

1 DENNIS J. HERRERA, State Bar #139669  
 City Attorney  
 2 JESSE C. SMITH, State Bar #122517  
 Chief Assistant City Attorney  
 3 RONALD P. FLYNN, State Bar #184186  
 Chief Deputy City Attorney  
 4 YVONNE R. MERÉ, State Bar #173594  
 Chief of Complex and Affirmative Litigation  
 5 CHRISTINE VAN AKEN, State Bar #241755  
 TARA M. STEELEY, State Bar #231775  
 6 MOLLIE M. LEE, State Bar #251404  
 SARA J. EISENBERG, State Bar #269303  
 7 MATTHEW S. LEE, State Bar #295247  
 NEHA GUPTA, State Bar #308864  
 8 Deputy City Attorneys  
 City Hall, Room 234  
 9 1 Dr. Carlton B. Goodlett Place  
 San Francisco, California 94102-4602  
 10 Telephone: (415) 554-4748  
 Facsimile: (415) 554-4715  
 11 E-Mail: brittany.feitelberg@sfgov.org

12 Attorneys for Plaintiff  
 CITY AND COUNTY OF SAN FRANCISCO

13  
 14  
 15 UNITED STATES DISTRICT COURT  
 16 NORTHERN DISTRICT OF CALIFORNIA

17 CITY AND COUNTY OF SAN  
 FRANCISCO,

18 Plaintiff,

19 vs.

20 DONALD J. TRUMP, President of the United  
 21 States, UNITED STATES OF AMERICA,  
 JOHN F. KELLY, Secretary of United States  
 22 Department of Homeland Security,  
 JEFFERSON B. SESSIONS III, Attorney  
 23 General of the United States, DOES 1-100,

24 Defendants.

Case No. 3:17-cv-00485-WHO

**SECOND SUPPLEMENTAL REQUEST FOR  
 JUDICIAL NOTICE IN SUPPORT OF  
 PLAINTIFF CITY AND COUNTY OF SAN  
 FRANCISCO'S OPPOSITION TO  
 DEFENDANTS' MOTION TO DISMISS**

Date: July 12, 2017  
 Time: 2:00 p.m.  
 Judge: Honorable William H. Orrick  
 Dept: Courtroom 2

Date Filed: January 31, 2017  
 Trial Date: April 23, 2018

**REQUEST FOR JUDICIAL NOTICE**

Plaintiff City and County of San Francisco hereby respectfully requests, pursuant to Federal Rule of Evidence 201, that this Court take judicial notice of the following material in support of its Opposition to Defendants’ Motion to Dismiss:

Attached hereto as **Exhibit A** is a true and correct copy of a Department of Justice press release dated July 12, 2017 and titled, “Attorney General Jeff Sessions Delivers Remarks in Las Vegas to Federal, State and Local Law Enforcement About Sanctuary Cities and Efforts to Combat Violent Crime.” This press release is available on the Department of Justice’s official government website as of July 12, 2017, at <https://www.justice.gov/opa/speech/attorney-general-jeff-sessions-delivers-remarks-las-vegas-federal-state-and-local-law>. The press release states in part:

Unfortunately, this cooperation has been impeded by the policies of some cities and states. Some 300 jurisdictions in this country refuse to cooperate with federal immigration authorities regarding illegal aliens who commit crimes — even MS-13 gang members. These jurisdictions are protecting criminals rather than their law-abiding residents.

Now I want to be clear about this: local police are not the problem. I know that you want to help. The problem is that politicians have forbidden you to help. That makes all of us—and especially police officers on the front lines—less safe.

When cities like Philadelphia, Boston, or San Francisco advertise that they have these policies, the criminals take notice.

**Exhibit A** is judicially noticeable because the statements of Attorney General Sessions contained within this exhibit are not subject to reasonable dispute, as the statements “can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. § 201(b)(2); *Cnty. of Santa Clara v. Trump*, 17-CV-00485-WHO, 2017 WL 1459081, at \*17 n.4 (N.D. Cal. Apr. 25, 2017) (taking judicial notice of statements by Attorney General Sessions on such grounds).

It is also judicially noticeable because it is posted to an official government website. *See Daniels–Hall v. Nat’l Educ. Ass’n*, 629 F.3d 992, 998–99 (9th Cir. 2010) (judicially noticing information contained on a government website); *Paralyzed Veterans of America v. McPherson*, No. C

1 06–4670 SBA, 2008 WL 4183981, at \*5 (N.D. Cal. Sept. 9, 2008) (finding that courts commonly take  
2 judicial notice of information and documents on government websites, and citing cases from various  
3 jurisdictions).

4  
5 Dated: July 12, 2017

6 DENNIS J. HERRERA  
7 City Attorney

8 By: /s/ Mollie M. Lee  
9 MOLLIE M. LEE  
10 Deputy City Attorney

11 Attorneys for Plaintiff  
12 CITY AND COUNTY OF SAN FRANCISCO  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**EXHIBIT A**

## JUSTICE NEWS

### **Attorney General Jeff Sessions Delivers Remarks in Las Vegas to Federal, State and Local Law Enforcement About Sanctuary Cities and Efforts to Combat Violent Crime**

Las Vegas, NV ~ Wednesday, July 12, 2017

---

Good morning. It is an honor and a privilege to be here with you all—with the selfless and courageous men and women of law enforcement. Thank you for all you do to keep us safe.

I want to thank acting U.S. Attorney (Steven) Myhre for his hospitality and for his over 25 years of public service as a prosecutor.

Thank you also to Attorney General Laxalt. You all have a real fighter here with him: an Iraq veteran, a champion for his constituents, and now a leader with a national profile. Thank you very much, Adam.

Speaking of fights, as you all know, we have a multi-front battle in front of us right now: an increase in violent crime, vicious gangs, an opioid epidemic, threats from terrorism, and human traffickers.

Since the early 1990s, the crime rate has steadily come down across the country—that is, until two years ago.

Now, violent crime is once again on the rise in many parts of America. The murder rate, for example, has surged 10 percent nationwide in just one year — the largest increase since 1968.

These numbers are shocking, and they are informative, but the numbers are not what is most important. What's most important are the people behind the numbers. Each one of the victims of these crimes had a family, friends, and neighbors. They're all suffering, too.

You know the stories all too well. Right now, Las Vegas is mourning the death of 18-year old Eric Brooks, a football star who just graduated from Spring Mountain High School. He had a promising life ahead of him, a life we will never get to see. Witnesses say that he was sitting on a park bench just before he was shot and bled to death in the street.

Too many in our communities have to live in constant fear of violence breaking out in a park, or in their own neighborhoods. Too many are living as hostages in their own homes.

We cannot accept this status quo, and this Department of Justice will not accept it. Every American has the right to be safe in their homes and in their neighborhoods.

The first and most important job of this government—and any government—is to protect the safety and the rights of its people. If we fail at this task, then every other government initiative ceases to be important.

As law enforcement officials, we have the responsibility to stop—and reverse—the surge in violent crime and opioids that has taken place over the last two years. And under President Trump's leadership, this Department of Justice will answer the call and do its part.

To that end, I have directed our federal prosecutors to work closely with our law enforcement partners at the federal, state, local, and tribal levels to combat violent crime and take violent criminals off our streets.

As we all know, the vast majority of people just want to obey the law and live their lives. A disproportionate amount of crime is committed by a small group of criminals. And the more of them we apprehend, prosecute, and convict, the more crime we can deter.

Budgets are tight, but we've worked hard to free money and positions from DC to our US Attorney offices.

We will use those funds to hire 300 more Assistant United States Attorneys and then deploy those resources nationwide to where they are most needed to fight the scourge of crime.

You all are on the front lines of this fight. In Nevada, doctors are writing 94 prescriptions for painkillers per 100 residents. Unbelievable. I understand that your criminal chief and another prosecutor did battle in trial for 10 weeks to convict a dirty doctor and his medical assistant for supplying drug dealers with opioids here in Las Vegas. That is exactly what we need to be doing: holding those responsible for their crimes, even when it is difficult. That is commitment and leading by example.

I also want to applaud these investigators and prosecutors for going after those who prey upon our children. We must make this a top priority. The horrific nature of enticement, kidnapping, and human trafficking cannot be overstated. Those who seek to profit off of the exploitation of our children must be made to feel the weight of swift and certain justice.

Having been a prosecutor for 14 years, I know firsthand that each one of these prosecutions is the result of countless hours of work by our law enforcement partners: witness interviews, reports of investigation, dangerous search warrants, and computer forensics. It is a true team effort. To those law enforcement partners: THANK YOU. You do this work at great personal sacrifice and peril. You don't get to take a case off or phone it in. A lapse in vigilance can mean grave consequences. Thank You.

Further, under President Trump's leadership, we are finally getting serious about securing our border. In fact, we are already seeing the positive results of this, with illegal border crossings falling to their lowest monthly figure in at least 17 years. That makes all of us safer.

We are enforcing our immigration laws, including right here in Nevada. In March, ICE arrested 61 foreign nationals in Nevada, 55 of whom had criminal histories. Their crimes include sex offenses, drug offenses, and domestic violence. Removing criminals like these from our streets makes Nevada safer.

With that in mind, I have directed our federal prosecutors to make criminal immigration enforcement a priority, and to appoint a Border Security Coordinator in each of their offices. Through these initiatives, we are going to remove dangerous criminals from our neighborhoods and dismantle the transnational cartels, drug traffickers and gangs that inflict violence and peddle poison in our communities.

This Department is especially focused on combatting the threat posed by transnational criminal organizations like MS-13, whose tentacles stretch from the Salvadoran prison system across the United States. They have a motto: "kill, rape, control." And that is what they do every day.

Violent gangs have murdered children and pregnant women; they have executed and permanently disfigured innocent bystanders to their crimes, and they have attacked innocent people with chains, bats, and machetes.

They also destroy the lives of the middle schoolers they recruit for membership, the young girls they entrap, gang rape, and ultimately traffick for illicit sex, and the drugs they smuggle across our borders and sell on our streets.

We will combat this threat, take the fight to them, and dismantle these criminal enterprises. It will not be easy, but I have complete faith in our prosecutors and our law enforcement at every level.

Whether it is MS-13, the Bloods, or Outlaw Motorcycle Clubs, gangs have their sights set on our youth and law-abiding citizens, but we have trained our sights on them.

To take these gangs off of our streets, we need cooperation between law enforcement at the federal, state, and local levels. I understand that we have a good measure of that cooperation right here in Las Vegas and that the Sheriff has enrolled his force in ICE's 287 G program which allows his local deputies to enforce immigration law. This is just the type of force multiplier that we need.

Unfortunately, this cooperation has been impeded by the policies of some cities and states. Some 300 jurisdictions in this country refuse to cooperate with federal immigration authorities regarding illegal aliens who commit crimes — even MS-13 gang members. These jurisdictions are protecting criminals rather than their law-abiding residents.

Now I want to be clear about this: local police are not the problem. I know that you want to help. The problem is that politicians have forbidden you to help. That makes all of us—and especially police officers on the front lines—less safe.

When cities like Philadelphia, Boston, or San Francisco advertise that they have these policies, the criminals take notice.

According to a recent study from the University of California Riverside, cities with these policies have more violent crime on average than those that don't. We all know the story of Kate Steinle, who was murdered in cold blood two years ago this month. She was walking a pier in San Francisco with her father when an illegal alien—who had been deported five times and committed seven felonies—shot her in the back.

Her death was preventable—and it should have been prevented. She would still be alive today if her killer had been imprisoned or deported, as he should have been.

He walked the streets freely because San Francisco refuses to cooperate with ICE. In fact, he admitted that one reason he was in San Francisco that day was that he knew the city had these policies in place.

Now most cities and states do not have these policies—because the vast majority of the American people agree that these policies are wrong. According to one poll, 80 percent of the public believes that cities should turn over criminal illegal aliens to immigration officials.

Fortunately, Congress is listening to the American people and taking action. Almost two weeks ago, the House passed bipartisan legislation would increase penalties on illegal aliens who break our laws and the jurisdictions that attempt to shield them from justice. I hope that my former colleagues in the Senate will take up this legislation soon.

The American people want and deserve a lawful immigration system that keeps us safe and serves our national interest. And this is not asking too much. This expectation is fair; it is reasonable, and it is our duty to meet it.

The Department of Justice will not concede a single block or street corner in the United States to lawlessness or crime. We will work to strengthen our partnerships with you—law enforcement on the front lines. You are ultimately the most effective resources that we as a country have in this effort.

Many of you are working in the same neighborhoods where you grew up. You know what's at stake. You know that the safety and peace of mind of us all depends on you.

But you can also know this: we have your back and you have our deepest thanks.

Thank you.

---

**Topic(s):**  
Violent Crime

**Component(s):**  
Office of the Attorney General

*Updated July 12, 2017*