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Attorneys For Plaintiff COUNTY OF SANTA CLARA

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 LAURIE SMITH,
SHERIFF 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, LAURIE SMITH, 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 elected Sheriff of Santa Clara County (the "County"). I have worked in
6 the Sheriff's Office for over 43 years, and have served as Sheriff since 1998.

7 3. The Sheriff's Office serves the entire Santa Clara County area, enforcing criminal
8 laws in the unincorporated area of the County, which spans approximately 600 square miles;
9 serving as the municipal police department in three cities within the County; and offering
10 contractual law enforcement services to Stanford University, the Santa Clara County Superior
11 Court, the Santa Clara Valley Transportation Authority, and other local agencies. The Sheriff's
12 Office has more than 1,700 employees, including 1,300 sworn peace officers. It investigates
13 thousands of suspected crimes each year and operates specialized units and teams, including the
14 Search and Rescue Team, the Hostage Negotiation Team, the Narcotics Task Force, and the
15 Bomb Squad.

16 4. The core function of the Sheriff's Office is to maintain peace in the County,
17 prevent and respond to unlawful disturbances, make arrests as needed, protect victims, and
18 investigate criminal offenses. Community trust is the foundation of my office's public safety
19 work. If my office were forced to comply with all ICE civil detainees or other requests to
20 participate in immigration enforcement, the result would be a serious erosion of that trust.

21 5. In 2010, I participated in a County Task Force that reviewed the County's history
22 of complying with ICE detainees and the impact of that compliance on public safety. After this
23 review, and at the Task Force's recommendation, the County Board of Supervisors (the "Board")
24 adopted a Civil Detainer Policy stating that the County would only honor ICE detainer requests
25 for individuals with serious or violent felony convictions, if ICE agreed to reimburse the County
26 for the costs of detention. This remains the County's policy today, and ICE has never agreed to
27 reimburse the County.

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1 6. The Board also adopted a resolution in 2010 that set out County policy restricting
2 County employees from questioning, investigating, or arresting members of the public solely
3 because of their immigration status or an actual or suspected violation of immigration law. Based
4 on my experience and my opinion about the law-enforcement needs and priorities of the
5 community I serve, I agreed with this resolution, which aligned with my office’s longstanding
6 practices, and which assist my office in investigating suspected criminal offenses.

7 7. My office relies on County residents – without regard to immigration status – on a
8 daily basis to report crimes and disturbances, serve as witnesses, and assist in investigations. For
9 example, community members reached out to witnesses important to our investigation of a high-
10 profile murder of a teenage girl who disappeared on her way to school in 2012. Farmworkers in
11 the neighborhood where she lived actively provided information to the Sheriff’s Office in this
12 important case. Had they feared that my office would question their immigration status, or the
13 status of their loved ones, it is very unlikely they would have come forward.

14 8. The Sheriff’s Office Notario Fraud Unit (“NFU”) is another good example of the
15 critical role that trust and relationships with the community play in fulfilling our public safety
16 mandate. The Sheriff’s Office formed the NFU to address the problem of “notarios,” who
17 represent themselves as legal professionals to vulnerable clients needing immigration legal
18 services, but who have no legal qualifications and often take clients’ money without providing
19 any services of value. The Sheriff’s Office has worked diligently to build relationships and trust
20 with immigrant communities in the County to help conduct successful notario investigations. In
21 many cases, the NFU has relied on complaints from victims who we believe would not have been
22 as forthcoming if they feared investigation of their immigration status. These victims have
23 provided critical information about alleged abuses, allowing the NFU to obtain search warrants.
24 In one case, a victim contacted the NFU to report a suspected notario for fraudulent services. We
25 obtained a search warrant, seized approximately 1,000 client files, and, due to our public outreach
26 on the case, received over 40 phone calls from immigrant victims willing to serve as witnesses.
27 The District Attorney’s Office then filed four felony charges and one misdemeanor charge against
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1 the suspect. The Sheriff's Office would not receive this kind of assistance from the community if
2 it were viewed as an extension of ICE.

3 9. Blurring the lines between local law enforcement and ICE would have a
4 particularly grave impact on some of our community's most vulnerable victims. Many victims of
5 human trafficking, sex trafficking, domestic violence, and sexual assaults – as well as witnesses
6 to these crimes – would be unlikely to seek help from law enforcement if they were afraid that
7 law enforcement officers would question them about their or their loved ones' immigration status.

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 Feb 17,
10 2017 in San Jose, California.

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14 LAURIE SMITH
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