

EXHIBIT 13

DECLARATION OF LEWIS SMITH

I, LEWIS SMITH, hereby declare:

I make this declaration based on my own personal knowledge and if called to testify I could and would do so competently as follows:

1. I am the Chief of Police for the town of Uvalda, Georgia. Uvalda is a town of approximately 600 people in southeast Georgia. It is in Montgomery County.
2. I have been the Chief of Police in Uvalda since February of this year (2011). Before that, I was the Chief of Police in Rhine, Georgia for about a year and a half and prior to that was a Major and Assistant Chief in the Willacoochee Police Department in Willacoochee, Georgia.
3. I was born in Bacon County, Georgia and raised as a farmer. Growing up my family did row crop and cattle farming. I continued to farm until about three or four years ago, when my father passed away. In 1987 I decided to go into law enforcement to supplement my income and raise my young family. I graduated from the Abraham Baldwin Police Academy in Tifton, Georgia in 1988.
4. I have been certified in law enforcement in Southeast Georgia for 23 years. From 1997 to 2004 I ran a trucking company with my kids, but have always

done at least part time law enforcement work. Over the years I have received extensive training and certifications through the Georgia Peace Officer Standards and Training Council, including Chief Executive training, training in fire arms, responding to domestic violence, Driving Under the Influence (“DUI”) and sobriety, intoxication, radar detection, working with canine drug dogs and court room demeanor, among other things. I have also testified in court several times related to cases I was involved in.

5. My responsibility as Chief of Police is to ensure the public safety of everyone living in and travelling through Uvalda, regardless of their race or where they are from. My focus as Chief of Police is to be able to patrol my city and prevent all crime. I do this by being highly visible. I want to let everybody see my police car ride by their house. In my experience, this deters crime.
6. I have read over HB 87 and based on my experience as a police officer and Chief in rural southeastern Georgia, I am worried about the impact this law will have on my community and other communities like mine and I am unsure how we will have the resources or ability to carry it out.
7. HB 87 authorizes law enforcement officers to verify immigration status of anyone they stop upon suspicion of any criminal activity if that person is not

able to produce one of the listed documents, like a Georgia driver's license or identification card. I say "criminal activity," but of course this includes even very minor conduct like an improper lane change, failing to use a turn signal, or going even two miles over the speed limit. Although the law does not literally require immigration status verification, in my opinion that is how it will be interpreted by law enforcement in southeast Georgia and I think that is exactly what the law intends, which after all is named the "Illegal Immigration Reform and Enforcement Act of 2011." This is going to be devastating to my community, and to many other areas in rural Georgia.

8. I believe this law will open the door for a lot of racial profiling, if it is implemented. There are a lot of good police officers, but there are also some bad ones out there too and if the bad ones don't like Hispanics, for whatever reason, they will have the ability to try to verify that person's immigration status. I believe that officers in many small towns will rely on physical appearance or way of talking (accent) to determine whether to stop someone and attempt to verify the person's immigration status.
9. I am also concerned HB 87 will negatively affect my communities' safety. Like many communities in southeastern Georgia, neither Uvalda nor

Montgomery County has its own jail. The detention facility we use is 40 miles away in Soperton, Georgia, at the Treutlen County Jail. Soperton is a 40-minute drive from Uvalda. That means an hour drive there and an hour drive back. The booking process at the jail can take anywhere from 15 minutes to over an hour, depending on how busy the jail is. This means that every time I take someone to the jail I'm gone at least two hours and fifteen minutes, if not longer.

10. Every time I have to transport someone to the jail, my town is left unguarded. Because Uvalda is such a small town, everyone in town knows when I've left town and the criminal element often takes advantage of this time to commit crimes. Because immigration status is not something that police can always verify from their police cruisers, status checks under HB 87 would result in me spending more time transporting people to jail to have their immigration status verified and less time patrolling my town and preventing crime. For this reason, I can't fully enforce HB 87 because it would make my town less safe. But I expect, based on my conversations with other law enforcement officers in communities close to Uvalda and throughout the state, that police in many towns will feel compelled to always

exercise their authority to ask about immigration status, making many communities less safe and stretching already thin police forces to their limit.

11. The criminal element in Uvalda does not include the population HB 87 targets. In Uvalda, even though we are a small town, we have a big prescription drug problem resulting in break-ins, burglaries and even suicides. Hispanics, and in particular Hispanic immigrants, in Uvalda are law-abiding people. In my experience they are more conscious about obeying the law because they could lose everything if they were arrested. I currently have a good relationship with the Hispanic community, but HB 87 is going to erode the communities' trust in me. In small towns like Uvalda, life is more personal. As Chief I get to know people for who they are, rather than just a statistic or a word such as "illegal." The immigrants in my community have children and they need a chance, just like everyone else does.

12. I'm also concerned that HB 87 will take up already limited jail space that we need for violent offenders and drug dealers and will fill it with otherwise law-abiding people who are just trying to better themselves and take care of their families.

13. Because there are so few jails near Uvalda, the facilities we do have are often filled to capacity and unable to accept new prisoners. The Treutlen County Jail holds 46 people, but often houses more. If I show up to the jail and they are full, they put my prisoner in a holding room until I can get someone in there to bond them out. If they are unable to be bonded out quickly and have nowhere to house them, they have to let them go. Because of this I often call the jail before I transport to find out whether there is space for a new prisoner. If there isn't space at the jail in Treutlen County, then I have to call the jails in Hazlehurst or Jeff Davis County to find out if there is space elsewhere. HB 87 is going to make this problem worse. If the jail in Treutlen County is full because of HB 87, I will have to travel even farther, and leave my town exposed for even longer, to get the person into a jail.

14. I am also very concerned about how HB 87 will usurp local police officers' decision-making authority when we stop individuals for minor infractions. Because of the limited jail space we have, and because of the limited law enforcement resources I have to keep Uvalda safe, I routinely issue citations for minor crimes when I determine that a citation will effectively deter the crime at issue and will keep Uvalda safe. A citation is often preferable to an arrest when the violation is minor because an arrest will take me out of

service for over two hours, which is time that I am off the streets of Uvalda. For example, I routinely issue citations for all traffic offenses. In 2010, I issued approximately thirty to forty citations per month. That's an average of over four hundred citations a year. On average, it takes me about ten minutes to issue a citation, if everything goes well. In my experience, I expect many officers will view HB 87 as depriving us of the ability to make these decisions to issue citations in lieu of physical arrest, which will make all of our communities less safe. Again, though the law does not literally require this, in practice it often will because officers do not want to appear to not be fully enforcing the laws passed by the legislature.

15. I think this law unfairly targets Hispanic people. The Hispanic people living in my community are law-abiding citizens. They have family and kids. This law will result in many people many people having their immigration status checked if they don't have the right documents, even if they are just trying to get to work. I don't like the idea of having to call ICE every time I take someone in and I don't believe that ICE is going to move quickly to come to Uvalda, in rural southeast Georgia, to pick up suspected immigrants. It generally takes seven to ten days for ICE to come pick someone up in South Georgia. In the meantime that person is housed at a cost of hundreds of

dollars during that period and then, once someone has an ICE hold on them, they're not going to pay their ticket. It's completely fruitless for us. It takes us away from our community, making it less safe and in the meantime we don't even get the revenue we depend on from the citation.

16. HB 87 is not going to make anyone safer or bring more jobs to Georgia. HB 87 is going to bankrupt small towns like Uvalda because in practice it will divert scarce manpower and fiscal resources to detaining and jailing law abiding people that are part of our community just because they lack the proper identification documents. I believe our borders should be secured, but I do not think that HB 87 or police officers acting as immigration officers will make Georgia any safer.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED this 7 day of June, 2011 in Uvalda, Georgia.



Chief Lewis Smith