

EXHIBIT F

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1 because I'm not a hundred percent sure what you're 9:49:53AM
2 talking about. But we'll figure it out.
3 You're employed now by DHS; is that correct?
4 A. I sure am.
5 Q. How long have you been employed by DHS? 9:50:03AM
6 A. I was employed with INS when DHS became
7 established in 2003.
8 Q. How long were you employed by INS?
9 A. Since 1988.
10 Q. What is your current title? 9:50:12AM
11 A. I am Assistant Field Office Director here in
12 L.A.
13 Q. How long have you been the AFOD?
14 A. I came here, I think, in April 2007.
15 Q. What was your position before that? 9:50:36AM
16 A. Before that I was the unit chief over the
17 Fugitive Operation Support Center in Burlington,
18 Vermont.
19 Q. How long did you hold that?
20 A. From two thousand -- probably 2006 until I 9:50:52AM
21 came here to Lancaster, April 2007.
22 Q. A little over a year?
23 A. No. I came here in 2009. Did I say '7?
24 Q. Yeah. So you were about three years working
25 as the Fugitive Operations unit chief in Vermont. 9:51:14AM

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1 A. Yes.

2 Q. And to prepare for this deposition you
3 familiarized yourself with the positions of -- the
4 positions of and the information available to
5 Immigrations and Customs Enforcement and Department of
6 Homeland Security in order to be able to testify about
7 those topics; is that correct?

8 A. I would say, yes, I did familiarize myself.

9 MR. ATKINSON: We just want to make one
10 notation on the record: That we had originally
11 designated Mr. Lee with respect to eight and nine just
12 to speak for the department with respect to
13 notification provided to persons eligible for such
14 hearings, but we understand the scope went beyond that
15 and -- which is fine.

16 MR. ARULANANTHAM: Then to that end actually,
17 let me just clean this up and ask that one question
18 then.

19 Q. Once a detainee has been determined to be
20 subject to mandatory detention under 236(c), are they
21 given notice of that?

22 A. Yes.

23 Q. How?

24 A. It's on the custody determination.

25 Q. On the sheet it says what?

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1 A. It's a checked box that says you've been
2 determined to be mandatory detention. I don't think
3 it specifically says 236(c), but --

4 Q. Is the detainee informed of any ability to
5 seek redetermination of that determination?

6 A. On 236(c)? No.

7 MR. ARULANANTHAM: Can we go off the record
8 for one second?

9 MR. ATKINSON: Sure.

10 (Discussion held off the record.)

11 BY MR. ARULANANTHAM:

12 Q. Does the detainee have the opportunity to
13 argue to ICE that he's not subject to mandatory
14 detention?

15 A. Does he have the opportunity to?

16 Q. Yes.

17 A. He can argue that to the officer that's
18 writing him up. I don't know -- on the custody
19 determination if we're going to place them in 236(c)
20 mandatory detention because we believe the crime
21 places them there, there's a check box on there that
22 says they're mandatory detention. And there are
23 little check boxes on the form if you guys have a copy
24 of one. And if they're not 236(c), it has on there
25 that you have a right to, you know, an immigration

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1 hearing with an IJ, Department of Homeland Security.

2 On that particular one if we determine
3 they're 236(c), it says they cannot have a bond
4 hearing.

5 Q. You said the detainee can argue with the
6 officer who's writing him up?

7 A. Yeah.

8 Q. Is there an interview? Or how does that
9 happen?

10 A. There's an interview done between the
11 detainee and the arresting officer, even if it's at a
12 detention facility, and we have 287(g) there, and
13 there's discussion about, you know, what are your
14 crimes; and then they'll be verified and they'll
15 discuss their -- why they're being charged and then
16 they'll sign their notice to appear and their custody
17 determination.

18 So definitely you're talking to the detainee
19 in a large majority of the cases. There are instances
20 where you may not. An NTA may be written up without
21 talking to the detainee.

22 Q. This is the same decision -- the process that
23 you're talking about now when the officer is talking
24 to the detainee -- that's the same time when the
25 officer is deciding whether the person is going to be

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1 Q. In fact, at Mira Loma you have approximately
2 800 beds that are not currently filled; is that
3 correct?

4 A. That's correct.

5 MR. ARULANANTHAM: Objection to form.

6 MR. ATKINSON: Did you get his answer?

7 THE REPORTER: Yes.

8 MR. ATKINSON: Okay.

9 No further questions.

10 MR. ARULANANTHAM: I have one question. Do
11 you have any?

12 MR. KAUFMAN: No.

13

14 EXAMINATION (CONTINUING)

15 BY MR. ARULANANTHAM:

16 Q. Earlier when we spoke about a notice for
17 detainees subject to mandatory detention, you said
18 that the Notice of Custody Determination form says on
19 it that you cannot get a review by an Immigration
20 Judge if you're subject to mandatory detention; is
21 that correct?

22 A. Yes.

23 MR. ARULANANTHAM: Nothing else.

24 MR. ATKINSON: We're going to read and sign
25 the deposition.

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