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

14 CITY AND COUNTY OF SAN
FRANCISCO,

Case No. 17-cv-00485 WHO

15 Plaintiff,
16

BRIEF OF AMICUS CURIAE SOUTHERN

17 v.

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

24 Defendants.
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1 AMERICAN IMMIGRATION COUNCIL, SECURE COMMUNITIES: A FACT SHEET,

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1 VI of the Civil Rights Act of 1964, which bars law enforcement agencies that receive federal
2 funds from discriminating on the basis of race, color, or national origin. Beyond their
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1 ICE as having dark or medium complexion. In FY 2013 (through June 2013), 96.4% of
2 individuals subject to ICE detainers were defined by ICE as having dark or medium
3 complexion.¹³

4 But racial profiling is not the only evil that can result from turning local police into federal
5 immigration agents; such federal commandeering of local police can also lead to covering up
6 violent police abuse of community members.

7 Consider the experience of Angel Francisco Castro-Torres (“Castro”), a former client of
8 SPLC. On the afternoon of March 26, 2010, Castro was riding his bicycle in in Smyrna, Georgia,
9 a place where local police act as federal immigration agents. Two police officers began to follow
10 Castro and signaled him to stop riding for no reason other than his being Latino. After
11 demanding Castro’s immigration documents, the officers beat him, breaking his eye socket and
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1 and Blacks to contact the sheriff's office. While both communities expressed deep discomfort
2 with interacting with police, 42% of Latinos knew of a crime that had not been reported to police,
3 compared to 4% of Blacks. This community mistrust of approaching the police in a 287(g)
4 county extended to future crimes; 54% of Latinos said they would not report a future crime,
5 compared to 27% of Blacks.¹⁹

6 The story of Oscar and Jessica Ramirez²⁰ illustrates what happens when local police
7 engage in immigration enforcement, leaving broken trust between the police and the immigrant
8 communities they are supposed to serve. Jessica Ramirez is an undocumented immigrant who
9 was born in Guatemala and has lived in the United States for a dozen years, since she was twelve.
10 Oscar Ramirez is an undocumented immigrant who was born in Mexico. Oscar and Jessica
11 Ramirez and their four children (all of whom are U.S. citizens) live in an area of Alabama where
12 the local police have been eagerly acting as federal immigration agents.

13 On a foggy morning in October 2014, Oscar Ramirez was involved in a car accident.
14 Nobody was hurt, but Ramirez was so afraid of interacting with the local police that he fled the
15 scene of the accident. He was arrested at his home two days later. While Jessica Ramirez
16 attempted to secure her husband's release, Oscar was transferred to ICE custody, where he
17 remained for three months. Oscar Ramirez has now been released, but is likely to be convicted
18 on felony criminal charges and deported to Mexico.

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1 Oscar Ramirez even in the unlikely event that he is not ultimately convicted and deported.

2 Jessica Ramirez and the Ramirez children (none of whom were in the car at the time of the
3 accident) have also been harmed. Jessica was five months pregnant at the time of the accident,
4 and she was forced to raise her children and deal with her pregnancy on her own while her
5 husband was held in ICE detention facilities. She struggles to care for her family because Oscar's
6 income has shrunk, because the family has had to make bond payments, and because the family
7 has had to devote its scarce resources to Oscar's criminal and immigration issues.

8 And most critically, if Oscar Ramirez is deported, his family will face a tragic choice. If
9 Jessica Ramirez stays in the United States, where her children are citizens, she will have to raise
10 the children on her own and without their father, she herself will face the threat of deportation,
11 and the family will lose its primary income-earner; if Jessica moves to Mexico with Oscar, a
12 country where she has never lived, she will leave behind all of her and her children's friends and
13 sources of community support and she will deprive her children of the opportunity to grow up in
14 the United States and receive an education in U.S. schools, even though they are citizens.

15 It is not only the Ramirez family who has been harmed—local law enforcement has been
16 harmed as well. Instead of making (at most) a routine stop to assist in resolving a minor car
17 accident, the police were required to conduct an investigation, develop evidence, and make an
18 arrest, wasting resources that could have been put to better use elsewhere, and local prosecutors
19 now must prosecute a case that would never have arisen in the first place if Oscar Ramirez felt
20 that he could trust the police.

21 The Ramirez family's situation provides only one illustration of the consequences of
22 eroding trust between local police and the communities they serve. That lack of trust undermines
23 effective law enforcement, wastes community resources, and creates serious problems out of
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27 company's requirement that they wear and pay for the cost of ankle monitors. See Michael E.
28 Miller, "This company is making millions from America's broken immigration system,"
WASHINGTON POST (Mar. 9, 2017), available at https://www.washingtonpost.com/local/this-company-is-making-millions-from-americas-broken-immigration-system/2017/03/08/43abce9e-f881-11e6-be05-1a3817ac21a5_story.html?utm_term=.1befd42af7f2.

1 due, and to deter any other undocumented workers, whether at Durrett or elsewhere, who found
2 themselves underpaid, discriminated against, or otherwise abused. It is hard enough for an
3 individual to stand up to an employer and risk being fired; it is much harder when doing so would
4 also cause that individual to risk deportation.

5 **IV. The Executive Order Will Jeopardize Local Governments' Access To Federal**
6 **Funding Due To The Risk Of Violating Title VI.**

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1 No. CV-07-02513-PHX-GMS, 2013 WL 5498218 (D. Ariz. Oct. 2, 2013), *aff'd in part, vacated*
2 *in part*, 784 F.3d 1254 (9th Cir. 2015),
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ATTESTATION

The undersigned hereby attests that all signatories hereto, together with their respective clients on whose behalf this filing is submitted, concur in the contents of the within BRIEF OF *AMICUS CURIAE* SOUTHERN POVERTY LAW CENTER AND OTHER *AMICI*