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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 COUNTY OF SANTA CLARA,

15 Plaintiff,

16 v.

17 DONALD J. TRUMP, President of the
18 United States of America, JOHN F. KELLY,
19 in his official capacity as Secretary of the
20 United States Department of Homeland
21 Security, JEFFERSON B. SESSIONS, in his
22 official capacity as Attorney General of the
23 United States, JOHN MICHAEL "MICK"
MULVANEY, in his official capacity as
Director of the Office of Management and
Budget, and DOES 1-50,

Defendants.

Case No. 17-cv-00574-WHO

**DECLARATION OF CARL NEUSEL,
UNDERSHERIFF OF SANTA CLARA
COUNTY**

Date: April 5, 2017
Time: 2:00 p.m.
Dept.: Courtroom 2
Judge: Hon. William H. Orrick

Date Filed: February 3, 2017

Trial Date: Not yet set

1 I, CARL NEUSEL, hereby declare:

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

5 2. I am the Undersheriff of Santa Clara County (“the County”) and Interim Chief of
6 Correction. I have served in law enforcement roles in the County for over eighteen years.

7 3. The Sheriff’s Office is responsible for enforcing the law in the unincorporated
8 regions of Santa Clara County, offering contractual law enforcement services to several cities and
9 other local agencies; and, in conjunction with the Department of Correction, operating the County
10 jails. The County jail system is the fifth largest in California and among the 20 largest nationally,
11 with approximately 48,000 annual bookings and an average daily jail population of more than
12 3,600 inmates. Some of these inmates are in pretrial custody, while others are serving sentences
13 in local custody after conviction. On average, inmates stay in the jail for 206 days.

14 4. Prior to October 2011, the Department of Correction and Sheriff’s Office regularly
15 responded to ICE civil detainer requests and other inquiries from federal immigration officials.
16 During that time, and solely because of ICE civil detainees, the County jail housed an average of
17 135 additional inmates each day, at a daily cost of approximately \$159 per person. These
18 additional inmates strained the jail’s resources and facilities.

19 5. In 2010, the County Board of Supervisors convened a Task Force involving all of
20 the County’s criminal justice agencies, including the Sheriff’s Office, to review the County’s
21 history of compliance with ICE detainer requests and the impact of the County’s compliance with
22 ICE on public safety in the community. The Task Force determined, and the Sheriff’s Office
23 agreed, that a broad approach of honoring all ICE detainer requests was not the best practice in
24 order to achieve the goal of protecting public safety throughout the County.

25 6. After considering the Task Force’s recommendations, the County Board of
26 Supervisors adopted a Civil Detainer Policy in October 2011. Under the policy, the County
27 honors ICE detainer requests only for individuals with serious or violent felony convictions as
28 defined under California law, and only if ICE agrees to reimburse the full costs to the County of

1 honoring the requests (which ICE has never done). From November 2011 to the present, the
2 County has received more than 5,400 civil detainer requests and has honored none of them.

3 7. I am also aware that a 2010 Board resolution states that County employees should
4 not question, investigate, or arrest members of the public solely because of their immigration
5 status or an actual or suspected violation of immigration law. The Sheriff agreed with this
6 resolution, which aligned with the Sheriff's Office's longstanding practices.

7 8. The County's decision to limit its involvement in federal immigration enforcement
8 was made based on our collective experience and judgment about the best method of protecting
9 public safety. When our local law enforcement officers are perceived by the community as an
10 arm of ICE, it is much more difficult for officers to ensure the safety of County residents.
11 Community trust and engagement are the bedrock of the Sheriff's Office's public safety work.
12 We rely on individuals in the community to report crimes, serve as witnesses, aid in apprehending
13 those with arrest warrants, and assist in investigations and prosecutions. But when local law
14 enforcement officials enforce federal immigration laws, community relations are damaged and
15 lines of communication are severed, making the community overall less safe.

16 9. Compelling the Sheriff's Office and Department of Correction to comply with ICE
17 detainer requests also would strain the County's resources for running its jail. ICE detainer
18 requests ask the County to maintain custody of an individual for an additional 48 hours beyond
19 his or her release date, which could be a pretrial release date or a scheduled date for release after
20 serving a sentence. A 48-hour hold alone puts pressure on County jail capacity and
21 programming. But when pretrial inmates are held on an ICE detainer, they are highly unlikely to
22 be offered a bail bond to obtain pretrial release from jail. So if the Sheriff's Office and
23 Department of Correction honored all ICE detainer requests, many inmates who otherwise could
24 bail out would stay in custody while their cases are being adjudicated.

25 10. Any significant addition to the jail population would appreciably increase the
26 burden on the County jail's staffing resources and aging jail facilities. Like other inmates, all ICE
27 detainees would need health care, programs, transportation, security, housing, and food. The cost
28 of providing these services is significant and has grown substantially in recent years. Moreover,

1 the Sheriff's Office and Department of Correction, like many law enforcement agencies
2 throughout the region and the State, are experiencing a staffing shortage in its custody operations
3 that has put additional strain on the jail system's ability to accept more inmates. The jail is also
4 physically limited in the number of additional inmates it can accept. These space constraints have
5 been compounded by the County's need to shut down parts of the jail to make significant
6 improvements and repairs to the aging infrastructure, including a months-long process to upgrade
7 certain facilities under the Americans with Disabilities Act.

8 I declare under penalty of perjury under the laws of the State of California that the
9 foregoing is true and correct and that this declaration was executed on February 17, 2017
10 2017 in San Jose, California.

11 C. Neusel #1652
12 CARL NEUSEL