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11 *and Police Chiefs*

12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**

14 CITY AND COUNTY OF SAN FRANCISCO,

15 *Plaintiff,*

16 v.

17 DONALD J. TRUMP, et al.,

18 *Defendants.*

19 CITY OF SANTA CLARA,

20 *Plaintiff,*

21 v.

22 DONALD J. TRUMP, et al.,

23 *Defendants.*

) Case No. 3:17-cv-00485-WHO

) Case No. 3:17-cv-00574-WHO

) **[PROPOSED] BRIEF AMICI**
) **CURIAE OF INDIVIDUAL**
) **SHERIFFS AND POLICE CHIEFS**
) **IN SUPPORT OF PLAINTIFFS AND**
) **IN OPPOSITION TO**
) **DEFENDANTS' MOTIONS TO**
) **DISMISS**

) Date: July 12, 2017

) Time: 2:00 pm

) Dep't: Courtroom 2

) Judge: Hon. William H. Orrick

) Date Filed: June 28, 2017

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**INTEREST OF AMICI CURIAE AND
ADOPTION OF PRIOR AMICI CURIAE BRIEF**

Amici are individual police chiefs and sheriffs from cities and counties in eleven states. *Amici* have extensive expertise in local law enforcement and in cooperative federal-state law enforcement activities. They are intimately familiar with the challenges of performing critical law enforcement functions in communities where immigrants fear the police and are vulnerable to exploitation and crime. *Amici* represent some of the more than 400 jurisdictions that have policies limiting local involvement in federal immigration operations.

This Court previously granted *Amici*'s Motion for Leave to File Amici Curiae Brief in support of Plaintiffs' Motion for a Preliminary Injunction. (No. 17-cv-574, Dkt. Nos. 65, 98; No. 17-cv-485, Dkt. Nos. 59, 82.) As stated in *Amici*'s prior brief, *Amici*'s experience in keeping their communities safe has taught the critical importance of bringing immigrants and their families out of the shadows. Community trust and cooperation are essential to public safety, and sound police work is undermined by undocumented immigrants' fears of interacting with law enforcement. This dynamic, moreover, leaves undocumented immigrants more vulnerable to crime and exploitation, leading to more violence in the communities *amici* are charged with protecting.

Despite a memo issued by the Attorney General on May 22, 2017 purporting to clarify Executive Order 13768 (the "Executive Order"), as Plaintiffs demonstrate in their opposition to Defendants' Motions to Dismiss, the Executive Order remains an attempt to compel jurisdictions such as the City and County of San Francisco and the County of Santa Clara to take part in federal immigration enforcement, including honoring civil detainers—requests from Immigration and Customs Enforcement ("ICE") to hold an individual in local governmental custody to allow ICE to take the individual into federal custody—or risk losing vital federal funding. Greater local involvement in immigration enforcement would cause community members to mistrust the police

1 and result in a decrease in cooperation, hindering the ability of local law enforcement agencies to
2 keep their communities safe. It would also drain scarce resources that would otherwise be used to
3 enhance public safety. Further, detention of individuals under ICE detainers who would otherwise
4 be released from custody has been found by federal courts across the country to violate the Fourth
5 Amendment of the United States Constitution.
6

7 Thus, *amici* have concluded that dismissal of this action would result in the coercion of
8 local law enforcement officers and agencies into a practice that would likely result in widespread
9 constitutional violations and substantial civil liability. *Amici* therefore adopt their *Amici Curiae*
10 Brief in support of Plaintiffs' Motion for a Preliminary Injunction, (No. 17-cv-574, Dkt. No. 65;
11 No. 17-cv-485, Dkt. No. 59), and ask this Court to consider *Amici's* prior filing in support of
12 Plaintiffs' Opposition to Defendants' Motions to Dismiss.
13

14 A full list of *amici* is attached as Exhibit A.
15

16 June 28, 2017

Respectfully Submitted,

17
18 /s/ Matthew J. Piers

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EXHIBIT A

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EXHIBIT A

Amici Individual Sheriffs and Police Chiefs are:

- Chief Art Acevedo, Houston, Texas, Police Department;
- Chief Charles Beck, Los Angeles, California, Police Department;
- Chief Chris Burbank (retired), Salt Lake City, Utah, Police Department;
- Sheriff Jerry Clayton, Washtenaw County, Michigan, Sheriff’s Office;
- Sheriff Mark Curran, Lake County, Illinois, Sheriff’s Office;
- Sheriff Tony Estrada, Santa Cruz County, Arizona, Sheriff’s Office;
- Sheriff Michael Haley (retired), Washoe County, Nevada, Sheriff’s Office;
- Sheriff Bill McCarthy, Polk County, Iowa, Sheriff’s Office;
- Sheriff Joe Pelle, Boulder County, Colorado, Sheriff’s Office;
- Chief Celestino Rivera, Lorain, Ohio, Police Department;
- Sheriff John Urquhart, King County, Washington, Sheriff’s Office;
- Sheriff Lupe Valdez, Dallas County, Texas, Sheriff’s Department; and
- Sheriff Richard Wiles, El Paso County, Texas, Sheriff’s Office.