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14 SUPERIOR COURT OF THE STATE OF CALIFORNIA
15 COUNTY OF ORANGE, CIVIL COMPLEX CENTER

16
17 LOS ALAMITOS COMMUNITY UNITED,
REVEREND SAMUEL PULLEN, and
18 HENRY J. JOSEFSBERG,

19 Plaintiffs/Petitioners,

20 vs.

21 CITY OF LOS ALAMITOS, TROY D.
22 EDGAR, in his official capacity as Mayor of
Los Alamitos, BRETT M. PLUMLEE, in his
23 official capacity as City Manager of Los
Alamitos, the LOS ALAMITOS POLICE
24 DEPARTMENT,

25 Defendants/Respondents.
26

Case No.

**VERIFIED PETITION FOR WRIT OF
MANDATE AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

[C.C.P. §§ 526a, 1060, 1085]

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1 **INTRODUCTION**

2 1. The California Values Act, Cal. Gov't Code §§ 7284 *et seq.* (the "Values Act"), is
3 a comprehensive statutory scheme that regulates state and local officials' involvement in federal
4 deportation programs. Enacted in response to an extraordinary increase in indiscriminate
5 deportations that harm California residents and their families, the Values Act limits the degree to
6 which state and local officials collaborate with immigration authorities. Among other things, the
7 Values Act prohibits local officials from inquiring into a person's immigration status, detaining
8 persons on the basis of suspected civil immigration violations after any criminal basis for detention
9 has ended, and responding to notification and transfer requests from immigration authorities. The
10 Values Act also requires public schools, healthcare facilities operated by state and local agencies,
11 and courthouses to implement model policies that ensure those sensitive locations remain safe and
12 accessible to all Californians.

13 2. On April 16, 2018, the City Council of Los Alamitos, California passed Ordinance
14 No. 2018-03 (Jan. 1, 2018) ("the Ordinance"), which purports to "exempt the City of Los Alamitos
15 from the California Values Act," and states that Los Alamitos "instead will comply with the
16 appropriate Federal Laws and the Constitution of the United States." The Ordinance thus
17 authorizes local police officers and school officials, as well as other local officials, to disregard the
18 terms of the Values Act and collaborate with immigration authorities.

19 3. It is black-letter law that a locality cannot enact an ordinance that conflicts with
20 state law—let alone one that, on its face, authorizes local officials to violate state law. A local
21 ordinance is preempted by state law, and therefore invalid, when it "duplicates, contradicts or
22 enters an area fully occupied by general law, either expressly or by legislative implication." *Action*
23 *Apartment Ass'n, Inc. v. City of Santa Monica*, 41 Cal. 4th 1232, 1242 (2007) (quoting *Sherwin-*
24 *Williams Co. v. City of Los Angeles*, 4 Cal. 4th 893, 897 (1993)). There is no doubt that the
25 Ordinance directly and expressly "contradicts" the Values Act. As the City Council has made
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1 clear, the very purpose of the Ordinance is to negate the effect of the Values Act in Los Alamitos
2 and to authorize local officials to engage in conduct plainly prohibited by state law.

3 4. The sole reason offered by the City Council for enacting the Ordinance is its belief
4 that “the California Values Act may be in direct conflict with Federal Laws and the Constitution
5 of the United States.” Ordinance No. 2018-03. But California law does not allow local officials
6 to unilaterally declare a state law unconstitutional and decline to follow it on that basis. The
7 California Supreme Court has explained that a local official “exceeds his or her authority when,
8 without any court having determined that [a] statute is unconstitutional, the official deliberately
9 declines to enforce the statute because he or she determines or is of the opinion that the statute is
10 unconstitutional.” *Lockyer v. City & Cty. of San Francisco*, 33 Cal. 4th 1055, 1066-67 (2004).

11 5. If that were not enough, Article III, Section 3.5 of the California Constitution
12 expressly prohibits the City of Los Alamitos from “refus[ing] to enforce a statute, on the basis of
13 it being unconstitutional” or “on the basis that federal law or federal regulations prohibit the
14 enforcement of such statute,” “unless an appellate court has made a determination that such statute
15 is unconstitutional [or] that the enforcement of such statute is prohibited by federal law or federal
16 regulations.” The Council simply has no legal basis to decline to enforce the Values Act.

17 6. Failure to give effect to the safeguards set forth in the Values Act will have a
18 devastating and far-reaching impact on communities in Los Alamitos and elsewhere. In passing
19 the Values Act, which commanded supermajorities in both the California State Assembly and
20 Senate, the Legislature expressed concerns regarding “entangling” local and state agencies with
21 federal immigration enforcement programs from both a financial and an accountability
22 perspective. Cal. Gov’t Code § 7282.4. Pointing out that “[a]lmost one in three Californians is
23 foreign born and one in two children in California has at least one immigrant parent,” the
24 Legislature concluded that “[a] relationship of trust between California’s immigrant community
25 and state and local agencies is central to the public safety of the people of California,” and that
26 “[t]his trust is threatened when state and local agencies are entangled with federal immigration
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1 enforcement, with the result that immigrant community members fear approaching police when
2 they are victims of, and witnesses to, crimes, seeking basic health services, or attending school, to
3 the detriment of public safety and the well-being of all Californians.” *Id.*

4 7. After careful and lengthy consideration, the California Legislature found that the
5 Values Act was a critical safeguard against indiscriminate deportation programs which rely on the
6 cooperation of state and local officials. A large percentage—up to two-thirds—of all deportations
7 are the result of assistance provided by state and local law enforcement officers. The Legislature
8 also found that the Values Act was necessary to maintain trust between local officials and
9 immigrant communities, and to ensure that members of those communities continued to report
10 crime, seek health services, and attend schools. By refusing to give effect to the protections of the
11 Values Act, the Council is depriving those in Los Alamitos and surrounding cities of protections
12 the California Legislature deemed vital to the health and well-being of all Californians.

13 8. As a result of the Ordinance, immigrant children in Los Alamitos are now at
14 heightened risk of deportation because Los Alamitos public schools are purportedly authorized to
15 collaborate with immigration authorities instead of adopting policies to ensure that schools remain
16 safe and accessible to all, regardless of immigration status, as required by the Values Act.
17 Immigrant families in Los Alamitos are also at heightened risk of being torn apart because the Los
18 Alamitos Police Department is purportedly authorized to collaborate with immigration authorities
19 to facilitate deportations—again in direct contravention of the Values Act. Moreover, the
20 Ordinance harms not only immigrant communities in Los Alamitos, but also the approximately
21 170,000 people who pass through Los Alamitos each day,¹ as well as the people of California as a

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23 ¹ See City of Los Alamitos Police Department, Police Operations,
24 <http://cityoflosalamitos.org/police/home/cop-team/operations> (last visited April 17, 2018)
25 (“Although the City of Los Alamitos is only 4.3 square miles, it encompasses more than 29 miles
26 of roadway. The main arterial roadways carry a volume of traffic that averages more than 170,000
27 vehicles per day through the City. . . . With a population of approximately 12,000, the majority of
28 this is commuter traffic.”).

1 whole, whose representatives voted overwhelmingly to prevent the State’s complicity in
2 indiscriminate mass deportation programs, and who are all less safe if immigrants refrain from
3 reporting crime, seeking health services, or attending school because of entanglement between
4 state and local agencies and immigration authorities.

5 9. The City of Los Alamitos is in clear violation of California law. The Court should
6 declare that the Ordinance is in violation of California law and therefore invalid, compel the City
7 of Los Alamitos to set aside the Ordinance, and order the City to comply with the California Values
8 Act.

9 **JURISDICTION AND VENUE**

10 10. This court has jurisdiction under Code of Civil Procedure §§ 410.10, 525, 526,
11 526a, 1060, and 1085.

12 11. Venue is proper in the Superior Court of Orange County under Code of Civil
13 Procedure §§ 393, 394, and 395 because Defendants/Respondents in this action reside in Orange
14 County and all of the acts and omissions raised in this Complaint/Petition have occurred in Orange
15 County.

16 **PARTIES**

17 **A. Plaintiffs/Petitioners**

18 12. Plaintiff/Petitioner Los Alamitos Community United is an association of
19 individuals with strong ties to Los Alamitos, including members who reside in Los Alamitos, work
20 in Los Alamitos, send their children to school in the Los Alamitos Unified School District, and
21 pay property and other taxes to Los Alamitos. Los Alamitos Community United is committed to
22 honoring and protecting community diversity, including immigrants; opposing acts and messages
23 of prejudice and hate directed at community diversity, including immigrants; and promoting
24 reconciliation concerning community diversity and immigration in Los Alamitos and its
25 surrounding areas.

1 13. Los Alamitos Community United has engaged in efforts to educate the community
2 about the California Values Act, support immigrant communities in Los Alamitos, and uphold the
3 values of inclusion and diversity. Los Alamitos Community United opposes the Ordinance
4 because it threatens the safety of members of Los Alamitos Community United, as well as the
5 safety of their neighbors and loved ones. Because of the Ordinance, some members of Los
6 Alamitos Community United will be more reluctant to interact with the Los Alamitos Police
7 Department and will be more afraid to access public services due to their fear that Los Alamitos
8 and its law enforcement officials are participating in federal deportation programs to help turn their
9 families, friends, and neighbors over to immigration authorities.

10 14. Los Alamitos Community United has a clear, present, and beneficial interest in
11 ensuring that Defendants/Respondents follow the law. Los Alamitos Community United also has
12 an interest in preventing the illegal expenditure of Los Alamitos funds, including
13 Defendants'/Respondents' expenditure of such funds to administer, implement, and defend the
14 Ordinance. There is a substantial public interest in the enforcement of Defendants'/Respondents'
15 duties to comply with California law; in the equal, fair, and just treatment of Los Alamitos
16 immigrant communities; and in the preservation of trust between California's immigrant
17 population and state and local agencies, such that immigrants do not fear reporting crime, seeking
18 health services, or attending school.

19 15. Plaintiff/Petitioner Reverend Samuel Pullen is the pastor of Community
20 Congregational United Church of Christ of Los Alamitos ("CCUCC"), located in Los Alamitos,
21 and is a resident of California. A core belief of CCUCC and Rev. Pullen's teachings is that no
22 matter one's race, gender, sexual orientation, class, creed, or immigration status, all people belong
23 to God and to one worldwide community of faith. As in the tradition of the prophets and apostles,
24 Rev. Pullen believes that God calls on the church to speak truth to power, liberate the oppressed,
25 care for the poor, and comfort the afflicted. Rev. Pullen calls on his congregation to be a
26 community of resistance and stand against social structures comfortable with injustice. Based on
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1 (Cal. Gov't Code § 7284.6(a)(1)(F)); performing the functions of an immigration agent or placing
2 local law enforcement officers under the supervision of a federal agency for purposes of
3 immigration enforcement (Cal. Gov't Code §§ 7284.6(a)(1)(G) & (a)(2)); using immigration
4 officers as interpreters for law enforcement matters under the jurisdiction of state or local law
5 enforcement agencies (Cal. Gov't Code § 7284.6(a)(3)); and providing office space exclusively
6 dedicated for immigration agents within a county or city law enforcement facility (Cal. Gov't Code
7 § 7284.6(a)(5)).

8 28. The Values Act also limits the circumstances under which state and local law
9 enforcement agencies may facilitate deportations by complying with “notification” and “transfer”
10 requests. Cal. Gov't Code §§ 7282.6(a)(1)(C) & (a)(4). A notification request is a request from
11 immigration authorities asking a state or local law enforcement agency to notify them of the release
12 date and time of an individual in its custody. Cal. Gov't Code §§ 7283(f), 7284.4(e). A transfer
13 request is a request from immigration authorities asking that a state or local law enforcement
14 agency transfer an individual in its custody to immigration authorities. Cal. Gov't Code §§
15 7283(g), 7284.4(e).³

16 29. With one exception, state and local law enforcement also may not arrest, detain, or
17 investigate a person for violating civil or criminal immigration laws that penalize a person's
18 presence in, entry or reentry into, or employment in, the United States. The Values Act also
19 repealed California Health and Safety Code § 11369, which had required local law enforcement to

20 _____
21 ³ Under the Values Act, state and local law enforcement can respond to a “transfer” request only
22 when authorized by a judicial warrant or judicial probable cause finding, or when one of the
23 conditions listed in Cal. Gov't Code § 7282.5 is met. These conditions include convictions for
24 over 400 offenses (paragraphs (a)(1), (2), (3), and (5)), charges for a narrower set of felonies for
25 which a judge has found probable cause under Cal. Penal Code § 872 (paragraph (b)), inclusion
26 on the California Sex and Arson Registry (paragraph (a)(4)), and outstanding federal felony arrest
27 warrants (paragraph (a)(5)). And, under the Values Act, state and local law enforcement can
28 respond to a “notification” request only where one of the conditions listed in Cal. Gov't Code
§ 7282.5 is met.

1 report to federal immigration authorities individuals arrested for certain drug charges who may not
2 be U.S. citizens. Sen. Bill 54, 2017-18 Reg. Sess. (Cal. 2017).

3 **2. Reporting Requirements**

4 30. The Values Act also provides that a state or local law enforcement agency may not
5 enter into a joint task force with a federal law enforcement agency if the primary purpose of the
6 task force is immigration enforcement, or if the task force violates local law or policy. Cal. Gov't
7 Code § 7284.6(b)(3). Moreover, the agency must provide on an annual basis a report to the
8 California Attorney General detailing: (1) the purpose of the taskforce; (2) the federal, state, and
9 local law enforcement agencies involved; (3) the total number of arrests made during the reporting
10 period; and (4) the number of people arrested for immigration enforcement purposes. Cal. Gov't
11 Code § 7284.6(c)(1). The law enforcement agency also must provide an annual report to the
12 Attorney General about the number of transfers made under Section 7284.6(a)(4) and the
13 underlying offense authorizing the transfer. Cal. Gov't Code § 7284.6(c)(2).

14 31. The California Legislature enacted this provision in response to several instances
15 in which federal immigration authorities recruited local officials into joint task forces that
16 purported to address criminal conduct but instead focused primarily on civil immigration
17 violations. For example, in February 2017, the Santa Cruz Police Chief announced that his
18 department would no longer participate in joint task forces with federal immigration authorities
19 because they had misled him to believe an operation would target gang members and criminal
20 offenders, but instead resulted only in the arrests of individuals with no criminal histories for civil
21 immigration violations.⁴

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23 ⁴ Michael Todd, *Santa Cruz police: Homeland Security misled city with 'gang' raids that were*
24 *immigration related*, Mercury News (Feb. 23, 2017),
25 [https://www.mercurynews.com/2017/02/23/santa-cruz-police-homeland-security-raids-](https://www.mercurynews.com/2017/02/23/santa-cruz-police-homeland-security-raids-immigration-status-not-gang-related)
26 *immigration-status-not-gang-related*; see also David Noriega, *Under Trump, Sanctuary Cities May*
27 *Not Be So Safe*, BuzzFeed News (Dec. 8, 2016), [https://www.buzzfeed.com/davidnoriega/the-](https://www.buzzfeed.com/davidnoriega/the-lapd-says-it-wont-work-with-feds-on-deportations-but-it?utm_term=.lpxZoDvx7o#.hxWq36YMa3)
28 *lapd-says-it-wont-work-with-feds-on-deportations-but-*
it?utm_term=.lpxZoDvx7o#.hxWq36YMa3.

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3. *Protecting Sensitive Spaces*

32. Finally, under the Values Act, the California Attorney General is tasked with drafting model policies to ensure that certain sensitive locations remain safe and accessible to all Californians, regardless of immigration status, by limiting assistance with immigration enforcement at those locations to the fullest extent possible under federal and state law. Public schools, healthcare facilities operated by state or local agencies, and courthouses must implement the model policies, and other agencies are encouraged to adopt the policies. Cal. Gov't Code § 7284.8(a). In addition, all state and local law enforcement agencies are encouraged to adopt model policies created by the California Attorney General to limit the availability of information to immigration authorities through state and local electronic databases. Cal. Gov't Code § 7284.8(b).

B. Los Alamitos Exempts Itself Wholesale From the California Values Act

33. When the Values Act went into effect on January 1, 2018, the City of Los Alamitos, Los Alamitos Mayor Edgar, Los Alamitos City Manager Plumlee, the Los Alamitos Police Department, and Los Alamitos's other officials, employees, and agencies were bound to follow that duly enacted state law.

34. Yet, on March 18, 2018, in a Los Alamitos City Council meeting, Los Alamitos Mayor Pro Tem Warren Kusumoto introduced the Ordinance, which by its plain terms "exempt[s] the City of Los Alamitos from the California Values Act."

35. The Ordinance was drafted by Councilmember Kusumoto himself and was specifically exempted from any requirements regarding legal review or staff reports.

36. Before opening discussion on the Ordinance, Mayor Edgar explained: "This is not something that is driven from staff. We aren't sitting up here going through Chief of Police or the City Manager or anybody else. This is something that the Council wants to talk about tonight." He then turned the floor over to Mayor Pro Tem Kusumoto.

1 37. Mayor Pro Tem Kusumoto explained that he had decided to introduce the
2 Ordinance because “[i]n [his] heart, . . . [he] s[aw] a conflict between two governing documents,
3 the Constitution of the United States and the State Constitution itself.” He cautioned, “I’m an
4 engineer by trade, we’re not professional leaders up here.” But, he explained, “[w]e have this oath
5 here, that we are here to uphold and support and defend the United States Constitution. I am
6 interpreting that to say we can say . . . we’re going to ignore this law [the California Values Act].”

7 38. In his brief remarks, Mayor Pro Tem Kusumoto made numerous inaccurate
8 representations about the Values Act. He incorrectly described the Values Act as a “law that would
9 cause business owners here to be arrested if the federal immigration [authorities] . . . come in and
10 want[] to audit them.” And he incorrectly stated that the Values Act “says if you comply with the
11 federal law, the Attorney General is going to come in there and arrest us.”

12 39. In fact, the Values Act does not regulate business owners in any way, does not
13 create any criminal penalties, and does not provide any basis for arresting anyone.

14 40. The preamble to the Ordinance provides that the Los Alamitos City Council “finds
15 that it is impossible to honor our oath to support and defend the Constitution of the United States
16 and to be in compliance with [the California Values Act],” and that “the California Values Act
17 may be in direct conflict with Federal Laws and the Constitution of the United States.”

18 41. Section Two of the Ordinance adds Chapter 9.30 (“Constitution of the United States
19 Compliance”) to the Los Alamitos Municipal Code. Chapter 9.30 states in full: “The City of Los
20 Alamitos, a Charter City, does hereby exempt the City of Los Alamitos from the California Values
21 Act, Government Code Title 1, Division 7, Chapter 17.25 and instead will comply with the
22 appropriate Federal Laws and the Constitution of the United States.”

23 42. During the March 18, 2018 hearing, numerous Los Alamitos residents and others
24 spoke out both for and against the Ordinance.

25 43. Many who spoke out in favor of the Ordinance focused on the political message
26 they believed it would send. For example, speaking in support of the Ordinance, one man
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1 exclaimed that “[t]he [California] legislature is out of control and so is the judiciary . . . so you
2 [the Los Alamitos City Council] will have more credibility than all of them. This action is a much
3 needed remedy against the lawlessness of the Sacramento political class as well as the Brown
4 Nazis who want to steal this land and make it Mexico.”

5 44. In contrast, many of those who opposed the Ordinance focused on the harm it would
6 inflict on themselves, their families, and their neighbors. For example, a ten-year-old Los
7 Alamitos resident explained that “Ordinance 2018-03 will impact everyone: my neighbors, my
8 classmates, and the diversity that represents our community. . . . The California Values Act ensures
9 that schools, libraries and hospitals are safe spaces. I can’t understand why Los Alamitos would
10 want our city to be not safe. I don’t want to see families separated or taken away at school sites,
11 at the library, or at the hospital where I was born at.”

12 45. Los Alamitos parents also raised concerns about how Ordinance No. 2018-03
13 would impact the safety of their children. One mother who spoke against the Ordinance asked,
14 “How can I feel safe about my child if I live in a place where my immigrant brothers and sisters
15 feel afraid to report crime to the police for fear that they will be deported?”

16 46. Los Alamitos residents also expressed concern that Ordinance No. 2018-03 would
17 lead to racial profiling. One mother explained, “I don’t want to . . . be scared that my neighbors
18 are going to be looking at me because I’m Mexican-American. I don’t want my two daughters to
19 be afraid of walking on our streets in Los Alamitos.” Another mother worried, “[h]ow can I feel
20 that this [city] is welcoming to [a] child[] like mine who is American born but has immigrant roots
21 [given] that her own extended family members will not feel welcome here, might feel racially
22 profiled here?”

23 47. After the first reading of the Ordinance at the March 18, 2018 meeting, the Los
24 Alamitos City Council voted 4-1 in favor of passing the Ordinance. Mayor Edgar voted in favor
25 of the Ordinance.

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1 48. The Los Alamitos City Council’s second vote on the Ordinance occurred on April
2 16, 2018. Prior to voting in favor of the Ordinance, Mayor Edgar explained his view that the
3 impact of the Ordinance would reach far beyond Los Alamitos. “It’s not just about trying to affect
4 [things] here,” he explained. Instead, Mayor Edgar expressed his belief that the Ordinance would
5 impact millions of people throughout California and, indeed, the entire country. As he put it, “this
6 ended up being more of a national issue.”

7 49. Following Mayor Edgar’s comments, the Los Alamitos City Council again voted
8 4-1 to pass the Ordinance. The Ordinance was therefore passed, approved, and adopted on April
9 16, 2018. It was signed into law by Mayor Edgar.

10 50. By declaring Los Alamitos to be “exempt” from the Values Act, the Ordinance
11 effectively authorizes Los Alamitos agencies, officials, and employees to expend city funds and
12 participate in deportation programs in violation of the Values Act. City Manager Plumlee is
13 purportedly authorized to expend city funds to implement the Ordinance and coordinate Los
14 Alamitos’s efforts to exempt its agencies, officials, and employees from the Values Act.

15 51. The Ordinance also effectively authorizes the Los Alamitos Police Department to
16 expend city funds to violate the Values Act by inquiring into a person’s immigration status;
17 providing personal information about an individual to immigration authorities; arresting an
18 individual based on a civil immigration warrant; assisting immigration authorities in the activities
19 described under 8 U.S.C. § 1357(a)(3); performing the functions of an immigration agent; placing
20 Los Alamitos police officers under the supervision of a federal agency for purposes of immigration
21 enforcement; using immigration officers as interpreters for law enforcement matters; providing
22 office space exclusively dedicated for immigration agents within a Los Alamitos law enforcement
23 facility; reporting people to federal immigration authorities who were arrested for certain drug
24 charges and who may not be U.S. citizens; and responding to hold, notification, and transfer
25 requests from immigration authorities without regard to the limitations set forth in the Values Act.

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1 Communities led to a massive increase in deportations, entangled state and local law enforcement
2 in deportation programs to an unprecedented degree, and garnered widespread opposition from
3 state and local officials. In 2014, that program was terminated based in part on criticism from
4 “[g]overnors, mayors, and state and local law enforcement officials around the country[.]”⁶ In
5 January 2017, the Secure Communities program was reinstated.

6 57. The Senate Floor Analysis for the Values Act explained that, “[u]nder the Trump
7 administration, deportations have increased 40 percent, including 10,800 non-criminals whose
8 only violation was to enter the country. When local police enforce immigration laws, they rapidly
9 lose the trust of the undocumented community. Crimes go unreported for fear of deportation. The
10 perpetrators roam free to strike again. Our communities become less—not more—safe.” The
11 Senate Floor Analysis went on to note: “[a] report by the University of Illinois published in 2013
12 found that ‘70 percent of undocumented immigrants reported they are less likely to contact law
13 enforcement authorities if they were victims of a crime.’”

14 58. The California Legislature’s concerns regarding the detrimental effect on public
15 safety of entangling police in immigration enforcement have been echoed by numerous law
16 enforcement associations. For example, the Major Cities Chiefs Association, which represents the
17 68 largest law enforcement agencies in the United States, has found that involving local police in
18 immigration enforcement “would result in increased crime against immigrants and in the broader
19 community, create a class of silent victims and eliminate the potential for assistance from
20 immigrants in solving crimes or preventing future terroristic acts.”⁷ Studies of jurisdictions that
21 limit collaboration between local police and federal immigration authorities have confirmed that
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23 ⁶ Memorandum from DHS Secretary Jeh Johnson to Acting ICE Director Thomas Winkowski,
24 Secure Communities (Nov. 20, 2014),
https://www.dhs.gov/sites/default/files/publications/14_1120_memo_secure_communities.pdf.

25 ⁷ See Craig E. Ferrell, Jr. et. al., *M.C.C. Immigration Committee Recommendations For*
26 *Enforcement of Immigration Laws by Local Policy Agencies*, Major Cities Chiefs Association
(June 2006), https://www.majorcitieschiefs.com/pdf/news/MCC_Position_Statement.pdf.

1 they have statistically significantly lower crime rates than jurisdictions where police collaborate
2 indiscriminately with immigration authorities.⁸

3 59. The Senate Floor Analysis also noted that immigration enforcement has been more
4 extensive and indiscriminate under the current Administration. For example, in roughly the first
5 three months of 2017, U.S. Immigration and Customs Enforcement (“ICE”) made 35 percent more
6 arrests nationwide compared to the same period the prior year.⁹ And, unlike the prior
7 Administration which generally focused immigration enforcement efforts on individuals with
8 criminal convictions, enforcement under the Trump Administration has been indiscriminate,
9 sweeping in people who have lived in the United States for decades and have no criminal
10 histories.¹⁰

11 60. ICE relies heavily on collaboration from state and local officials to carry out
12 deportations. A large proportion—up to three-fourths—of all deportations rely on the involvement
13 of state and local law enforcement agencies.

14 61. In January 2018, ICE Director Thomas Homan stated that the Trump
15 Administration planned to “significantly increase” immigration enforcement throughout
16 California.¹¹ Homan added that California is “about to see a lot more special agents, a lot more
17 deportation officers.”¹² To that end, from February 11 to 15, 2018, ICE conducted a five-day

19 ⁸ See Tom K. Wong, *The Effects of Sanctuary Policies on Crime and the Economy*, Center for
20 American Progress (Jan. 26, 2017), <https://www.nilc.org/wp-content/uploads/2017/02/Effects-Sanctuary-Policies-Crime-and-Economy-2017-01-26.pdf>.

21 ⁹ See Brenda Gazzar, *ICE arrests increase under Trump showing ‘gloves are being taken off’*, San
22 Jose Mercury News (May 10, 2017), <https://www.mercurynews.com/2017/05/10/ice-arrests-increase-under-trump-showing-gloves-are-being-taken-off-4>.

23 ¹⁰ *Id.*

24 ¹¹ Jazmine Ulloa, *ICE is increasing presence in California because of ‘sanctuary state’ law, says
25 Trump immigration chief*, Los Angeles Times (Jan. 3, 2018),
<http://www.latimes.com/politics/essential/la-pol-ca-essential-politics-updates-ice-is-increasing-presence-in-california-1514999654-htmstory.html>.

26 ¹² *Id.*

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First Cause of Action

(State Law Preemption; Violation of the California Values Act, California Government Code §§ 7284 *et seq.*; Writ of Mandate (Code of Civil Procedure § 1085) and Declaratory Relief (Code of Civil Procedure § 1060))

68. Plaintiffs re-allege and incorporate by reference each of the allegations above as if fully set forth herein.

69. The California Values Act, Cal. Gov’t Code §§ 7284 *et seq.*, among other things, prohibits state and local law enforcement agencies from assisting immigration authorities in certain areas; requires state and local law enforcement agencies to limit their communications with immigration authorities; and mandates that public schools, healthcare facilities, and courthouses adopt policies aimed at protecting the ability of immigrant communities to access these public services.

70. In spite of these clear statutory requirements, Defendants/Respondents have enacted the Ordinance, which purports to exempt Los Alamitos agencies, officials, and employees—including the Los Alamitos City Manager’s Office, Los Alamitos Police Department, and Los Alamitos Unified School District—from compliance with the California Values Act.

71. The Ordinance is clearly preempted. On its face, the Ordinance authorizes local officials to violate state law. It openly and expressly contradicts governing state law embodied in the Values Act. Indeed, the very purpose of the Ordinance is to nullify the effect of the Values Act in Los Alamitos.

72. “Relief by writ of mandate is appropriate to prevent a city from enforcing an ordinance that is preempted” by state law. *Johnson v. City & Cty. of San Francisco*, 137 Cal. App. 4th 7, 19 (2006). “The court ‘must’ issue a writ of mandate ‘in all cases where there is not a plain, speedy, and adequate remedy, in the ordinary course of the law.’” *Id.* (quoting Cal. Civ. Proc. Code § 1086). There is no such other remedy available here.

73. The Ordinance’s only purported justification—that it is required to ensure fidelity to the federal Constitution—is foreclosed by the California Supreme Court’s clear precedent.

1 Under California law, a local official cannot, “without any court having determined that [a] statute
2 is unconstitutional . . . deliberately decline[] to enforce the statute because he or she determines or
3 is of the opinion that the statute is unconstitutional.” *Lockyer v. City & Cty. of San Francisco*, 33
4 Cal. 4th 1055, 1066-67 (2004). Thus, if a state law facially preempts a local ordinance, that
5 ordinance is invalid and unenforceable, notwithstanding the fact that a local or state official may
6 believe the preempting state law is unconstitutional.

7 74. Article III, Section 3.5 of the California Constitution also expressly prohibits the
8 action that the Los Alamitos City Council has undertaken. Under Article III, Section 3.5,
9 Defendants/Respondents have no power: “(a) To declare a statute unenforceable, or refuse to
10 enforce a statute, on the basis of it being unconstitutional unless an appellate court has made a
11 determination that such statute is unconstitutional; (b) To declare a statute unconstitutional; [or]
12 (c) To declare a statute unenforceable, or to refuse to enforce a statute on the basis that federal law
13 or federal regulations prohibit the enforcement of such statute unless an appellate court has made
14 a determination that the enforcement of such statute is prohibited by federal law or federal
15 regulations.”

16 75. Ordinance No. 2018-03 is in direct violation of California law. Plaintiffs have
17 suffered ongoing injuries necessitating relief.

18 **Second Cause of Action**
19 **(Taxpayer Action Under California Code of Civil Procedure**
20 **Section 526a To Prevent Illegal Expenditure of Funds)**

21 76. Plaintiffs re-allege and incorporate by reference each of the allegations above as if
22 fully set forth herein.

23 77. Defendants/Respondents are and will continue to be illegally expending public
24 funds by taking part in deportation programs in violation of California law.

25 **Prayer for Relief**

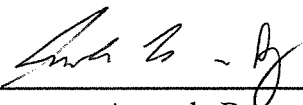
26 Plaintiffs respectfully request that this Court grant the following relief:
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- 1 A. A declaration that Los Alamitos, California, Ordinance No. 2018-03 and Los Alamitos
2 Municipal Code Chapter 9.30 (“Constitution of the United States Compliance”) violate
3 California law by unlawfully purporting to exempt the City of Los Alamitos from the
4 California Values Act.
- 5 B. A writ of mandate ordering Defendants/Respondents to comply with the California Values
6 Act, Cal. Gov’t Code §§ 7284 *et seq.*, and to rescind Ordinance No. 2018-03.
- 7 C. A preliminary injunction enjoining Defendants/Respondents from enforcing Ordinance
8 No. 2018-03 and purportedly exempting the City of Los Alamitos from the requirements
9 of the California Values Act, Cal. Gov’t Code §§ 7284 *et seq.*
- 10 D. A permanent injunction enjoining Defendants/Respondents from purportedly exempting
11 the City of Los Alamitos from the California Values Act, Cal. Gov’t Code §§ 7284 *et seq.*
- 12 E. Costs and attorneys’ fees pursuant to Cal. Code Civ. Proc. §§ 1021, 1021.5, and any other
13 applicable law.
- 14 F. Sanctions against the City of Los Alamitos pursuant to Cal. Code Civ. Proc. §§ 128.5 and
15 128.7, and any other applicable law, for its clear violation of California law.
- 16 G. All other relief the Court deems just and proper.

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18 Respectfully submitted,
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1 DATED: April 18, 2018

2
3 LATHAM & WATKINS LLP
4 MELISSA ARBUS SHERRY
5 SAMIR DEGER-SEN
6 WILLIAM FRIEDMAN
7 AMANDA BROWN-INZ

8 By: 
9 Amanda Brown-Inz

10 ACLU FOUNDATION OF SOUTHERN CALIFORNIA
11 JENNIFER PASQUARELLA
12 MICHAEL KAUFMAN
13 SAMEER AHMED

14 NATIONAL DAY LABORER ORGANIZING NETWORK
15 JESSICA KARP BANSAL

16 ACLU IMMIGRANTS' RIGHTS PROJECT
17 OMAR JADWAT
18 LEE GELERNT
19 SPENCER AMDUR
20 CODY WOF SY

21 Attorneys for Plaintiffs/Petitioners
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VERIFICATION

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I, Monica Glicken, board member of Los Alamitos Community United, have read this Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief in the matter of *Los Alamitos Community United v. City of Los Alamitos*. I am informed, and do believe, that the matters herein are true. On that ground I allege that the matters stated herein are true. In addition, the facts within paragraphs 12 through 14 are within my own personal knowledge, and I know them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED: April 17, 2018



Monica Glicken (on behalf of Los Alamitos Community United)

1 VERIFICATION

2 I, Reverend Samuel Pullen, have read this Verified Petition for Writ of Mandate and
3 Complaint for Declaratory and Injunctive Relief in the matter of *Los Alamitos Community United*
4 *v. City of Los Alamitos*. I am informed, and do believe, that the matters herein are true. On that
5 ground I allege that the matters stated herein are true. In addition, the facts within paragraphs 15
6 through 17 are within my own personal knowledge, and I know them to be true.

7 I declare under penalty of perjury under the laws of the State of California that the
8 foregoing is true and correct.

9
10 DATED: April 17, 2018



11 Reverend Samuel Pullen
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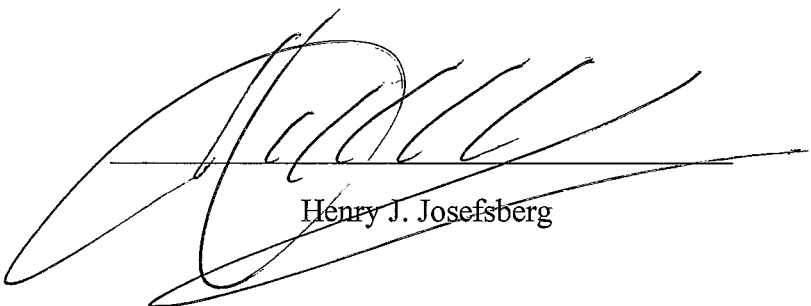
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VERIFICATION

I, Henry J. Josefsberg, have read this Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief in the matter of *Los Alamitos Community United v. City of Los Alamitos*. I am informed, and do believe, that the matters herein are true. On that ground I allege that the matters stated herein are true. In addition, the facts within paragraphs 18 through 19 are within my own personal knowledge, and I know them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED: April 17, 2018



Henry J. Josefsberg