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5	Ü	05/04/2017 Clerk of the Court
6	Sterling E. Norris (SBN 040993) JUDICIAL WATCH, INC.	BY: VANESSA WU Deputy Clerk
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11	SUDEDIOD COUDT OF T	HE STATE OF CALIFORNIA
12		SAN FRANCISCO
13		
14	CYNTHIA CERLETTI,	Case No.: CGC-16-556164
15	Plaintiff, v.	
		REQUEST FOR JUDICIAL NOTICE IN
16	VICKI HENNESSY, in her Official Capacity as Sheriff of the City and County of San	SUPPORT OF PLAINTIFF'S OPPOSITION TO DEFENDANT'S
17	Francisco.	DEMURRER AND MOTION TO STRIKE
18	Defendant.	Reservation No.: 02160410-16
19		
20		Hearing Date: May 15, 2017 Judge: Hon. Harold A. Kahn
21		Time: 9:30 a.m. Place: Dept. 302
		•
22		Complaint Filed: December 27, 2016 Trial Date: None Set
23		Attached Documents: Ex. AA-BB
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REQUEST FOR JUDICIAL NOTICE 1 2 In support of Plaintiff Cynthia Cerletti's opposition to the demurrer and motion to strike 3 filed by Defendant Vicki Hennessy, Sheriff of the City and County of San Francisco, Plaintiff 4 Cynthia Cerletti requests that this Court take judicial notice of the following documents, true and 5 correct copies of which are attached hereto. This request is made pursuant to Sections 452 and 453 of the California Evidence Code. See also Ingram v. Flippo, 74 Cal. App. 4th 1280, 1285 n.3 6 7 (Cal. Ct. App. 1999) (court may take judicial notice of document referenced, quoted, and 8 discussed "in some detail" in complaint). 9 DHS Form I-247N (5/15), Department of Homeland Security (DHS) Request for Voluntary Notification of Release of Suspected Priority Alien, a true and correct copy of which is 10 11 attached hereto as Exhibit A. 12 BB. Comparison of Proposed Policies Regarding Response to ICE Voluntary 13 Notification Requests, dated May 20, 2016. 14 15 Dated: May 2, 2017 /s/ Robert Patrick Sticht ROBERT PATRICK STICHT (SBN 138586) 16 Law Offices of Robert Patrick Sticht P.O. Box 49457 17 Los Angeles, CA 90049 Telephone: (310) 889-1950 18 Facsimile: (310) 889-1864 19 Email: LORPS@verizon.net 20 Sterling E. Norris (SBN 040993) JUDICIAL WATCH, INC. 21 2540 Huntington Drive, Suite 201 San Marino, California 91108 22 Telephone: (626) 287-4540 23 Facsimile: (626) 237-2003 Email: jw-West@judicialwatch.org 24 25

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EXHIBIT AA

EXHIBIT AA

DEPARTMENT OF HOMELAND SECURITY (DHS)

REQUEST FOR VOLUNTARY NOTIFICATION OF RELEASE OF SUSPECTED PRIORITY ALIEN

Subject ID: Event #:	File No: Date:
TO: (Name and Title of Institution - OR Any Subsequent Law Enforcement Agency)	FROM: (DHS Office Address)
ENFORCEMENT PRIORITY BECAUSE HE/SHE (mark a □ has engaged in or is suspected of terrorism or espionage, □ has been convicted of an offense of which an element was 521(a), or is at least 16 years old and intentionally participal □ has been convicted of an offense classified as a felony, other alien's immigration status; □ has been convicted of an aggravated felony, as defined un □ has been convicted of a "significant misdemeanor," as defined un □ has been convicted of 3 or more misdemeanors, not include immigration status was an essential element, provided the 2. DHS TRANSFERRED THE SUBJECT TO YOUR CUS □ Upon completion of the proceeding or investigation for which custody of the subject to complete processing. IT IS THEREFORE REQUESTED THAT YOU: Provide notice as early as practicable (at least 48 hours)	ABLE ALIEN AND THAT THE SUBJECT IS AN IMMIGRATION at least one option below, or skip to section 2): or otherwise poses a danger to national security; stractive participation in a criminal street gang, as defined in 18 U.S.C. § ated in an organized criminal gang to further its illegal activities; there than a state or local offense for which an essential element was the lader 8 U.S.C. § 1101(a)(43) at the time of conviction; and under DHS policy, and/or ding minor traffic offenses and state or local offenses for which offenses arise out of 3 separate incidents.
notification request <u>does not</u> request or authorize that y scheduled for release from your custody. This request subject's bail, rehabilitation, parole, release, diversion	you detain the subject beyond the time he or she is currently arises from DHS authorities and should not impact decisions about to custody classification, work, quarter assignments, or other matter release the subject, please notify DHS by calling □U.S. Immigration and
Customs Enforcement (ICE) or TUS, Customs and Borde	er Protection (CBP) at If you cannot reach a DHS official at the number(s) provided, please
Notify this office in the event of the subject's death, hospital	
☐ If checked: Please disregard the notification request relate	ted to this subject previously submitted to you on (date).
(Name and title of Immigration Officer)	(Signature of Immigration Officer)
crime, or if you want the subject to remain in the United States	y be removed from the United States. If the subject may be the victim of for a law enforcement purpose, please notify the ICE Law Enforcement ober if you have any other questions or concerns about this matter.
TO BE COMPLETED BY THE LAW ENFORCEMENT AGI	ENCY CURRENTLY HOLDING THE SUBJECT OF THIS NOTICE:
Please provide the information below, sign, and return to DHS	by mailing, emailing, or faxing a copy to
Local Booking/Inmate #: Est. release date/time:	Date of latest criminal charge/conviction:
Latest offense charged/convicted:	·
(Name and title of Officer)	(Signature of Officer)

EXHIBIT BB

EXHIBIT BB

Comparison of Proposed Policies Regarding Response to ICE Voluntary Notification Requests

Supervisor Avalos' Proposed Amendment to the Due Process for All Ordinance

Allows response to an ICE request for notification of the release of an individual from custody, under the same circumstances that now allow for detention, when an individual has:

Criminal History

A conviction of a violent felony within the last seven years;

and

A current charge of a violent felony;

and

A magistrate has determined there is probable cause to believe the individual is guilty of the current charge of violent felony;

and

If one or more of the above is present, it will trigger:

Evidence of Mitigating Factors

A review of the individual's background to consider evidence of the individual's rehabilitation and evaluate whether or not the individual poses a public safety risk. Evidence of rehabilitation or other mitigating factors include, but is not limited to: the individual's ties to the community, whether the individual is a victim of crime, the individual's contribution to the community, and the individual's participation in social service or rehabilitation programs.

Note: "Violent Felony" as used here, also includes some crimes identified as "Serious Felonies" in the Penal Code. These include the 245 PC (assault) series, some weapons charges for weapons enhancement listed in 12022.4PC and 12022.5PC. Human Trafficking defined in 236.1 PC is also included.

Sheriff's Proposed Notification Policy Consistent with Sanctuary City Ordinance as set forth in Administrative Code Sections 12H and 12I

Allows response to an ICE request for notification of the release of an individual from custody, after a review of the individual's criminal record showing one or more of the following circumstances: Note: Ajudication for crimes committed while a juvenile will not be considered.

Criminal History

A conviction of a violent felony, as defined in Penal Code Section 667.5(c), within the last seven years;

or

A conviction of one of a list of certain serious felonies defined in Penal Code Section 1192.7(c) within five years;

OI

Three felony convictions arising from three separate incidents within the last five years;

If one or more of the above is present, it will trigger:

Evidence of Mitigating Factors

A review of the individual's background to consider evidence of the individual's rehabilitation and evaluate whether or not the individual poses a public safety risk. Evidence of rehabilitation or other mitigating factors include, but is not limited to: the individual's ties to the community, whether the individual is a victim of crime, the individual's contribution to the community, and the individual's participation in social service or rehabilitation programs.

Additional Provisions: Any individual on whom ICE has requested notification, whether or not the notification is honored, will be informed of the notification request and provided with information about social and legal services available for immigrants. The Public Defender's Office/attorney of record will also be informed of the notification request

In constructing her policy, the Sheriff met with members of the public concerned about a blanket prohibition against law enforcement communicating with ICE; members of the immigrant rights advocacy community concerned about any communication by law enforcement with ICE; representatives of the Public Defender's Office, who provided information on civil ICE warrants that appear in the national criminal history database; representatives of the City Attorney's Office; and, representatives of the San Francisco ICE field office.

The Sheriff personally reviewed approximately 50 ICE Voluntary Requests for Notification that were sent to the San Francisco Sheriff's Department over the course of three months and found no cases where a review of criminal history triggered a review of Evidence of Mitigating Factors.