in California about AB 450
5 and the impact?

6 A No. I spoke to Derek Benner. I told you
7 he relayed his findings from the offices in
8 California, but I have not specifically talked to
9 any agent in the State of California.

10 Q Let's turn to paragraph 86. Let me know
11 when you've had a chance to review.

12 A Okay.

13 Q Do you know of any incidents since AB 450
14 went into effect where an employer's inability to
15 consent to federal immigration officials entering
16 the premises impeded an investigation?

17 A No. Other than the one case in San
18 Francisco where they did not hand over -- they
19 felt like they couldn't comply with the notice of
20 inspection. But as far as entering the premises,
21 I don't have any information -- any examples of
22 that.

23 Q At the end of the paragraph, you mention
24 human smuggling and trafficking, and you've
25 mentioned that a few times today as well, as some

1 of your potential concerns. Do you know of any
2 incidents since AB 450 went into effect that has
3 caused detriment to ICE's enforcement efforts in
4 human smuggling and trafficking efforts?

5 A I don't have any specific examples, but
6 again, we don't know what we don't know, because
7 we haven't had private meetings with
8 employers/employees. That's my concern.

9 Q Let's turn to paragraph 87, please.

10 A Okay.

11 Q Are you aware of any incidents since
12 AB 450 went into effect where an employer's
13 failure to permit entry to federal immigration
14 officials led to the disclosure of an employee's
15 personal information?

16 A No.

17 Q Please turn to paragraph 88. How has
18 AB 450 adversely affected ICE's worksite
19 enforcement investigations?

20 A Other than the incident that we spoke of
21 in San Francisco, I think this paragraph talks
22 about what AB 450 will do to our operations and
23 what risk it will cause.

24 Q In the fourth line down, you state that,
25 "This could lead to a violent confrontation."

1 Do you see that sentence?

2 A Yes.

3 Q Are you aware of any violent
4 confrontations which have occurred as a result of
5 AB 450?

6 A No.

7 Q Let's turn to paragraph 60, please.

8 A You said 60?

9 Q 60, 6-0. This particular paragraph
10 relates to AB 103. And you discuss that the
11 inspections pursuant to that section has caused
12 the facilities to expend resources and presents a
13 burdensome intrusion into facility operations and
14 pulls scarce resources away.

15 Can you please describe, in as much
16 detail as you can, the nature of burdensome
17 intrusion into facility operations?

18 A It has been briefed to me that -- and
19 based on my experience, when you do a facility
20 inspection, it requires people to be present to
21 host the inspection. It requires a gathering of
22 many documents. It requires clearances to come in
23 the facility. People that would normally be doing
24 other work are pulled from that work to gather
25 documents, prepare for the inspections, host the

1 inspections, do follow-ups for the inspections.

2 We don't have a separate staff that does
3 nothing but prepare for inspections. They've got
4 to be pulled from other duties, whether it's guard
5 duty, you know, management duties, you know,
6 whatever. It just causes an undue burden on
7 facilities to have yet, you know, another
8 inspection that's going to require them to expend
9 resources and spend time and energy preparing for
10 and responding to and providing for the
11 inspection.

12 Q Have any specific facilities stated to
13 you or ICE that this is a burdensome intrusion
14 into their operations?

15 A I did not speak to the facilities. I was
16 briefed by my staff and detention management
17 staff. In the -- gathering the affidavit, I
18 believe Tae Johnson, who runs the detention
19 management division at headquarters, provided the
20 information that the facilities were complaining
21 about the burdensome extra work in pulling
22 resources to do this work from other critical
23 areas.

24 Q Do you know what facilities complained to
25 Tae Johnson?

1 A No, I do not.

2 Q When you were briefed by the staff and
3 detention management staff, did they provide you
4 details of which facilities complained to them?

5 A I do not recall. In the supporting
6 documentation I reviewed, I think there was some
7 documentations talking about specific facilities,
8 if I recall correctly, but, again, this was -- I
9 was briefed by my staff who was briefed by the
10 detention staff. I did not have discussions
11 personally with Tae Johnson. But I believe in the
12 supporting documentation there was some
13 documentation that talked about the facilities,
14 but I don't specifically recall what facilities.

15 Q When you refer to supporting
16 documentation, are you referring to e-mail
17 communications?

18 A I believe they're e-mails.

19 Q Are there any other type of --

20 A I don't recall.

21 Q -- communications?

22 A I don't recall.

23 Q When were you --

24 A Tae Johnson is a senior executive in my
25 staff, an SES. He's been doing detention

1 dearly, and that's information that, if it became
2 exposed to someone coming in doing an audit, that
3 would be a violation of federal law. We don't
4 even give that information to members of Congress.
5 So there's -- that's very serious.

6 And that's another -- besides the privacy
7 issue, we have certain statutes that protect
8 information from [sic] certain category of aliens.
9 And that's another concern about these
10 inspections.

11 Q Do you know of any DHS or ICE privacy
12 policies that have been violated as a result of
13 AB 103?

14 A No.

15 Q I'm going to refer back to -- I believe
16 this is Exhibit 3. It's the February 20th, 2017
17 enforcement memo. If you could please turn to
18 page 5 of that memorandum, section G. And that
19 discusses aligning the department's privacy
20 policies with the law.

21 A Okay.

22 Q So the first sentence states that, "The
23 department will no longer afford Privacy Act
24 rights and protections to persons who are neither
25 U.S. citizens nor lawful permanent residents."

1 Did you implement this change of policy
2 for ICE?

3 A It's my understanding it's still being
4 worked on.

5 Q And when it's still being worked on, do
6 you mean it's in draft form?

7 A It's the privacy office -- last I was
8 briefed on this, the policy office is working on
9 changes of the privacy policy.

10 Q Do you have an estimated time frame for
11 the completion and approval of the new privacy
12 policy?

13 A No.

14 Q So those -- in your understanding of this
15 policy change, does it impact privacy protections
16 for lawful permanent residents?

17 A There's privacy protection for everybody
18 in our custody. But there's a -- I think there's
19 an elevated concern for those who are lawful
20 permanent residents. And of course, again, for
21 the victims of domestic abuse, trafficking, not
22 only do they have privacy protection, they
23 actually have statutory protections.

24 But again, I know what this says, but I
25 can tell you that I'm not a policy expert, but a

1 memorandum to impact privacy protections for
2 individuals who are not U.S. citizens or who are
3 not lawful permanent residents?

4 A That's what it says. But again, I think
5 that the policy itself is still being worked on.

6 Q Okay. Do you have an understanding of
7 what privacy rights still exist for individuals
8 who are not U.S. citizens or not lawful permanent
9 residents?

10 A No, I do not. That's why I have a
11 privacy shop and that's why I have the office of
12 principal legal advisor to advise me what we can
13 and can't do as far as release of privacy
14 information.

15 Q Do you know of any public disclosures of
16 any information about detainees that have resulted
17 from the AB 103 inspections?

18 A I'm not aware of any.

19 Q So let's turn to paragraph 65 of your
20 declaration. So this discusses 8 U.S.C. section
21 1367 regarding information relating to individuals
22 who are applicants or beneficiaries of immigration
23 benefits under the Violence Against Women Act or a
24 T or U visa. I believe you generally mentioned
25 this before on your last answer.

1 that have been deterred as a result of AB 103?

2 A I believe there are some facilities in
3 the State of California we weren't able to do a
4 new contract with or expand the contract because
5 of that law.

6 Q Which facilities are you talking about?

7 A I believe it's -- in paragraph 53, it
8 says, "ICE's efforts to expand its detention
9 capacity in Sutter, Solano, Placer, Shasta, Fresno
10 Stanislaus and San Mateo counties have been
11 completely frustrated by the enactment of AB 103."

12 Q Do you understand that the -- whether
13 these facilities are county facilities?

14 A I'm sure they're IGSA's. I don't know if
15 they're county or -- they're serving property --
16 IGSA is intergovernment service agreements, but I
17 don't know if they're counties or not. I don't
18 know.

19 Q Do you know of any specific private
20 contractors that have been deterred from working
21 with ICE as a result of AB 103?

22 A I can tell you that our two biggest
23 contractors, CoreCivic and Geo, G-E-O, are
24 concerned that this law will cause great hardship
25 for them and require resources being pulled off

1 critical mission things to, again, do these
2 inspections that we think are unnecessary.

3 Q How many facilities in California does
4 CoreCivic operate?

5 A I do not know.

6 Q Do you know if they operate any in
7 California?

8 A I do not know.

9 Q How many facilities in California does
10 Geo operate?

11 A I know they have the Adelanto facility,
12 which is a big facility. But I don't know beyond
13 that.

14 Q So besides Adelanto, you don't know what
15 other facilities in California Geo operates?

16 A No.

17 Q Do you know if there are any others?

18 A I do not know.

19 Q When did CoreCivic relay these concerns
20 to you or ICE?

21 A CoreCivic, I don't recall. It was a
22 general conversation with them about legislation.
23 I don't even know if it was specific to
24 California, about the way the California
25 legislation, if it would expand beyond --

1 elsewhere, what their concerns are.

2 Geo was specific to California. A couple
3 of months ago in a conversation.

4 Q Did you participate in the conversation?

5 A One of them, yes.

6 Q How many conversations were there?

7 A Just one.

8 Q And please discuss the substance of that
9 conversation.

10 A It's just the difficulty in complying
11 with the laws. As I said before, it's going to
12 require yet another inspection that we think is
13 unnecessary, because these are federal contracts,
14 these are federal prisoners detained under federal
15 authority. We have our own set of standards. We
16 certainly don't believe there should be any
17 inspections to talk about due process of people
18 that are in federal custody, under federal
19 authority, conditions of confinement when we have
20 our own set of standards which is much higher than
21 most states.

22 So there's this general feeling that this
23 is -- it's burdensome, that they're going to be
24 required to pull resources to do these
25 inspections, when we have numerous inspections

1 already at these facilities from various different
2 components.

3 So again, it's -- it's talk of
4 burdensomeness -- right? -- extra work, pulling
5 people from their duties to host these things and
6 gather documents and paperwork and making people
7 available for interviews and so forth.

8 Q In that conversation, did Geo express any
9 concerns about the Adelanto facility specifically?

10 A No. It was a general conversation about
11 the legislation, how it's going to impact
12 operations.

13 Q Okay. And when you say legislation, you
14 mean AB 103?

15 A Right.

16 Q Was there any discussion --

17 A Yes.

18 Q -- about other legislation?

19 A Not that I can recall.

20 Q Did you discuss anything else in that
21 conversation?

22 A I'm certain we did. It was a meeting to
23 discuss -- we have meetings with our contractors
24 all the time. That was brought up during one of
25 the meetings. So I'm certain -- I'm sure -- I

1 can't remember, but when we have these meetings,
2 we talk about various contracts, various proposals
3 issues with facilities. And this is just one
4 subject we talked during the meeting.

5 Q Was this in person?

6 A In person, in my building.

7 Q Has Geo terminated its contract with ICE
8 relating to federal detention facilities?

9 A No.

10 Q You had mentioned the general
11 conversations that you may have had with
12 CoreCivic. Were you directly involved with those
13 conversations?

14 A No. These conversations were relayed to
15 me through my staff.

16 Q And when you say staff, who do you mean?

17 A I believe it was Tae Johnson and Matt
18 Albence.

19 Q And what did they relay to you?

20 A It was a conversation about the whole
21 AB 103 and the predicament it puts us in about --
22 with our contractors; you know, yet another
23 inspection on top of the ones we already do, how
24 burdensome it is, and we certainly don't agree
25 that California should be doing it because of all

1 this form, is that encompassed in --

2 A That's when we --

3 Q -- that section that I --

4 A That's when we transfer an alien to
5 another law enforcement agency at their request
6 for criminal investigative purposes or prosecution
7 purposes.

8 Q So if number 2 on this form is checked
9 off, is that the item that would be checked off if
10 ICE was requesting a transfer back to ICE?

11 A This is regarding -- when we have someone
12 in custody and we transfer them out of our custody
13 to another LEA --

14 Q Right.

15 A -- saying, when you're done with them,
16 we'd like them back.

17 Q Right.

18 A That's where this falls into play.

19 Q Okay. Great. So when ICE makes a
20 detainer notification or transfer request, ICE
21 would use this form, correct?

22 A Yes.

23 Q So in paragraph 39 when you talk about
24 the increase in detainers not being honored, do
25 you refer to both the request to detain, notify

1 ICE and to transfer individuals to ICE upon
2 completion of their time in custody?

3 A I think it basically is for them to
4 detain somebody for our attention. That's the
5 majority of it. It could include both. But my
6 intention was to clearly focus on them detaining
7 an alien for us.

8 Q So that's your focus in this paragraph,
9 then?

10 A That's my focus, yes.

11 Q Okay. How does ICE know that there's
12 been an increase in detainers not being honored
13 since January 2018?

14 A We track it in various ways. If the
15 PERC, the Pacific Enforcement Response Center,
16 sent the detainer and we are notified they will
17 not honor the detainer, so they proactively tell
18 us they're not going to honor it, then we lift the
19 detainer in our database so it was a detainer
20 lift.

21 Many times if a law enforcement
22 jurisdiction does not honor detainers and don't
23 have a relationship with us, we won't know if they
24 honor the detainer or if they release somebody
25 until we -- he is re-apprehended, either by a

1 local police department or ourselves.

2 So it depends on the relationship with
3 the LEA. There's different relationships. So
4 sometimes they we at least notify us they're not
5 going to honor it. Sometimes they won't tell us
6 anything. Sometimes it's captured in the
7 database. Sometimes it's not. So it's various
8 ways we find out about detainers not being
9 honored.

10 Certainly if we dropped a detainer on
11 somebody and -- today, and three days later he's
12 rearrested by a law enforcement agency someplace
13 or arrested by us someplace, the detainer wasn't
14 honored. But the law enforcement agency didn't
15 say, I'm not honoring your detainer. They just
16 released him, didn't honor it. We find out
17 through the rearrest.

18 Q And how would you find out through the
19 rearrest?

20 A Because when we rearrest him and enter
21 him in the database, the database is going to show
22 we've had him before, we dropped the detainer for
23 and it will show previous actions for the agency.

24 Q So if the person has been rearrested, you
25 would know, and you also mentioned that if the LEA

1 tells you that they're not honoring the detainer,
2 you would know. Is there any other way that you
3 would know?

4 A It would either be communication from the
5 LEA or we would get information through a
6 rearrest. It's always possible we could find out
7 from a third party that the person was released.

8 Q And then when you find that information
9 out, then how does ICE track that information?

10 A Of we -- once we verify the detainer
11 hasn't been honored and he's no longer in custody,
12 then we'll add to that an active case to go look
13 for him.

14 Q And where is that information stored?

15 A It would be in the -- I believe it's in
16 the EARM database. I'm not 100 percent sure it's
17 in that database. I know we track it. We track
18 the number of detainers we know weren't honored --
19 they would have a record of. Again, it's not an
20 exact number, because we really don't know, and
21 jurisdictions have zero relationship with us. We
22 won't find out they didn't honor -- if they don't
23 honor detainers, somebody who doesn't get
24 rearrested, we may not know for a long time. So
25 that data is not as accurate as I wish it would

1 be, but we do the best we can with the data we
2 have.

3 Q And when you track it in -- you said
4 EARM, correct?

5 A Yeah.

6 Q When you track it, do you also track if
7 the jurisdiction did not honor the request to --
8 request to notify ICE or the request to transfer
9 an individual in their custody to ICE?

10 A It should be.

11 Q Is that tracked separately from the
12 request to detain?

13 A I do not know.

14 Q Do you know how many detainers have been
15 issued to California law enforcement agencies in
16 FY 2018?

17 A It's somewhere in here. I've got to
18 find it. I thought we said about -- in 2017, in
19 California alone, ICE issued over 35,000
20 detainers. That's in paragraph 18.

21 Q While we're talking about that number, do
22 you know, out of those 35,000, how many were not
23 complied with?

24 A I'm sure we have a number that we're
25 aware of weren't complied with, that we have data

1 on. Again, we track that, so --

2 Q Right.

3 A But I don't know, sitting here today,
4 what that number is.

5 Q But we would be able to -- or I should
6 say you would be able to identify, looking at
7 EARM, how many detainers that California law
8 enforcement agencies did not comply with in 2017?

9 A I think we -- I think we could tell you
10 how many detainers were not honored because the
11 law enforcement agencies notifies them or not. We
12 can also add the number of aliens that were
13 rearrested, so obviously the detainer wasn't
14 honored.

15 As I said before, I think from a --
16 different data mines I think we can tell you what
17 we know.

18 Q So before signing your declaration, were
19 you able to determine that there's been an
20 increase in detainers that have been -- that are
21 not being complied with for FY 2018?

22 A The detainers -- more detainers are being
23 declined after the enactment of SB 54 --

24 Q Right.

25 A -- according to the staff that briefs me.

1 Q Do you know how they got that
2 information?

3 A I'm sure they got it from the database
4 and through speaking with the field office
5 directors in San Francisco, Los Angeles and San
6 Diego.

7 Q And do you know by how much has there
8 been an increase in declined detainers since
9 SB 54?

10 A I do not have that information today.
11 But I think in my affidavit we cited several
12 examples of egregious cases.

13 Q Sure. And we will -- yeah, we will get
14 to that.

15 And when a jurisdiction complies with
16 either a detainer notification or transfer
17 request, is that somewhere -- marked somewhere in
18 ICE's databases?

19 A Yes.

20 Q Where is that marked?

21 A Pardon me?

22 Q Where would the fact that a jurisdiction
23 complied with a detainer request be marked?

24 A I believe it would be in EARM. If -- if
25 not only there -- again, I think it's in EARM. I

1 detrainer notification and transfer request on it,
2 correct?

3 A I know it as -- I know it as immigration
4 detrainer, notice of action.

5 Q Okay. So is -- so does -- how many
6 I-247s have been issued to San Diego since SB 54
7 went into effect?

8 A I don't have that figure with me.

9 Q And do you know if any have been honored?

10 A I do not know. The list I was supplied
11 with had at least 119, and many since then. I
12 mean, the list I saw as part of my book clearly
13 listed 119. Then it had others because of the way
14 the data was pulled, but it had, first, the 119.
15 So I don't have the exact number with me.

16 Q But do you know whether there have been
17 any that have been honored?

18 A I don't know for sure.

19 Q And in the -- your declaration you
20 identify that some of the individuals had criminal
21 charges pending. Do you know whether any of
22 the -- any of this 119 figure had been previously
23 convicted of a criminal offense?

24 A Based on my experience, many of these
25 criminals are recidivists. So certainly, based on

1 my 34 years, many of these people had prior
2 criminal convictions. Recidivism rate is as high
3 as 50 percent within the first year, 75 percent
4 within three to five years. Many of the criminal
5 aliens we arrest have numerous criminal
6 convictions, but to speak specifically to the 119,
7 how many had previous convictions, I don't have
8 that information.

9 Q Would that be information that ICE would
10 have access to?

11 A If we knew who he was and we ran it
12 through NCIC, it would show previous convictions
13 that were recorded, yes.

14 Q And to what you were just saying about
15 recidivism, what is your basis for saying that a
16 lot of these individuals would be -- would have --
17 be at risk of recidivism?

18 A I've been doing this for 34 years. I've
19 arrested many criminal aliens in my career. I've
20 seen numerous reports. I've testified many times
21 in front of Congress on data we pulled together to
22 show the risk of those who commit crimes in the
23 United States that are here illegally. Many of
24 them are recidivist criminals.

25 Q So --

1 A I think when we do at large operations,
2 what we call safe neighborhoods, safe streets, and
3 we target criminal aliens to be arrested, many of
4 those targets have numerous prior criminal
5 convictions. So I've seen data sheets. I've
6 seen -- I've been a part of operations for many
7 years. So not only based on my experience, but
8 based on information that I've seen or been
9 supplied to me, many of the targets of operations
10 have multiple criminal convictions.

11 Q So I would like to point your attention
12 now to paragraph 43.

13 A Yes.

14 Q Is there anything that is not in this
15 paragraph that you would use to support your basis
16 for thinking that criminal aliens have a risk of
17 recidivism?

18 A Well, these are numbers that were
19 supplied to me by my senior leadership concerning
20 California. The only thing I would add to this is
21 just -- which I didn't think was necessary -- it's
22 my personal experience, my 34 years of what I
23 know, based on my enforcing immigration law for so
24 many years, that many criminal aliens have prior
25 criminal history.

1 officers on the ground that are making these
2 decisions, they think it's impossible. So...

3 Q Since January 4th, 2018, how many SPBPs
4 have been denied in California?

5 A I don't think I have that with me. I
6 don't think I have a number with me.

7 Q Do you know how many have been
8 authorized?

9 A No.

10 Q Do you know if there's been any that have
11 been authorized other than the one incident you
12 referred to in paragraph 78?

13 A I do not.

14 Q So going to paragraph 78, you say, "In
15 light of the recent enactment of SB 54, ICE must
16 weigh the benefit of a potentially successful
17 prosecution with the very likely risk that the
18 relevant California law enforcement agencies
19 cannot, due to SB 54, notify ICE of an impending
20 release or transfer the [sic] alien to ICE custody
21 for removal upon completion of criminal
22 proceedings."

23 Is -- is this something -- is ICE
24 weighing the benefit something that's new because
25 of SB 54?

1 Q And again, just talking about the
2 criminal offenses, is that standard practice that
3 ICE would seek a judicial warrant if there is a
4 criminal immigration offense?

5 A Generally. I mean, there's -- there's,
6 as you know, many ways you can do it. You can go
7 through a -- you know, to the U.S. Attorney's
8 Office, you can do an affidavit, and you can go
9 through the whole indictment procedure through the
10 grand jury. There's various ways to do a case.
11 But, yeah, we -- we get judicial warrants for
12 criminal cases as part of our SOP, for criminal
13 prosecutions.

14 Q Are there operational --

15 A Criminal arrests.

16 Q Are there operational difficulties in
17 obtaining a warrant for a criminal immigration
18 offense?

19 A We do it every day. I mean, it's work,
20 but we do it every day. Again, you've got to free
21 up a magistrate and -- but it's something we do as
22 part of our job.

23 Q Since SB 54, has ICE sought warrants from
24 federal judges for criminal immigration offenses?

25 A We still prosecute criminal cases in the

1 gang activity and criminal activity within the
2 city of Escondido that we weren't privy to before.
3 So now that we're removed from that cooperative
4 working relationship, that's information we no
5 longer have.

6 And again, that would happen throughout
7 California. Wherever there was task forces, a
8 local law enforcement agency task force, we lost
9 that intelligence. We lost that information, or
10 their perspective on what they know. They know
11 better what's going on in their neighborhoods than
12 the feds do many times, so when you lose that, it
13 just results in less public safety, less
14 successful investigations.

15 Q Do you know how many LEAs have removed
16 themselves from task forces?

17 A Not off the top of my head.

18 Q Are there any examples you can point to?

19 A Again, anecdotal, from speaking to Derek
20 Benner, because I always ask how it's going in
21 California. There has been law enforcement
22 agencies remove themselves. There was one case
23 where we did a human trafficking case, and the law
24 enforcement agency left it because there was a
25 immigration context. That was up in northern

1 us.

2 Q And when the law enforcement agencies say
3 they don't want to work with ICE anymore, are they
4 providing a reason?

5 A What's shared with me is that HSI wears
6 an ICE moniker that it has to do with immigration
7 enforcement, it has to be, you know, the current
8 legislation in California limiting cooperation and
9 information sharing. Again, specifics, you'd have
10 to ask the SACs in those three areas. I'm just
11 relaying information that's shared with me through
12 conversation.

13 Q Are there still task forces that ICE is
14 involved in throughout California?

15 A Yes.

16 Q Do you know how many?

17 A No.

18 Q And do you know the -- how many task
19 forces ICE has been asked to leave since SB 54?

20 A I don't have a number.

21 Q Do you know if ICE was asked to leave
22 task forces in California before SB 54?

23 A Not that I'm aware of.

24 Q Is ICE able to obtain information it
25 seeks from the FBI?

1 moving, where do you think the load houses are
2 located?

3 These are conversations law enforcement
4 officers should have openly and sharing ideas, and
5 his experiences and his knowledge and how long
6 he's been in that neighborhood, and I don't think
7 anything can replace information sharing in task
8 forces, having face-to-face conversations and
9 trading information.

10 Q And this is information -- the
11 information you're talking about, this is
12 information about criminal activity, correct?

13 A Yes.

14 Q So part of this is that you believe that
15 the information about criminal activity is not
16 being shared with ICE. Is that -- is that --

17 A Yes.

18 Q Is that a part of your concern?

19 A Yes.

20 Q I would like to go to paragraph 72. Have
21 the -- has SB 54's prohibitions on information
22 sharing between local law enforcement agencies and
23 ICE had an impact on HSI's counter-terrorism work?

24 A It's reported to me that it has.

25 Q Are there any specific examples that you

1 can share?

2 A I believe it has to do with the JTTF task
3 force's -- the lack of participation. Again,
4 information and ideas won't be shared.

5 Q Are there any specific examples?

6 A No. I think it goes back to the
7 generality -- again, right now, what's a national
8 security case most of the time don't start out as
9 a national security case. It starts as a local
10 crime. Most terrorist organizations has --
11 they've got a -- they've got a -- they have a
12 funding mechanism. They've got to -- they've got
13 to raise money, and they do that through, you
14 know -- whether it's bitcoin or whether it's
15 through cyber crime, whether it's through drug
16 sales, whether it's through, you know, counterfeit
17 goods.

18 That's where the lack of information may
19 not seem like a national security nexus, but it
20 will grow into a national security nexus. Most of
21 our investigation in a national security sense
22 don't start as a national security case. So when
23 you don't have that level of cooperation on these
24 task forces and sharing of information, you're
25 going to build less information to support a

1 national security case, or come across information
2 that would lead you to a national security nexus.

3 I don't have any specific examples, no.
4 This is -- again, this is briefings from my senior
5 staff, career professionals who have been criminal
6 investigators their entire career advising me of
7 what's happening on the ground.

8 Q I would like to turn to paragraph 73. In
9 that paragraph, you say, "SB 54 has also limited
10 ICE access to aliens who may assist in building
11 criminal cases, thus interfering with ICE's
12 ability to pursue the prosecution or removal of
13 aliens who pose particularly significant threats
14 to public safety or national security."

15 Do you see that?

16 A Yes.

17 Q Are there any circumstances where this
18 has happened since January 4th, 2018?

19 A I think we have less access to aliens.
20 It's harder to find aliens because the county
21 jails are releasing them without notification to
22 ICE. We don't have access to the jails. Many
23 relationships are built in the jails. That's
24 where we build informants. That's where we get
25 information.

1 Of course, an illegal alien that's in a
2 jail wants to get out of jail, wants to stay here
3 with a green card and wants to stay here with a
4 work authorization will assist us in our
5 investigation. But when we lose access to these
6 people and we have to go to try to find people, we
7 just have less to build cases from, less to build
8 our intelligence from. That's what this talks
9 about.

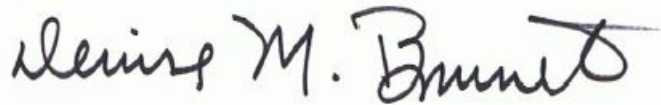
10 Q Are there any public safety or national
11 security threats that you believe have been caused
12 because of SB 54?

13 A I think when law enforcement agencies
14 aren't free to share information as partners,
15 intelligence will be lost. It's going to be
16 detrimental to criminal investigations and
17 national security. That was one of the findings
18 of the 9/11 commission. It's important that law
19 enforcement agencies are comfortable in sharing
20 information. And in my opinion as a law
21 enforcement officer, SB 54 limits that sharing.

22 Q So is it fair to say that your
23 allegations in this paragraph are based on your
24 experience as a law enforcement officer rather
25 than specific examples?

CERTIFICATE OF NOTARY PUBLIC

I, Denise M. Brunet, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was sworn by me; that the testimony of said witness was taken by me stenographically and thereafter reduced to print by means of computer-assisted transcription by me to the best of my ability; that I am neither counsel for, related to, nor employed by any of the parties to this litigation and have no interest, financial or otherwise, in the outcome of this matter.



Denise M. Brunet

Notary Public in and for
The District of Columbia

My commission expires:

December 14, 2022

ACKNOWLEDGMENT OF DEPONENT

I hereby declare under penalty of perjury
that I have read the foregoing transcript of my
deposition and except for any corrections or
changes noted on the errata sheet, I hereby
subscribe to the transcript as an accurate
record of the statements made by me.


THOMAS HOMAN

4-24-18
DATE

EXHIBIT B

FILED PROVISIONALLY UNDER SEAL

EXHIBIT C

FILED PROVISIONALLY UNDER SEAL

EXHIBIT D

FILED PROVISIONALLY UNDER SEAL

EXHIBIT E

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

- - - - -x

THE UNITED STATES OF
AMERICA,

Plaintiff,

vs.

No. 18-264

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.

- - - - -x

VIDEOTAPED DEPOSITION OF: TODD A. HOFFMAN

DATE: Thursday, April 12, 2018

TIME: 9:23 a.m.

LOCATION: Department of Justice

950 Pennsylvania Avenue, NW

Washington, D.C.

REPORTED BY: Denise M. Brunet, RPR
Reporter/Notary

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1 A I'm sorry.

2 Q That's all right.

3 A Yeah, the 170.

4 Q That 170 refers to individuals who were
5 turned over in 2017, correct?

6 A Correct.

7 Q Do you know the number of individuals
8 turned over from San Diego field office in 2018?

9 A I don't know a number specifically now.

10 Q Do you know that number for the
11 Los Angeles field office?

12 A For '18? I do not.

13 Q How about for the San Francisco field
14 office in 2018?

15 A I do not.

16 MS. MELTON: Can we take a five-minute
17 break?

18 MR. REUVENI: Sure.

19 THE VIDEOGRAPHER: We're going off the
20 record. The time on the video is 10:11 a.m.

21 (Whereupon, a short recess was taken.)

22 THE VIDEOGRAPHER: This begins media
23 unit number two. The time on the video is
24 10:23 a.m. We are on the record.

25 BY MS. MELTON:

1 national level. Quite frankly, the field
2 directors are working through this issue now.
3 It's still relatively early in the process, but we
4 are looking at what we need to do at a national
5 level currently.

6 Q So there have been no specific policy
7 changes with respect to California and how -- and
8 if individuals are paroled to law enforcement
9 agencies?

10 A Not at the headquarters level at this
11 time. Field directors, it's their specific --
12 locations are taking their own actions at this
13 time --

14 Q What if --

15 A -- according --

16 Q I'm sorry.

17 A -- according to the situation they're
18 encountering.

19 Q What does that mean, they're taking
20 their own actions at this time?

21 A Well, for instance, the San Diego port
22 of entry, since the passage of SB 54, I think, on
23 average, are turning five to six criminal aliens.
24 They are removing them immediately at the port of
25 entry verse turning them over to the state and

1 local agency that wants the individual because we
2 have no assurance we're going to get that
3 individual back. So they're not seeing their day
4 in court. We take the action of removing that
5 alien at the port of entry.

6 Q Are there any circumstances in which
7 you are transferring individuals, aliens to law
8 enforcement agencies in California?

9 A I'm sure they are. Again, based on the
10 charge and, again, that's a discretionary decision
11 that's made by the field leadership in that
12 specific location based on the charge, based on
13 maybe the level of cooperation they have with the
14 specific state and local entity.

15 Again, a lot of that may be governed by
16 the charge itself, whether we want them to see
17 their day in court or be removed at the port of
18 entry, with the understanding we may be exposed on
19 the back end and our authority may be undermined
20 if they're subsequently released without our
21 notification.

22 Q Prior to SB 54, in these counties where
23 you might have -- in these counties where you
24 couldn't be assured that somebody would be
25 returned to you if you paroled them, under what

1 Q Do you know how many individuals OFO
2 has chosen not or decided not to transfer to law
3 enforcement agencies in California in 2018?

4 A How many specifically? No, other than
5 what I stated earlier. I know San Diego is, on
6 average, about five to six a month they are not
7 turning over criminal aliens to the state and
8 locals.

9 Q I'm sorry, what is five or six a month
10 for San Diego?

11 A Five or six criminal aliens who are
12 arriving in the San Diego ports of entry who are
13 not being turned over to state and locals.

14 Q And all of those individuals are being
15 removed immediately?

16 A They would be removed, correct.

17 Q So you're no longer transferring
18 individuals from the San Diego POE to a law
19 enforcement agency?

20 A No. That's not what I said.

21 Q Okay. There are cases where those
22 individuals are being transferred?

23 A Again, it's discretionary based on the
24 field leadership in that location, based on the
25 charge, based on if they believe they're going to

1 get the individual back. Whether they think they
2 should see their day in court has a higher
3 priority than removing that individual
4 immediately. All those things are weighed in and
5 they make decisions based on that, their
6 experience and their expertise in that area.

7 Q Okay. Thank you. Let's go to
8 paragraph 19, please.

9 Are you ready to start?

10 A Oh, yes.

11 Q Do you know of any task force, task
12 forces that have been negatively impacted by
13 SB 54?

14 A No. I'm not aware of any impact at
15 this time.

16 Q Okay. On page 20 of that same
17 paragraph, you talk about a chilling effect on
18 existing relationships with state and local
19 partners.

20 What do you mean by chilling effect?

21 A Well, again, chilling effect
22 essentially working side by side with fellow law
23 enforcement officers in various capacities,
24 whether it's a task force or where they're coming
25 to the port of entry to pick up warrants and

1 how they became known to the officers.

2 Q Do you know how much after the time of
3 release that the field office found out that the
4 person was released?

5 A No. I do not know that level of
6 detail.

7 MR. SHERMAN: I would like to mark as
8 confidential Hoffman Exhibit 12 this document that
9 is Bates number 6 through 11.

10 (Hoffman Confidential Deposition
11 Exhibit Number 12 was marked for
12 identification.)

13 BY MR. SHERMAN:

14 Q Officer Hoffman, are you familiar with
15 this document?

16 A Yes, I am.

17 Q What is this document?

18 A Again, this is a detainer for this
19 individual, again, wanted via a state or local
20 warrant. We in turn turned that person over and
21 this is the document that executed that
22 transaction.

23 Q Which jurisdiction was this person
24 turned over to?

25 A I'm not -- unless I'm missing the

1 obvious here, if it's stated, I don't see it in
2 the documentation you provided, whether it's
3 Los Angeles, could be Los Angeles County sheriffs
4 or Orange County.

5 Q Do you have any independent knowledge
6 beyond the documentation of who -- of which
7 jurisdiction this person was turned over to?

8 A I don't recall. At one point, I think
9 I knew, but I don't recall right now. I believe
10 this was a fraud charge but not certain which
11 entity they were turned over to within the state.
12 I thought it was one of those two county sheriffs,
13 but I believe it was -- it might have been Orange
14 County, but, again, I'm not seeing that in the
15 documentation you provided.

16 Q I would just like to represent for the
17 record that this was the documentation that was
18 provided to us today that we are showing to you.

19 Do you know what criminal offense the
20 person was charged for? Was it this fraud offense
21 that you're referring to?

22 A My recollection, this was a fraud
23 offense and a warrant for fraud.

24 Q Do you know if this individual had any
25 prior criminal conviction?

1 A Not to my knowledge.

2 Q How did CBP come into contact with this
3 person?

4 A This person was an applicant for
5 admission.

6 Q What were the circumstances of that?

7 A I'm not -- I don't know the specific
8 circumstances. I assume they arrived at the
9 Los Angeles International Airport and upon
10 processing is when we determined that they had a
11 NCIC action against them and then we followed up
12 with the originating agency.

13 Q And CBP released this person to an LEA?

14 A I'm sorry?

15 Q Let me -- did CBP release this person
16 to a law enforcement agency?

17 A Yes. It would be the same. In this
18 case, at Los Angeles Airport, we would turn the
19 individual over to Los Angeles World Airlines
20 Police Department and then they would work with
21 the originating agency to do the second turn over.

22 Q Do you know if the law enforcement
23 agency that this person ultimately went into
24 custody with released this person?

25 A Yes. It's information received from

1 the field as, again, this person -- the detainer
2 was not honored. This person was released to the
3 public. They're still an applicant for admission,
4 they have no status in the United States and they
5 were released.

6 Q Do you know when the law enforcement
7 agency released the person?

8 A I do not know the specifics.

9 Q Do you know how the field office found
10 out that the person was released?

11 A Again, like the similar case, it was
12 brought to their attention by doing research and
13 via public website.

14 Q Do you know if the person reoffended
15 after release?

16 A I do not know.

17 MR. SHERMAN: I would like to mark as
18 Hoffman Exhibit 13, confidential, and this is
19 document Bates numbered 12 through 17.

20 (Hoffman Confidential Deposition
21 Exhibit Number 13 was marked for
22 identification.)

23 BY MR. SHERMAN:

24 Q Officer Hoffman, are you familiar with
25 this document?

1 individuals were released at the same time, the
2 two that we intercepted.

3 Q And CBP picked up the -- both
4 individuals at around the same time?

5 A Yes. That's my understanding.

6 Q And was this person returned to Mexico
7 as well?

8 A This person was returned to Mexico.

9 Q Can I turn your attention to paragraph
10 15 of your declaration, which is Exhibit 10.

11 A Paragraph 15?

12 Q Yes.

13 A Okay.

14 Q Are the documents that are marked
15 Exhibits 11, 12, 13 and 14 the documents that you
16 believe support your allegations in paragraph 15?

17 A You said 11, 12, 13, 14?

18 Q That's correct.

19 A Yes. They support part of the
20 allegations.

21 Q Are there any other instance that you
22 would identify to support your allegations in
23 paragraph 15?

24 A Yes. Also in the Los Angeles area,
25 there were four individuals released and the only

1 reason we knew they were released is they showed
2 up to our deferred inspection office looking for
3 their documents.

4 Q And what circumstances were those?
5 What were the -- let me step back.

6 What were the -- let's go one by one.
7 For the first one, under what
8 circumstances did CBP come in contact with the
9 person?

10 A Under the first?

11 Q You said there were four other
12 circumstances, correct?

13 A Correct.

14 Q So let's go one by one. So for the
15 first of those circumstances, when did CBP come in
16 contact with the person?

17 A I don't have the specific dates and
18 times in which they presented themselves to the
19 deferred inspection office. The only thing I'm
20 aware of is that, you know, we had a detainer
21 against these individuals. They were released
22 from custody and then they went to deferred
23 inspection looking for their documents that we
24 retained during the proceeding. And that's how we
25 became aware that they were released.

1 Q And do you know when these incidents
2 occurred?

3 A Not off the top of my head.

4 Q Were they before January 2018?

5 A I believe they were, but I'm not
6 exactly certain, but I think they were sometime in
7 2017.

8 Q Do you know if any of these persons had
9 a criminal history?

10 A They had -- obviously, they had
11 criminal records. That's why we turned them over.

12 Q Do you know --

13 A I believe grand theft, burglary,
14 assault.

15 Q Do you know if they had any criminal
16 convictions?

17 A I'm not aware if they had convictions
18 or not. I don't have that level of detail.

19 Q And then when they came -- and can you
20 describe a little bit the circumstances in which
21 they came back to CBP?

22 A I'm not -- I don't know the specific
23 circumstances, but the process, again, in my
24 experience in LA where these occurred is if we
25 have a criminal alien, we will parole them in. We

1 will issue a detainer, the 247, and then we will
2 order a deferred inspection. And that's -- we
3 keep their entry documents and those would be
4 forwarded to their deferred inspection offices
5 downtown LA at the federal building. And that's
6 where we keep the information, keep the record,
7 because deferred inspection officers help handle
8 the back end of the case.

9 If they were called, the field
10 inspection officers would be the officers that
11 would go effectuate the transfer, in this
12 situation, and take custody of those individuals,
13 but since they were released, the individuals then
14 came to us looking for their documents.

15 Q So they came to the deferred inspection
16 office?

17 A They came to the deferred inspection
18 office.

19 Q And at that time, what happened with
20 these --

21 A I'm not exactly sure what happened, but
22 they should have all been taken into custody and
23 removed.

24 Q So other than Exhibits 11, 12, 13, 14
25 and these four instances, are there any other

1 incidence that you would identify to support your
2 allegations in paragraph 15?

3 A In paragraph 15, no, I don't believe
4 so.

5 MR. SHERMAN: I would like to identify
6 as Hoffman Confidential Exhibit 15 the document
7 that's Bates numbered 27 to 32.

8 (Hoffman Confidential Deposition
9 Exhibit Number 15 was marked for
10 identification.)

11 BY MR. SHERMAN:

12 Q Officer Hoffman, are you familiar with
13 this document?

14 A Yes.

15 Q What is this document?

16 A Well, this is essentially the secondary
17 case, the secondary referral form, and then a
18 withdraw of application form.

19 Q Was this person transferred to a law
20 enforcement agency within California?

21 A This individual was not transferred.

22 Q Why was that?

23 A Because, in this case, the LAWA police
24 department did not honor the detainer. They did
25 not take possession of the individual.

1 A Not for Los Angeles County.

2 Q For any other jurisdiction in
3 California?

4 A Again, only to the degree it relates to
5 San Diego County or San Diego area where
6 previously discussed they were refusing five to
7 six criminal aliens on average a month and not
8 turning them over to the state and local agencies.

9 Q And is -- since January 2018, has CBP
10 attempted to transfer person -- individuals who --
11 who there's an active warrant to Los Angeles law
12 enforcement?

13 A I'm not sure I have that information.

14 Q How about any other jurisdictions in
15 California, CBP transferring those -- attempting
16 to transfer those individuals to local law
17 enforcement --

18 A I don't have direct knowledge. So it's
19 difficult for me to answer.

20 Q Can you turn to paragraph 21 of your
21 declaration. How has SB 54 had a significant
22 impact on OFO's ability to execute submissions at
23 point of entries in California?

24 A Well, again, just fundamentally, I
25 think it's probably the eight cases that we

1 system, people should see their day in court.

2 Q And has that -- has that --
3 consideration of the charges, has that changed
4 because of SB 54?

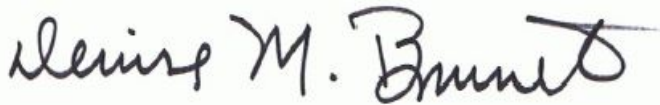
5 A No. I mean, I think we're in
6 discussions now as SB 54 evolves. We're still
7 relatively new into it here is what this is going
8 to look like. Again, it's really taking place now
9 at the field level at the discretion of the
10 various field leadership in those locations and
11 we're trying to find out, you know, determine what
12 we might want to do at a national level to assist
13 and to be a little more consistent.

14 Q And I just want to clarify when you
15 were referring to Imperial County. Before SB 54,
16 was Imperial County not complying with detainer
17 requests?

18 A Yeah. The two cases I believe we
19 openly discussed, unless I'm mistaken, was the
20 October and December prior. Maybe -- I'm not sure
21 if we discussed them or not. Maybe we didn't
22 discuss them. But there are two cases in Imperial
23 County in October and December whereby -- the same
24 jail where two individuals were released without
25 prior notification.

CERTIFICATE OF NOTARY PUBLIC

I, Denise M. Brunet, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me in stenotype and thereafter reduced to typewriting under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



Denise M. Brunet

Notary Public in and for the
District of Columbia

My commission expires:

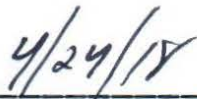
December 14, 2022

ACKNOWLEDGMENT OF DEPONENT

I hereby declare under penalty of perjury
that I have read the foregoing transcript of my
deposition and except for any corrections or
changes noted on the errata sheet, I hereby
subscribe to the transcript as an accurate
record of the statements made by me.



TODD A. HOFFMAN



DATE

E R R A T A S H E E T

IN RE: U.S.A. vs. STATE OF CALIFORNIA

DATE: 4/12/2018

PAGE	LINE	CORRECTION AND REASON
<u>18</u>	<u>25</u>	"emigration" should say "immigration" (incorrect word)
<u>21</u>	<u>20</u>	remove "not" (typographical error)
<u>23</u>	<u>19</u>	change "with warrant" to "the warrant" (typographical error)
<u>26</u>	<u>5</u>	change to "a lot of our data comes from TECS" (typographical error)
<u>26</u>	<u>5, 7</u>	change "TEC" to "TECS" (misspelled acronym)
<u>27</u>	<u>21</u>	change "with" to "within" (typographical error)
<u>32</u>	<u>22</u>	change "and" to "as" (typographical error)
<u>34</u>	<u>6</u>	change "issue" to "instance" (typographical error)
<u>39</u>	<u>8</u>	change "with" to "which" (typographical error)
<u>43</u>	<u>20</u>	change "annual" to "alien" (incorrect word)
<u>46</u>	<u>11</u>	change "it's" to "in" (typographical error)
<u>46</u>	<u>23</u>	change "turning" to "returning" (typographical error)
<u>46</u>	<u>25</u>	change "verse" to "versus" (incorrect word)
<u>49</u>	<u>2</u>	change "might" to "my" (typographical error)
<u>49</u>	<u>9</u>	change "Archives" to "Imports" (incorrect word)
<u>50</u>	<u>6</u>	remove "of" (typographical error)
<u>51</u>	<u>11</u>	change "under" to "from" (incorrect word)

4/29/18

(DATE)

TAM-3

TODD A. HOFFMAN

E R R A T A S H E E T C O N T I N U E D

IN RE: U.S.A. vs. STATE OF CALIFORNIA

DATE: 4/12/2018

PAGE LINE CORRECTION AND REASON

54	7	change "why" to "white" (typographical error)
60	16	change "and" to "as" (typographical error)
61	23	change "thv" to "the" (typographical error)
64	11	change "pangas" to "pangas" (spelling error)
68	18	change "through" to "to" (typographical error)
71	25	change "in" to "on" (typographical error)
76	19	change "airlines" to "airports" (typographical error) ^{incorrect word}
87	18	change "themselt" to "themselves" (typographical error)
94	6	change "removable" to "removal" (incorrect word)
94	16	add "is" after second "this" (typographical error)
100	14	change "is" to "as" (typographical error)
100	24	change "with" to "asa" (typographical error)
101	5	change "threat" to "threats" (typographical error)
101	25	change "their" to "the" (typographical error)
102	7	change "important" to "informed" (incorrect word)

(DATE)

TODD A. HOFFMAN

EXHIBIT F

FILED PROVISIONALLY UNDER SEAL

EXHIBIT G

FILED PROVISIONALLY UNDER SEAL

EXHIBIT H

FILED PROVISIONALLY UNDER SEAL

EXHIBIT I

FILED PROVISIONALLY UNDER SEAL

EXHIBIT J



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- [Contact](#)

Santa Rita Jail

5325 Broder Blvd.
Dublin, CA 94568
(925) 551-6500

Bail, Booking and Release Information

Charges, custody status, court dates, bail amounts, release dates and other inmate information can be obtained 24 hours a day, seven days a week by calling 1-925-551-6500. You must have the inmate's name, PFN (Person File Number), or correct date of birth before obtaining information.

- Bail can be posted in the Santa Rita Jail lobby 24 hours a day, seven days a week.
- Inmates who are determined to be eligible for release, will be released as quickly as possible. However, this procedure can take up to several hours. It is recommended that you wait until receiving a telephone call from the released inmate before coming to the jail.
- Inmates granted release while at court must return to the jail to complete all necessary paperwork. The inmate will receive all personal property and be released from the jail facility.
- Inmates being released who are indigent, have inadequate clothing for climatic conditions, do not have clothing available at the time of release, or who can no longer fit into their clothing, will be provided appropriate welfare clothing.
- Inmates who have no money upon release are given a free bus passe or a free B.A.R.T. ticket. The inmates are also provided with transportation schedules and directions to the B.A.R.T. station if they choose to walk.

Pending Release: Once jail staff have determined an inmate may be eligible for release from custody, the inmate is identified as a "pending release" and the release process is initiated. The release process is a multistep administrative process that may take several hours to complete. During this process, a search of law enforcement databases is conducted to determine if the inmate has any outstanding warrants and/or holds that may prevent their release from custody. Should any other legal holding authority be located during this process, the inmate will not be released from custody and the inmate will no longer appear as a "Pending Release."

Expected (EXP)Release Date: Is the date a sentenced inmate will have completed serving time on that specific case, provided no penalties for misbehavior are incurred, no other cases are sentenced to additional jail time and/or no other pending un-sentenced cases are located. Prior to an inmate's release from custody, the inmate will begin the initial release process as described above and the inmate will appear as a "Pending Release." Inmates with pending local cases, warrants or holds from other jurisdictions will not necessarily be released on the Exp. Release Date.

INMATE LOCATOR

Emergencies

Inmate Services handles all outside emergencies (please refer to the [Inmate Services section](#)). You can reach the Inmate Services Section at (925) 551-6580, Monday through Friday, from 8:00 A.M. to 4:00 P.M., excluding holidays.

Santa Rita Jail after hours emergency number: (925) 551-6500

Mail Procedures

MAILING ADDRESS

Santa Rita Jail

Inmate's name and PFN#

5325 Broder Blvd.

Dublin, CA 94568

Incoming Mail

- Mail will be distributed daily (Monday through Friday, excluding weekends and holidays). Mail will be delivered only to the addressee.
- Incoming mail **MUST** have the inmate's name AND PFN.
- Incoming mail **MUST** have the name and address of the sender on the outside of the envelope.
- All mail sent to, or from, any inmate may be opened and inspected by jail staff outside the presence of the inmate involved (except legal mail).
- Incoming mail with any perceived bio-hazard (i.e. lipstick, gloss, perfume/cologne, etc) shall be returned to sender.
- Envelopes and letters containing address labels, stickers, tape, glued surface (homemade cards) shall be returned to sender.
- Items which are considered contraband and will cause the mail to be returned to the sender are envelopes, stamps, and writing materials.
- Sexually explicit drawings on the outside of mailing envelopes will cause U.S. Postal authorities to return the envelope to sender.
- Incoming mail from attorneys or governmental officials will be opened by the jail staff in the presence of the inmate involved.
- Money may be sent by **MONEY ORDER or CASHIER'S CHECK ONLY**. Personal checks and cash will be returned to sender (refer to money section).

Reading Materials

- **NEW** Books and Magazines (Limit of six (6) per day) are allowed to receive through the mail (**NO HARDBACK BOOKS ALLOWED**) - **PROVIDED THESE ITEMS ARE SENT DIRECTLY FROM THE PUBLISHER OR "ON LINE" BOOKSTORE**, such as Amazon.com and Barnes and Noble.com, etc. On-line bookstore must have a legitimate website that is verifiable and allows consumers to order directly. Any website that re-directs to another website for ordering is not accepted. **PACKAGES MUST BE PROFESSIONALLY LABELED** and recognized as an on-line bookstore. Books from private sellers will be returned.
- Envelopes, magazines, and periodicals sent to inmates may not exceed 8-1/2" x 14". Any mail exceeding this size will be returned to sender.
- Inmate newspaper subscriptions must be made directly to the newspaper company by a third party. Cancellation or change of address for subscriptions must be made directly to the newspaper company. Newspapers will then be distributed through regular mail channels. Weekend and Holiday newspapers will be distributed the next working day. Newspapers for inmates no longer in custody will be disposed of by the mail room staff. (Each housing unit receives six daily Tribune newspapers, paid for by the Inmate Welfare Fund).

Photographs

- Photographs may not be larger than 4" x 6".
- A **maximum of ten (10) photographs** may be mailed to inmates in an envelope at a time.
- Polaroid and negative photographs are not accepted.
- Photographs that are altered or blacked out in any manner shall be returned to sender.
- Photographs or pictures that are pornographic, nude, suggestive, showing gangs, gang tattoos, or hand gestures (signs) are not allowed.

Money

The Alameda County Sheriff's Office takes pride in the services provided to inmates; including meals, library services and inmate programs. In addition, the Sheriff's Office provides the opportunity for inmates to purchase additional items such as snacks, soups, drinks, stationary, hygiene supplies, medicines, and specialty items for women, to name a few. All proceeds from the sale of these items go directly to the Inmate Welfare Fund. This fund is used to support the numerous programs offered to inmates, as well as the televisions, games, recreational supplies, etc.

PLEASE FOLLOW THE FOLLOWING PROCEDURE:

- Deposits may be made by mail or in person. Only cash or money orders will be accepted for deposits on inmates accounts' (**NO PERSONAL, PAYROLL, TAX REFUND OR SOCIAL SECURITY CHECKS OR COINS**). Do not send cash through the mail. If depositing money in person, you must have the exact amount. NO CHANGE WILL BE GIVEN. If you have been an inmate within the last six months, you may not deposit money on another inmate's account.

- Visitors must produce valid photo identification (driver's license, military, etc.) and have the inmate's PFN before depositing money on the inmate's account.
- Money orders must be made out as follows:

The Alameda County Sheriff's Office (ACSO)
c/o Inmate's Name and PFN

HOURS FOR MONEY DEPOSITS

Seven days a week, 24 hours a day. Although you may deposit money 24 hours a day, it is recommended you do so during normal lobby hours from 8:00am to 6:30pm.

Property

Property releases and clothing exchange transactions will be accepted 24 hours a day at the Santa Rita Jail (SRJ).

Property Release requests forms must be submitted by the inmate and received by lobby personnel prior to the day the visitor will be picking up the property. This usually takes up to 7 working days at SRJ.

It is required that you provide photo identification when receiving the released property. It is recommended that you call the lobby to ensure the property is ready for pick-up.

Santa Rita Jail: (925) 551-6500

Court clothing for inmates will only be accepted at the Lobby within 72 hours of a jury trial, preliminary examination, or if a Court Order has been received. You may only bring a maximum of two sets of clothing. The clothing in the inmate's property must be taken during the exchange. Clothing is exchanged on a one-for-one basis.

All medications are provided to inmates through Prison Health Services. Lobby personnel will accept prescription glasses, dentures and contact lenses solution in sealed packages. It is recommended that you coordinate with Prison Health Services prior to leaving items in the lobby (925) 551-6700.

Telephone Calls

Pay phones are available to all inmates daily. However, inmates can only make collect telephone calls.

- In order to eliminate problems associated with 3-way calling, the telephone system in use automatically terminates the call if an attempt is made to connect a third party.
- If you have call waiting, be advised the telephone system in use may terminate your call if the call waiting "click" is heard. The system cannot differentiate between the call waiting "click" and the 3-way calling "click".
- Private citizens can prevent collect calls by having a **BLOCK** put on their personal phone line. This can be done by contacting your local telephone company.

Vehicle Impoundment

If a vehicle was impounded upon arrest, you will need to contact the arresting police agency to determine the documentation needed for the release of the vehicle. It is often necessary to provide a written letter from the registered owner authorizing the release of the vehicle. Inmates can release keys to the vehicle, by simply filling out a property release request form. Keys must be picked up in the lobby of the jail in which the inmate is being housed. It is recommended that you call the jail lobby to ensure the keys are ready for pick-up.

**** Santa Rita Jail Facility (925) 551-6500 ****

Visiting

Please refer to the [Santa Rita Jail Visiting](#) page.

Santa Rita Jail Facts

The original Santa Rita Jail opened in January 1947. It served as a replacement for the original County Prison Farm that operated on 275 acres next to Fairmont Hospital in San Leandro. The old Santa Rita Jail encompassed about 1000 acres of a World War II military base known as Camp Schumacher that was adjacent to the existing site of the Camp Parks Reserve Training Center. The original site included a Navy Brig that was converted into a maximum-security facility known as Greystone. A wire-enclosed complex of eight barracks was converted into a minimum and medium security facility that was known as the Compound. Women were housed in a horseshoe shaped barracks known as Women's Quarters.

Over time, the Santa Rita Jail became overcrowded and the changing demographics of the jail population made it difficult and costly to operate the aging facility in a safe and secure manner. In 1983 Design and development of the "new" Santa Rita began. Construction costs of the new Santa Rita Jail totaled about \$172 million. State bonds augmented by matching local funds made the project possible. On September 1, 1989, Sheriff Charles C. Plummer gave the order to open the facility and inmates were transferred from the old to the new jail.

The New Santa Rita Jail

The facility holds about 4000 inmates housed in one of eighteen modern housing units. It is considered a "mega-jail" and ranks as the third

largest facility in California and the fifth largest in the nation. Santa Rita is accredited by the American Correctional Association, thus making it the only facility in California holding this prestigious award.

It is recognized as one of the most technologically innovative jails in the world. A robotic system speeds delivery of laundry, supplies and food to all areas of the 113-acre campus. State-of-the-art criminal justice systems serve the internal operation while the largest rooftop solar power system converts enough electricity to power nearly one-half of the facilities electrical needs during daylight hours.

Sheriff Ahern's philosophy of cost-effective delivery of services is reflected in the private sector partnerships that support the jail's operation. A modem cook-chill food service operation produces 12,000 economical meals per day. On site medical and mental health services saves money while reducing the patient load at county medical facilities.

Throughout its history, the Santa Rita Jail Facility has served the criminal justice system and contributed to the safety of the citizen of the County of Alameda by providing a safe, secure and humane environment for inmates and staff.

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EXHIBIT K

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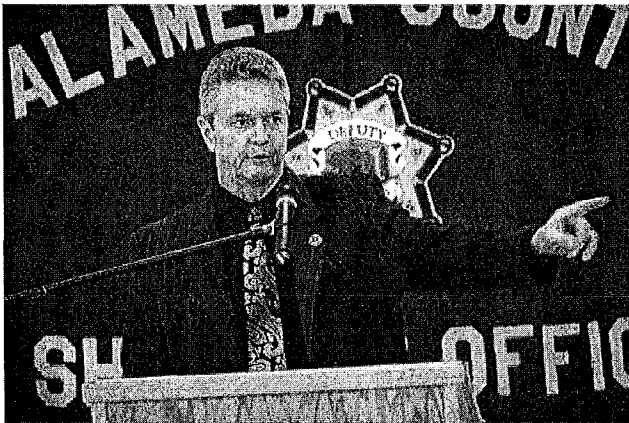
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TUESDAY, APRIL 3, 2018

Alameda County Sheriff's Decision to Make Inmate Release Dates Public Stirs Concern Among Immigrant Rights Advocates

By Darwin BondGraham

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ALAMEDA COUNTY SHERIFF'S OFFICE FACEBOOK

Alameda County Sheriff Gregory Ahern.

The Alameda County Sheriff's Office recently instituted a new policy of making the release dates of inmates from county jails public on its "inmate locator" website. The move coincides with similar steps taken by the Orange County Sheriff's Office last month to publish inmate release dates as a means of circumventing the state "sanctuary" law, SB 54.

But unlike Orange County, where the sheriff said it's their intention to help federal Immigration and Customs Enforcement agents, the Alameda County Sheriff's Office said today that their decision to make release dates public isn't about working with ICE.

"It's part of a broader purpose of being transparent," said Sgt. Ray Kelly.

Immigrant rights advocates, however, question the timing of the move.

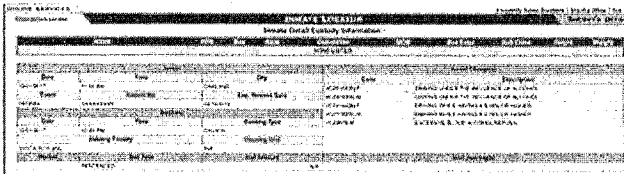
"This is really problematic that this implementation is happening now," said Yadira Sanchez of the California Immigrant Youth Justice Alliance. "It's a further indication that Sheriff Ahern and his department are continuing to side with the Trump

administration and [Attorney General] Jeff Sessions, and they're seizing the moment to collaborate with ICE."

According to Kelly, release date information for inmates at the county's Santa Rita Jail in Dublin and Glenn Dyer Jail in Oakland have always been available to the public, but requestors had to call the jail. Now the information can be accessed online. Kelly said the move is in step with the state public records law and recent case law promoting the use of technology to allow faster access to information. It's also less work for sheriff's office employees who don't have to answer the phones.

Unlike Orange County and the Contra Costa Sheriff's Office — which also recently decided to make release dates public — the Alameda County Sheriff's website doesn't list all of the currently incarcerated people along with their release dates in one document. Instead, users of the system still need to know the name of a person who is detained in the jail before obtaining their information.

click to enlarge



A screenshot of an inmate's record [redacted] showing their expected release date.

Kelly couldn't say when release dates were added, but the feature was approved recently and went live earlier this year.

SB 54 was passed last year and restricts local law enforcement from sharing information with ICE. The law drew opposition from the California State Sheriffs Association, of which Ahern is a member.

"It's a true concern for the immigrant community and undocumented people," said Sanchez. "Even though the release of information is in a slightly different form, they're still targeting immigrants. They're seizing the moment to collaborate with ICE."

Kelly disagreed and said the new feature isn't likely to provide ICE agents with much assistance. "It's not to bolster ICE, or make their job easier or better," he said.

But Jon Rodney with the California Immigrant Policy Center said the Alameda County Sheriff's decision could help immigration agents and is the wrong step for the operator of the county's jails. "Immigrants are a vital part of California, and Californians believe in compassion and equality, and we need from every county sheriff and elected officials to defend those values and not attack them," he said.

Kelly acknowledged that the move may not be well timed given the Orange County Sheriff's very public denunciation of the state sanctuary laws at a press conference last week.

When announcing his agency's decision to make inmate release dates public last week, Orange County Undersheriff Don Barnes told the press, "this is in response to SB-54 limiting our ability to communicate with federal authorities and our concern that criminals are being released to the street."

"We know that's going to be said. This is very untimely for this to happen," said Kelly.

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EXHIBIT L

REDACTION AND PRIVILEGE LOG - UNITED STATES v. CALIFORNIA, et al., 1:18-cv-490-JAM-KJN (E.D. CAL.)

Bates #	Declaration Paragraph	Document Title/Subject	Source/From:	Recipient/To: and CC:	Date	Disposition	Description of Redacted Material	Privilege(s)
USvCA_Homan_Depo 000058 - 59	Paragraph 42	Crimes of Arrest For San Diego, list of specific crimes and aliens arrested for them	N/A	N/A	N/A	Produced with Redactions	Throughout document: Identifying number assigned by another federal law enforcement agency, disclosure of which could compromise ongoing law enforcement activities by that agency.	Law Enforcement Privilege; Third Agency Information
USvCA_Homan_Depo 000060	Paragraph 42 PART 2	Email chain discussing case example	Ziegler, Douglas	Hamelin, Scott; Linscott, John; Greene, Joseph; Gross, Paul	Jan. 6, 2018	Produced with Redactions	First Redaction: Name of person who printed e-mail chain - no direct involvement in case example. Second Redaction: Recommendation for handling future criminal warrant cases.	Not Responsive; Deliberative Process
USvCA_Homan_Depo 000061							First Redaction: Internal questions and discussion about handling immigration case and case history. Second Redaction: Attorney notes regarding immigration case litigation.	Deliberative Process; Attorney Work Product
USvCA_Homan_Depo 000064							First Redaction: Internal discussion of techniques/plan for effectuating arrest. Second Redaction: Name of Law Enforcement Agent of Officer. Third Redaction: Internal discussion regarding recommendation for handling future cases generally.	Law Enforcement; Deliberative Process
USvCA_Homan_Depo 000066							Throughout document: Identifying number assigned by another federal law enforcement agency, disclosure of which could compromise ongoing law enforcement activities by that agency.	Third Agency Information
USvCA_Homan_Depo 000463 - 512	Paragraph 42 PART 3	ERO San Diego Tracker for Detainers Not Honored	N/A	N/A	N/A	Produced with Redactions	Throughout document: Three columns labeled Case Notes, FBI #, and Special Instructions. Case Notes and Special Information columns contain officer notes, potential arrest plans or dates, times, locations of potential future arrest opportunity. FBI # contains identifying number assigned by another federal law enforcement agency, disclosure of which could compromise ongoing law enforcement activities by that agency.	Law Enforcement, Deliberative Process; Third Agency Information

USvCA_Homan_Depo 000067, 69, 70, 80, 81	Paragraph 44a	Selected Pages: EARM Search Results	N/A	N/A	N/A	Produced with Redactions	Top Right and Bottom Left of Page Redactions: Username and internal URL for internal ICE database, disclosure of which would reveal various law enforcement techniques regarding which individuals make which decisions, have access to systems, etc., which would permit those seeking to evade law enforcement to discern which employees to target, and permit the hacking of government systems.	Not Responsive/Internal Use Only
USvCA_Homan_Depo 000071 - 79	Paragraph 44a	Crimional History Record	N/A	N/A	N/A	Produced Redacted in Full	Printout from third agency database - NCIC information.	Third Agency Information
USvCA_Homan_Depo 000084	Paragraph 44a - PART 2	Form I-213	N/A	N/A	Sept. 25, 2017	Produced with Redactions	Throughout document: Identifying number assigned by another federal law enforcement agency, disclosure of which could compromise ongoing law enforcement activities by that agency.	Third Agency Information
USvCA_Homan_Depo 000088-89							Throughout pages: Information redacted that is protected by statute or regulation, and not used or relied upon in declaration.	Protected by Regulation or Statute, Not Responsive
USvCA_Homan_Depo 000090, 96-97, 101- 02, 119-20, 122-23, 127-28, 132-33, 137- 43	Paragraph 44b	Selected Pages: EARM Search Result	N/A	N/A	N/A	Produced with Redactions	Top Right and Bottom Left of Page Redactions: Username and internal URL for internal ICE database, disclosure of which would reveal various law enforcement techniques regarding which individuals make which decisions, have access to systems, etc., which would permit those seeking to evade law enforcement to discern which employees to target, and permit the hacking of government systems.	Not Responsive/Internal Use Only
USvCA_Homan_Depo 000103 - 17	Paragraph 44b	Criminal History Record	N/A	N/A	N/A	Produced Redacted in Full	Printout from third agency database - NCIC information.	Third Agency Information
USvCA_Homan_Depo 000091 - 92	Paragraph 44b	Form I-213	N/A	N/A	N/A	Produced with Redactions	Two Redactions: Identifying number assigned by another federal law enforcement agency, disclosure of which could compromise ongoing law enforcement activities by that agency.	Third Agency Information
USvCA_Homan_Depo 000094							Information redacted that is protected by statute or regulation, and not used or relied upon in declaration.	Protected by Regulation or Statute, Not Responsive

USvCA_Homan_Depo 000147, 151-52, 166-71	Paragraph 44c	Selected Pages: EARM Search Result	N/A	N/A	N/A	Produced with Redactions	Top Right and Bottom Left of Page Redactions: Username and internal URL for internal ICE database, disclosure of which would reveal various law enforcement techniques regarding which individuals make which decisions, have access to systems, etc., which would permit those seeking to evade law enforcement to discern which employees to target, and permit the hacking of government systems.	Not Responsive/Internal Use Only
USvCA_Homan_Depo 000153-62	Paragraph 44c	Criminal History Record	N/A	N/A	N/A	Produced Redacted in Full	Printout from third agency database - NCIC information.	Third Agency Information
USvCA_Homan_Depo 000163-64	Paragraph 44c	Form I-213	N/A	N/A	N/A	Produced with Redactions	Two Redactions: Identifying number assigned by another federal law enforcement agency, disclosure of which could compromise ongoing law enforcement activities by that agency.	Third Agency Information
USvCA_Homan_Depo 000165							Information redacted that is protected by statute or regulation, and not used or relied upon in declaration.	Protected by Regulation or Statute, Not Responsive
USvCA_Homan_Depo 000179, 184-86, 192-95	Paragraph 44d	Selected Pages: EARM Search Result	N/A	N/A	N/A	Produced with Redactions	Top Right and Bottom Left of Page Redactions: Username and internal URL for internal ICE database, disclosure of which would reveal various law enforcement techniques regarding which individuals make which decisions, have access to systems, etc., which would permit those seeking to evade law enforcement to discern which employees to target, and permit the hacking of government systems.	Not Responsive/Internal Use Only
USvCA_Homan_Depo 000193							Information redacted that is protected by statute or regulation, and not used or relied upon in declaration.	Protected by Regulation or Statute, Not Responsive
USvCA_Homan_Depo 000187-91	Paragraph 44d	Criminal History Record	N/A	N/A	N/A	Produced Redacted in Full	Printout from third agency database - NCIC information.	Third Agency Information
USvCA_Homan_Depo 000180	Paragraph 44d	Form I-213	N/A	N/A	Feb. 25, 2018	Produced with Redactions	Identifying number assigned by another federal law enforcement agency, disclosure of which could compromise ongoing law enforcement activities by that agency.	Third Agency Information
USvCA_Homan_Depo 000182							Information redacted that is protected by statute or regulation, and not used or relied upon in declaration.	Protected by Regulation or Statute, Not Responsive
USvCA_Homan_Depo 000183							Discussion of attorney advice.	Attorney-Client

USvCA_Homan_Depo 000198, 214-15	Paragraph 44e	Selected Pages: EARM Search Result	N/A	N/A	N/A	Produced with Redactions	Top Right and Bottom Left of Page Redactions: Username and internal URL for internal ICE database, disclosure of which would reveal various law enforcement techniques regarding which individuals make which decisions, have access to systems, etc., which would permit those seeking to evade law enforcement to discern which employees to target, and permit the hacking of government systems.	Not Responsive/Internal Use Only
USvCA_Homan_Depo 000206-11	Paragraph 44e	Criminal History Record	N/A	N/A	N/A	Produced Redacted in Full	Printout from third agency database - NCIC information.	Third Agency Information
USvCA_Homan_Depo 000212	Paragraph 44e	Form I-213	N/A	N/A	Mar. 8, 2012	Produced with Redactions	Identifying number assigned by another federal law enforcement agency, disclosure of which could compromise ongoing law enforcement activities by that agency.	Third Agency Information
USvCA_Homan_Depo 000213							Information redacted that is protected by statute or regulation, and not used or relied upon in declaration.	Protected by Regulation or Statute, Not Responsive
USvCA_Homan_Depo 000221-22	Paragraph 44f	Selected Pages: EARM Search Result	N/A	N/A	N/A	Produced with Redactions	Top Right and Bottom Left of Page Redactions: Username and internal URL for internal ICE database, disclosure of which would reveal various law enforcement techniques regarding which individuals make which decisions, have access to systems, etc., which would permit those seeking to evade law enforcement to discern which employees to target, and permit the hacking of government systems.	Not Responsive/Internal Use Only
USvCA_Homan_Depo 000226-28	Paragraph 44f	Form I-213	N/A	N/A	Sept. 26, 2016	Produced with Redactions	First and Second Redactions: Identifying number assigned by another federal law enforcement agency, disclosure of which could compromise ongoing law enforcement activities by that agency. Third and Fourth Redactions: Information redacted that is protected by statute or regulation, and not used or relied upon in declaration.	Third Agency Information; Protected by Regulation or Statute, Not Responsive
USvCA_Homan_Depo 000229-35	Paragraph 44f	Criminal History Record	N/A	N/A	N/A	Produced Redacted in Full	Printout from third agency database - NCIC information.	Third Agency Information

USvCA_Homan_Depo 000236-38	Paragraph 44f - PART 2	EARM Search Result	N/A	N/A	N/A	Produced with Redactions	Top Right and Bottom Left of Page Redactions: Username and internal URL for internal ICE database, disclosure of which would reveal various law enforcement techniques regarding which individuals make which decisions, have access to systems, etc., which would permit those seeking to evade law enforcement to discern which employees to target, and permit the hacking of government systems.	Not Responsive/Internal Use Only
USvCA_Homan_Depo 000239	Paragraph 44g	EARM Search Result	N/A	N/A	N/A	Produced with Redactions	Top Right and Bottom Left of Page Redactions: Username and internal URL for internal ICE database, disclosure of which would reveal various law enforcement techniques regarding which individuals make which decisions, have access to systems, etc., which would permit those seeking to evade law enforcement to discern which employees to target, and permit the hacking of government systems.	Not Responsive/Internal Use Only
USvCA_Homan_Depo 000260-68	Paragraph 44g	Criminal History Record	N/A	N/A	N/A	Produced Redacted in Full	Printout from third agency database - NCIC information.	Third Agency Information
USvCA_Homan_Depo 000269	Paragraph 44g	Form I-213	N/A	N/A	Mar. 1, 2012	Produced with Redactions	Identifying number assigned by another federal law enforcement agency, disclosure of which could compromise ongoing law enforcement activities by that agency. Third and Fourth Redactions: Information redacted that is protected by statute or regulation, and not used or relied upon in declaration.	Third Agency Information
USvCA_Homan_Depo 000270							Information redacted that is protected by statute or regulation, and not used or relied upon in declaration.	Protected by Regulation or Statute, Not Responsive
USvCA_Homan_Depo 000278, 301-16	Paragraph 44h	Selected Pages: EARM Search Result	N/A	N/A	N/A	Produced with Redactions	Top Right and Bottom Left of Page Redactions: Username and internal URL for internal ICE database, disclosure of which would reveal various law enforcement techniques regarding which individuals make which decisions, have access to systems, etc., which would permit those seeking to evade law enforcement to discern which employees to target, and permit the hacking of government systems.	Not Responsive/Internal Use Only

USvCA_Homan_Depo 000282	Paragraph 44h	Form I-213	N/A	N/A	Mar. 27, 2018	Produced with Redactions	Identifying number assigned by another federal law enforcement agency, disclosure of which could compromise ongoing law enforcement activities by that agency. Third and Fourth Redactions: Information redacted that is protected by statute or regulation, and not used or relied upon in declaration.	Third Agency Information
USvCA_Homan_Depo 000298-99	Paragraph 44h	Form I-213	N/A	N/A	Aug. 1, 2018	Produced with Redactions	Identifying number assigned by another federal law enforcement agency, disclosure of which could compromise ongoing law enforcement activities by that agency. Third and Fourth Redactions: Information redacted that is protected by statute or regulation, and not used or relied upon in declaration.	Third Agency Information
USvCA_Homan_Depo 000300							Information redacted that is protected by statute or regulation, and not used or relied upon in declaration.	Protected by Regulation or Statute, Not Responsive
USvCA_Homan_Depo 000284-97	Paragraph 44h	Criminal History Record	N/A	N/A	N/A	Produced Redacted in Full	Printout from third agency database - NCIC information.	Third Agency Information
USvCA_Homan_Depo 000318	Paragraph 45a	EARM Search Result	N/A	N/A	N/A	Produced with Redactions	Top Right and Bottom Left of Page Redactions: Username and internal URL for internal ICE database, disclosure of which would reveal various law enforcement techniques regarding which individuals make which decisions, have access to systems, etc., which would permit those seeking to evade law enforcement to discern which employees to target, and permit the hacking of government systems.	Not Responsive/Internal Use Only
USvCA_Homan_Depo 000320	Paragraph 45a	Form I-213	N/A	N/A	Mar. 28, 2018	Produced with Redactions	Identifying number assigned by another federal law enforcement agency, disclosure of which could compromise ongoing law enforcement activities by that agency. Third and Fourth Redactions: Information redacted that is protected by statute or regulation, and not used or relied upon in declaration.	Third Agency Information
USvCA_Homan_Depo 000324-27	Paragraph 45a	Criminal History Record	N/A	N/A	N/A	Produced Redacted in Full	Printout from third agency database - NCIC information.	Third Agency Information

USvCA_Homan_Depo 000329	Paragraph 45a	Form I-213	N/A	N/A	Jun. 7, 2015	Produced with Redactions	Identifying number assigned by another federal law enforcement agency, disclosure of which could compromise ongoing law enforcement activities by that agency. Third and Fourth Redactions: Information redacted that is protected by statute or regulation, and not used or relied upon in declaration.	Third Agency Information
USvCA_Homan_Depo 000330-31							Information redacted that is protected by statute or regulation, and not used or relied upon in declaration.	Protected by Regulation or Statute, Not Responsive
USvCA_Homan_Depo 000332, 341-49	Paragraph 45b	Selected Pages: EARM Search Result	N/A	N/A	N/A	Produced with Redactions	Top Right and Bottom Left of Page Redactions: Username and internal URL for internal ICE database, disclosure of which would reveal various law enforcement techniques regarding which individuals make which decisions, have access to systems, etc., which would permit those seeking to evade law enforcement to discern which employees to target, and permit the hacking of government systems.	Not Responsive/Internal Use Only
USvCA_Homan_Depo 000337-40	Paragraph 45b	Criminal History Record	N/A	N/A	N/A	Produced Redacted in Full	Printout from third agency database - NCIC information.	Third Agency Information
USvCA_Homan_Depo 000336	Paragraph 45b	Form I-213	N/A	N/A	N/A	Produced with Redactions	Identifying number assigned by another federal law enforcement agency, disclosure of which could compromise ongoing law enforcement activities by that agency. Third and Fourth Redactions: Information redacted that is protected by statute or regulation, and not used or relied upon in declaration.	Third Agency Information
USvCA_Homan_Depo 000343	Paragraph 45b	EARM Search Result	N/A	N/A	N/A	Produced with Redactions	Information redacted that is protected by statute or regulation, and not used or relied upon in declaration.	Protected by Regulation or Statute, Not Responsive
USvCA_Homan_Depo 000350-51, 363-64	Paragraph 45c	Selected Pages: EARM Search Result	N/A	N/A	N/A	Produced with Redactions	Top Right and Bottom Left of Page Redactions: Username and internal URL for internal ICE database, disclosure of which would reveal various law enforcement techniques regarding which individuals make which decisions, have access to systems, etc., which would permit those seeking to evade law enforcement to discern which employees to target, and permit the hacking of government systems.	Not Responsive/Internal Use Only

USvCA_Homan_Depo 000353	Paragraph 45c	Form I-213	N/A	N/A	N/A	Produced with Redactions	Identifying number assigned by another federal law enforcement agency, disclosure of which could compromise ongoing law enforcement activities by that agency. Third and Fourth Redactions: Information redacted that is protected by statute or regulation, and not used or relied upon in declaration.	Third Agency Information
USvCA_Homan_Depo 000357-60	Paragraph 45c	Criminal History Record	N/A	N/A	N/A	Produced Redacted in Full	Printout from third agency database - NCIC information.	Third Agency Information
USvCA_Homan_Depo 000373-78	Paragraph 45d PART 4	Criminal History Record	N/A	N/A	N/A	Produced Redacted in Full	Printout from third agency database - NCIC information.	Third Agency Information
USvCA_Homan_Depo 000379-87	Paragraph 45d PART 4	EARM Search Result	N/A	N/A	N/A	Produced with Redactions	Top Right and Bottom Left of Page Redactions: Username and internal URL for internal ICE database, disclosure of which would reveal various law enforcement techniques regarding which individuals make which decisions, have access to systems, etc., which would permit those seeking to evade law enforcement to discern which employees to target, and permit the hacking of government systems.	Not Responsive/Internal Use Only
USvCA_Homan_Depo 000386							Identifying number assigned by another federal law enforcement agency, disclosure of which could compromise ongoing law enforcement activities by that agency. Third and Fourth Redactions: Information redacted that is protected by statute or regulation, and not used or relied upon in declaration.	Third Agency Information
USvCA_Homan_Depo 000389	Paragraph 51 PART 2	CA Detention Bed Capacity Numbers	N/A	N/A	N/A	Produced with Redactions	Name of person who submitted, but did not create, the chart.	Not Responsive
USvCA_Homan_Depo 000513-523	Paragraph 77	Significant Public Benefit Parole Protocol for U.S. Law Enforcement Agencies	Michael Garcia and Robert Bonner	N/A	May 9, 2005 and Sept. 22, 2005	Produced with Redactions	Throughout Document: Internal descriptions, definitions, policies, and procedures regarding the parole process and discussion of law enforcement techniques and operational processes involving paroles, definitions and descriptions of methods known only to the agency and/or law enforcement community	Law Enforcement
USvCA_Homan_Depo 000423-460	Paragraph 78	Department of Homeland Security - USCIS Central Index System	USCIS	N/A	N/A	Produced with Redactions	Printouts from USCIS databases used to conduct investigative checks on any prior immigration application history of the potential parolee.	Law Enforcement, Third Agency Information
USvCA_Homan_Depo 000461	Paragraph 78	U.S. DOJ Criminal Division	Office of International Affairs	Homeland Security Investigations	Dec. 1, 2017	Produced Redacted in Full	Request for Significant Public Benefit Parole	Attorney Work Product

USvCA_Homan_Depo 000005	Paragraph 78 PART 2	ICE Memorandum re Significant Public Benefit Parole	Brenda Nevano	Joseph Macias	Feb. 20, 2018	Produced with Redactions	Proposed travel itinerary of parolee and escorting law enforcement officials.	Law Enforcement
USvCA_Homan_Depo 000006	Paragraph 78 PART 2	ICE Memorandum re Significant Public Benefit Parole	Brenda Nevano	HSI Assistant Attache	Feb. 20, 2018	Produced with Redactions	Proposed travel itinerary of parolee and escorting law enforcement officials.	Law Enforcement
USvCA_Homan_Depo 000007	Paragraph 78 PART 2	ICE Memorandum re Significant Public Benefit Parole	Brenda Nevano	Field Office Parole Coordinator	Feb. 20, 2018	Produced with Redactions	Proposed travel itinerary of parolee and escorting law enforcement officials.	Law Enforcement
USvCA_Homan_Depo 000008	Paragraph 78 PART 2	Mandatory Tracking Requirements	Brenda Nevano	Vaugh Ary, Renee Baer	Feb. 20, 2018	Produced with Redactions	Description of potential monitoring and tracking requirements used for paroles.	Law Enforcement
USvCA_Homan_Depo 000009	Paragraph 78 PART 2	DHS ICE Parole Chronology and Review Form	N/A	N/A	Feb. 20, 2018	Produced with Redactions	Internal case history and routing notes.	Deliberative Process, Not Responsive
USvCA_Homan_Depo 000010 - 48	Paragraph 78 PART 2	Department of Homeland Security - USCIS Central Index System	USCIS	N/A	N/A	Produced Redacted in Full	Printouts from USCIS databases used to conduct investigative checks on any prior immigration application history of the potential parolee.	Law Enforcement, Third Agency Information
USvCA_Homan_Depo 000049	Paragraph 78 PART 2	U.S. DOJ Criminal Division	Office of International Affairs	Homeland Security Investigations	Feb. 13, 2018	Produced Redacted in Full	Discussion of draft travel plans and operational details of travel and additional operational requirements needed for further processing.	Law Enforcement, Deliberative, Third Party Information
USvCA_Homan_Depo 000053-56	Paragraph 78 PART 2	Email chain discussing case	Brenda Nevano	Crystal Williams	Feb. 20, 2018	Produced with Redactions	Throughout document: Proposed travel itinerary.	Law Enforcement, Deliberative
USvCA_Homan_Depo 000524-526	Paragraph 39	Email	LOS Office of Chief Counsel	ICE OPLA	Feb. 12, 2018	Withheld in Full	Attorney communications and summaries regarding information contained in paragraph 39 in anticipation of litigation.	Attorney Work Product/Attorney Client Privilege
USvCA_Homan_Depo 000527	Paragraph 44(f)	Emails	LOS Field Office	LOS Office of Chief Counsel	Feb. 21, 2018	Withheld in Full	Attorney-client e-mail discussing summary of case in anticipation of litigation	Attorney Work Product/Attorney Client Privilege
USvCA_Homan_Depo 000528-533	Paragraph 45(d)	Emails	ICE OPLA	LOS Office of Chief Counsel	Feb. 27, 2018	Withheld in Full	Attorney communications and summaries regarding information contained in paragraph 45 in anticipation of litigation.	Attorney Work Product/Attorney Client Privilege
USvCA_Homan_Depo 000534-535	Paragraph 45(d)	Emails	ICE OPLA	LOS Office of Chief Counsel	Feb. 27, 2018	Withheld in Full	Email and attachment of attorney communications and summaries regarding information contained in paragraph 45 in anticipation of litigation.	Attorney Work Product/Attorney Client Privilege
USvCA_Homan_Depo 000536	Paragraph 51	Emails	ICE ERO	ICE OPLA	Mar. 5, 2018	Withheld in Full	Attorney and attorney-client discussions and questions regarding information to place into paragraph 51 in anticipation of litigation.	Attorney Work Product/Attorney Client Privilege
USvCA_Homan_Depo 000537-540	Paragraph 51	Emails	ICE OPLA	ICE Management and Administration	Jan. 16, 2018	Withheld in Full	Attorney and attorney-client discussions regarding proposed litigation.	Attorney Work Product/Attorney Client Privilege
USvCA_Homan_depo 000541-544	Paragraph 78	Emails	ICE OPLA	ICE HSI and DOJ Crim	Jan. 17, 2018	Withheld in Full	Attorney and attorney-client discussions regarding parole request.	Attorney Work Product/Attorney Client Privilege

USvCA_Homan_Depo 000545-549	Paragraph 88	Emails	ICE OPLA	ICE OPLA	Feb. 27, 2018	Withheld in Full	Attorney and attorney-client discussions regarding proposed litigation.	Attorney Work Product/Attorney Client Privilege
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EXHIBIT M

FILED PROVISIONALLY UNDER SEAL

EXHIBIT N

FILED PROVISIONALLY UNDER SEAL

EXHIBIT O

FILED PROVISIONALLY UNDER SEAL

EXHIBIT P

FILED PROVISIONALLY UNDER SEAL

EXHIBIT Q

FILED PROVISIONALLY UNDER SEAL

EXHIBIT R

FILED PROVISIONALLY UNDER SEAL

EXHIBIT S

FILED PROVISIONALLY UNDER SEAL