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

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 15  
 16 **THE UNITED STATES OF AMERICA,**

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

17 Plaintiff,

18 v.

**MOTION FOR LEAVE TO FILE  
 AMICUS CURIAE BRIEF OF THE CITY  
 OF LOS ANGELES IN OPPOSITION TO  
 PLAINTIFF'S MOTION FOR  
 PRELIMINARY INJUNCTION**

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

Hearing Date: June 20, 2018  
 Hearing Time: 10:00 a.m.  
 Location: Courtroom 6

22 Defendants.

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

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**STATEMENT OF INTEREST OF AMICUS CURIAE**

Pursuant to this Court’s Order regarding *Amicus* briefing, dated March 27, 2018 (ECF No. 37), and Rule 29 of the Federal Rules of Appellate Procedure, the City of Los Angeles (“City” or “Los Angeles”) hereby requests leave to file the accompanying *Amicus Curiae* Brief in Opposition to Plaintiff’s Motion for Preliminary Injunction.<sup>1</sup>

Los Angeles has unique interests in this case. Los Angeles is the largest city in the State of California and is home to more immigrants and immigrant families than any other city in the State. For over forty years, the City has decided that the public safety of all its residents, including its large and diverse immigrant communities, is best served through policing policies that restrict the role of Los Angeles Police Department (“LAPD”) officers in enforcing immigration laws. The State is exercising the same judgment in pursuit of the same goals in Senate Bill 54 (“SB 54”). Assembly Bill 450 (“AB 450”) and Assembly Bill 103 (“AB 103”) also serve to foster trust between immigrant communities and their local leaders.

Plaintiff’s Motion, if granted, would have a significant, direct, negative impact on the City’s relationship with its immigrant communities, the policies of the LAPD, and the public safety of those who live and work in Los Angeles. Los Angeles’ proposed *amicus* brief highlights constitutional, statutory and policy reasons why SB 54, AB 450 and AB 103 should not be enjoined.

**ARGUMENT**

Los Angeles submits its *amicus* brief to provide the Court with the City’s unique perspective on the facts and law relevant to Plaintiff’s Motion. The Court’s ruling in this case would have a significant impact on Los Angeles because of the large number of immigrants who live and work here. Los Angeles in many ways is a city of immigrants. Nearly 4 million people live within the city limits. Approximately 1.5 million of these residents are immigrants – 37.8% of the City’s total population.<sup>2</sup> These immigrants and their communities comprise an essential

<sup>1</sup> No counsel for a party authored this brief in whole or in part and no person or entity, other than *amicus curiae*, its members or its counsel, has contributed money that was intended to fund preparing or submitting the brief.

<sup>2</sup> U.S. Census Bureau, *Place of Birth by Nativity and Citizenship Status, 2012-2016 American*

1 part of the City’s social fabric. City leaders have a strong interest in protecting the rights,  
2 maintaining the cooperation and trust, and securing the public safety of this large segment of its  
3 population.

4 Los Angeles’ voice is of particular importance here because the City, for decades, has  
5 implemented trust-based policing policies in its immigrant communities. Nearly forty years ago,  
6 in 1979, the LAPD adopted a formal policy restricting LAPD officers from initiating police action  
7 based on immigration status. Since then, Los Angeles has adopted numerous other policing  
8 strategies based on the principle that trust is built and public safety best served when the City’s  
9 police officers are not involved in the enforcement of federal civil immigration laws.

10 Senate Bill 54 (“SB 54”) is based on the same principle – that “a relationship of trust  
11 between California’s immigrant community and state and local agencies is central to the public  
12 safety of the people of California.” Cal. Gov. Code § 7284.2(b). SB 54’s regulations  
13 demonstrate that the State shares Los Angeles’ interest in improving trust and public safety by  
14 minimizing the entanglement of local police in federal immigration enforcement. Cal. Gov. Code  
15 §§ 7284.6(a)(1)(C) & (D); 7284.6(a)(4).

16 Los Angeles’ experience has been that policing policies based on trust, like those  
17 embodied in SB 54, improve cooperation between local police and immigrant communities and  
18 reduce crime for all residents. As detailed in the *amicus* brief, in the past forty years since  
19 adopting its initial immigration-related policies, Los Angeles has seen crime rates plummet to  
20 record lows. At the same time, LAPD officers have benefited from the cooperation of witnesses  
21 and victims of crime in the City’s immigrant communities. These positive trends will not  
22 continue if LAPD officers are seen as agents of federal immigration authorities.

23 Plaintiff’s Motion, if granted, could entangle LAPD officers in the enforcement of federal  
24 immigration laws and threaten the relationship of trust the City has built painstakingly over the  
25 years. Invalidating AB 450 and AB 103 also would risk eroding the trust between immigrant  
26 communities and their local leaders.

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27 *Community Survey 5-Year Estimates*,  
28 [https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS\\_16\\_5YR\\_B05002&prodType=table](https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_16_5YR_B05002&prodType=table)

1 Los Angeles' *amicus* brief also draws from the City's experience in focusing on several  
2 discrete legal arguments against Plaintiff's Motion: (1) SB 54 represents a constitutionally  
3 protected exercise of the State's police powers, especially considering that local law enforcement  
4 decisions are part of the core powers over which state and local government retain sovereignty  
5 vis-à-vis the federal government; (2) SB 54 is protected under the Tenth Amendment's anti-  
6 commandeering doctrine; (3) SB 54 expressly allows the LAPD and other local police  
7 departments to share information in their possession regarding an individual's immigration status,  
8 precisely what federal immigration statutes require; and (4) SB 54 does not conflict with any  
9 other unmistakably clear enforcement mandates of federal immigration law sufficient to justify  
10 upending the constitutionally protected decisions of local law enforcement officials regarding  
11 local public safety.

## 12 CONCLUSION

13 For the foregoing reasons, Los Angeles respectfully requests leave to file the  
14 accompanying *amicus* brief in opposition to Plaintiff's Motion for Preliminary Injunction.

15 Dated: May 18, 2018

Respectfully submitted,

16 **MICHAEL N. FEUER**, City Attorney

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18 By: /s/Harit U. Trivedi

HARIT U. TRIVEDI

Deputy City Attorney

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20 *Attorneys for Amicus Curiae City of Los Angeles*

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**CERTIFICATE OF SERVICE**

I hereby certify on May 18, 2018, I electronically filed the foregoing Motion for Leave to File *Amicus Curiae* Brief of the City of Los Angeles in Opposition to Plaintiff’s Motion for Preliminary Injunction and accompanying *Amicus Curiae* Brief of the City of Los Angeles, with the Clerk of the Court for the United States District Court for the Eastern District of California by using the CM/ECF system. Notice of this filing will be sent by mail to anyone unable to accept electronic filing.

Dated: May 18, 2018

/s/Harit U. Trivedi  
HARIT U. TRIVEDI  
Deputy City Attorney