

hearings questioning these policies,¹ President Obama threatened the withdrawal of Justice Assistance Grants from local law enforcement that created sanctuary cities,² and President Trump declared sanctuary cities “have caused immeasurable harm to the American people and to the very fabric of our Republic.”³

2. Texas was not immune to the problem of sanctuary cities. For example, the Travis County Sheriff’s Office enforced a policy imposing its own selection criteria to the crimes of detention the Sheriff deemed serious enough to require officers to comply with ICE detainer requests.

3. The Texas Legislature responded to the national and local debate by enacting Senate Bill 4 (“SB 4”) to prohibit sanctuary city policies and practices throughout Texas. Act of May 3, 2017, 85th Leg., R.S., ch. 4, § 1.01, 2017 Tex. Gen. Laws 7 (codified at Tex. Gov’t Code §§ 752.051-.057). Among other things, SB 4 prohibits local entities, including local police departments, from adopting, enforcing, or endorsing policies, patterns, or practices that prohibit or materially limit the enforcement of immigration laws. Tex. Gov’t Code § 752.053(a)(1–2). SB 4 also prohibits local law enforcement from prohibiting or materially limiting one of its officers from assisting or cooperating with a federal immigration officer as reasonable or necessary, including providing enforcement assistance. *Id.* § 752.053(b)(3).

¹ *Sanctuary Cities: A Threat to Public Safety: Hearing Before the Subcomm. on Immigration and Border Sec. of the H. Comm. on the Judiciary*, 114th Cong., 1st Sess. (2015), <https://perma.cc/847D-5E4U>.

² U.S. Dep’t of Justice, Office of Justice Programs Guidance Regarding Compliance with 8 U.S.C. § 1373, at 2 (July 7, 2016), <https://perma.cc/9ST2-GG4W>.

³ Exec. Order No. 13,768, 82 Fed. Reg. 8,799, 8,799 (Jan. 30, 2017).

4. Almost four months after SB 4 took effect, SAPD and Chief McManus violated their mandates by prohibiting and materially limiting the enforcement of immigration laws and cooperation with federal immigration officials.

5. On December 23, 2017, SAPD received a call reporting a tractor-trailer filled with twelve suspected aliens who appeared to be part of a smuggling operation. SAPD officers, including Chief McManus, reported to the scene to investigate. SAPD also notified U.S. Immigration and Customs Enforcement (“ICE”) Homeland Security Investigations (“HSI”), which deployed Special Agent Brian Johnson to the scene.

6. After the initial stop, in a departure from customary practice, Chief McManus asserted jurisdiction over the investigation under the state smuggling statute, advised officers at the scene that SAPD would be handling the case locally, and stated that HSI agents were not to be involved in the case. Additionally, McManus personally called an immigration attorney from an advocacy organization that provides immigration legal services to the scene during an active investigation, transported the suspected aliens to SAPD headquarters, ordered the release of all of the suspected aliens without so much as a routine background check, and prohibited HSI from enforcing immigration laws.

7. At the scene, the immigration attorney introduced McManus to the immigrants and assured them in McManus’s presence that McManus “does not work with immigration.”⁴

⁴ “Su oficina no trabaja con migración.”

8. And prior to releasing the suspected aliens, neither McManus nor SAPD ran the suspected aliens' criminal history through criminal databases such as the National Crime Information Center ("NCIC") to determine whether they had any criminal history or outstanding warrants. Neither McManus nor SAPD asked or allowed HSI to run the suspected aliens' names through the ICE database to determine whether they were lawfully present in the United States or had any pending deportation warrants. Neither McManus nor SAPD contacted Texas Child Protective Services to investigate the safety of a 16-year-old minor who was among those found in the trailer. And despite repeated requests, McManus refused to allow HSI Special Agent Johnson to speak to, investigate, or transport the suspected aliens to HSI for processing.

9. Upon information and belief, today there is no criminal case filed against the individual who transported the suspected aliens as part of a smuggling operation despite his confession, nor is there verified contact information for any of the suspected aliens.

10. By a series of orchestrated and intentional actions, McManus and SAPD enforced a policy of prohibiting and materially limiting HSI from enforcing federal immigration laws and prohibited and materially limited their officers from cooperating with ICE to enforce federal immigration laws. As a result, the suspected aliens were released, and upon information and belief, no state or federal case has been filed against a single individual arising out of the December 23, 2017 incident.

11. Furthermore, Defendants maintain policies that prohibit and materially limit enforcement of immigration laws by prohibiting officers from referring individuals to ICE, requiring officers to contact immigration attorneys on behalf of suspected aliens, and by transferring suspected aliens to third-party organizations instead of federal authorities.

12. In response to Defendants' failures to comply with SB 4, Ken Paxton, in his official capacity as Attorney General of Texas, files this petition for writ of injunction, civil penalties, attorney's fees, and costs. Tex. Gov't Code §§ 752.053, .055(b).

II. DISCOVERY CONTROL PLAN

13. Plaintiff intends to conduct discovery in this case under Level 3 of Texas Rule of Civil Procedure 190.4 and affirmatively pleads that this case is not governed by the expedited-actions process in Texas Rule of Civil Procedure 169 because the relief sought includes non-monetary injunctive relief, and the claims for monetary relief—including penalties—exceeds \$100,000.

III. JURISDICTION AND VENUE

14. The Court has jurisdiction to issue a writ of mandamus and/or injunction to require McManus's and Sculley's compliance with section 752.053 of the Texas Government Code. Tex. Gov't Code §§ 24.011, 752.053, .055.

15. The Court has jurisdiction to assess civil penalties, costs, and fees against Defendants pursuant to sections 752.056 and 402.006 of the Government Code. *Id.* §§ 402.006(c),(e), 752.056.

16. Venue is proper in Travis County pursuant to section 752.055 of the Government Code because an action to enforce SB 4 may be brought in a district court in Travis County. *Id.* § 752.055(b).

IV. PARTIES

17. Plaintiff Ken Paxton is the Attorney General of Texas. Section 752.055 of the Government Code charges him with enforcement of SB 4. Tex. Gov't Code § 752.055.

18. Defendant William McManus is the Chief of the San Antonio Police Department and is the director of that department for the City of San Antonio. San Antonio, Tex., Charter art. 5, § 57.

19. Defendant San Antonio Police Department is a municipal police department created by the City of San Antonio. San Antonio, Tex., Charter art. 5, § 50. SAPD officers possess all the powers and authority given to them as peace officers under the laws of Texas and the City's Charter. *Id.* § 58.

20. Defendant City of San Antonio is a body politic and a home rule municipality in Bexar County, Texas. The City of San Antonio Charter created SAPD as one of the City's departments. The City is responsible for the policies, practices, and procedures of SAPD. *Id.* § 50.

21. Defendant Sheryl Sculley is the City Manager for the City of San Antonio and is responsible for enforcing all laws and ordinances and exercising administrative supervision and control over all departments, including SAPD. *Id.* §§ 46, 51.

22. Defendants McManus, SAPD, City, and Sculley are local entities that are subject to mandamus, injunctive relief, civil penalties, and fees for a violation of section 752.053 of the Government Code. Tex. Gov't Code §§ 402.006, 752.051(5), .055, .056.

23. Pursuant to Civil Practice and Remedies Code section 17.024(b) and City Charter article 2, section 10, Defendants may be served with civil process by serving Leticia M. Vacek, City Clerk, at 114 W. Commerce, San Antonio, Texas 78205.

V. SENATE BILL 4

24. The Texas Legislature enacted Senate Bill 4 during the 2017 regular session. It went into effect September 1, 2018.⁵ Act of May 3, 2017, 85th Leg., R.S., ch. 4, § 1.01, 2017 Tex. Gen. Laws 7.

25. SB 4 applies to “local entities,” which it defines, in relevant part, as “the governing body of a municipality” and “an officer or employee of or a division, department, or other body that is part of a municipality, county, or special district or authority, including a sheriff, municipal police department, municipal attorney, or county attorney” Tex. Gov't Code § 752.051(5).

26. Among other things, SB 4 prohibits local entities, like McManus, SAPD, the City, and Sculley, from adopting or enforcing policies, patterns, or practices that prohibit or materially limit the enforcement of immigration laws. *Id.* § 752.053(a)(1–2). This section also prohibits local entities, like McManus, SAPD, the City, and

⁵ Federal litigation over SB 4 resulted in the Fifth Circuit upholding all portions of the law relevant to this lawsuit, *City of El Cenizo v. Texas*, 890 F.3d 164 (5th Cir. 2018).

Sculley, from prohibiting or materially limiting a police officer from assisting or cooperating with a federal immigration officer as reasonable or necessary, including providing enforcement assistance. *Id.* § 752.053(b)(3).

27. Any citizen residing in the jurisdiction of a local entity may file a complaint with the Attorney General asserting a violation of section 752.053. *Id.* § 752.055(a).

28. If the Attorney General determines the complaint is valid, he may file a petition seeking appropriate equitable relief to compel compliance with section 752.053. *Id.* § 752.055(b).

29. The Attorney General may also seek civil penalties of \$1,000 to \$1,500 for the first violation of section 752.053, and \$25,000 to \$25,500 for each subsequent violation of section 752.053. *Id.* § 752.056(a). Each day of a continuing violation of section 752.053 constitutes a separate violation for the civil penalty. *Id.* § 752.056(b).

30. A local entity is liable for civil penalties, fees, and costs if it is found to be in violation of section 752.053. *Id.* §§ 402.006, 752.056. The court that hears an action brought under section 752.055 against a local police department or police chief “shall determine the amount of the civil penalty under this section.” *Id.* § 752.056(c).

31. SB 4 waives governmental immunity for a local entity. *Id.* § 752.056(e).

VI. FACTUAL BACKGROUND

32. SAPD is a “local entity” as defined by SB 4. Tex. Gov’t Code § 752.051(5).

33. Chief McManus is a “local entity” as defined by SB 4. *Id.*

34. The City is a “local entity” as defined by SB 4. *Id.*

35. City Manager Sculley is a “local entity” as defined by SB 4. *Id.*

36. Chief McManus is the policymaker for SAPD.

Citizen complaints about December 23, 2017

37. Beginning in January 2018, the Attorney General began receiving citizen complaints about a December 23, 2017 incident involving SAPD, Chief McManus, and approximately a dozen suspected aliens found in the back of a trailer in the City of San Antonio.

38. The sworn citizen complaints, dated February 6, 2018, February 13, 2018, and June 28, 2018, alleged defendants violated section 752.053 of the Texas Government Code during the December 23, 2017 incident. Thereafter, the Attorney General received additional, similar complaints about the December 23 event involving McManus.

39. Based on the sworn complaints, the Attorney General began an investigation into the matter and gathered the facts pleaded herein.

The scene: A tractor-trailer with 12 suspected aliens inside

40. On December 23, 2017, at approximately 12:03 p.m., SAPD received a call about a suspicious eighteen-wheeler containing multiple occupants in its trailer.

41. Upon arrival, the SAPD patrol officer found twelve suspected aliens, ten males and two females, including one 16-year-old minor.

42. A witness on the scene informed an SAPD officer that he had called SAPD about similar activity regarding trailers in the same location before, only days before, but SAPD never responded.

43. Eventually, an SAPD officer contacted Homeland Security Investigations (“HSI”), a division of ICE, to inform them about the suspected aliens.

44. HSI informed SAPD that it was en route to the scene and asked to take custody of the suspected aliens.

45. At or around this time, Deputy City Manager Eric Walsh contacted Chief McManus at home to discuss the incident. McManus then traveled to the incident scene.

46. At the scene, Chief McManus learned that the trailer occupants were suspected aliens and that one was possibly a minor. Pursuant to City policy, McManus called an attorney from an immigrant legal services organization and requested his presence at the scene to provide legal services to the suspected aliens.

47. SAPD officers initially assumed and agreed, as is customary, that the case would be referred to HSI.

Federal immigration authorities arrive at the scene

48. At approximately 1:30 p.m., ICE Enforcement and Removal Operations (“ERO”) contacted HSI Special Agent Brian Johnson, who was on call, and asked him to respond to the scene. ERO informed Special Agent Johnson that SAPD was on scene with a tractor-trailer that had contained twelve suspected aliens in addition to a driver. Johnson often worked with SAPD doing forensic analysis for SAPD Special Victims Unit (“SVU”) and had a desk and badge access to SAPD headquarters.

49. Special Agent Johnson was put in touch with an SAPD officer on the scene. As the officer briefed Johnson, Johnson said he was approximately an hour

and a half away from the location but would send ERO to respond to the scene to transport the suspected aliens back to HSI.⁶ Johnson informed SAPD that HSI would take custody of the suspected aliens.

50. After speaking to the SAPD officer, Special Agent Johnson called ERO and told them to send a transport bus to pick up the suspected aliens at the scene. Johnson also called his supervisor, who gathered agents at ERO who were ready to receive the suspected aliens. HSI began its efforts to take custody of the suspected aliens.

51. While Special Agent Johnson drove to the scene, he maintained contact with SAPD and told them that ERO was sending a transport bus to pick up the suspected aliens. During the drive, SAPD told Johnson that an SAPD transport vehicle had arrived at the scene and that SAPD could transport the suspected aliens to SAPD headquarters where ERO could pick them up. As a result, Johnson drove directly to SAPD headquarters.

52. Special Agent Johnson arrived at SAPD headquarters at approximately 3:00 p.m., but the SAPD transport van had not yet arrived, so he contacted SAPD and learned that the van was still at the scene.

53. Special Agent Johnson then drove to the scene and arrived at approximately 3:20 p.m. There, he found all twelve suspected aliens from the tractor-trailer sitting in the SAPD transport van. Upon arrival, Special Agent Johnson was

⁶ Special Agent Johnson was the HSI duty agent, and he was responding from his residence in Bulverde, Texas.

approached by an officer who told him that Chief McManus wanted to speak to him in private.

Chief McManus and SAPD prohibit enforcement of immigration laws and refuse to cooperate with federal immigration authorities

54. In a departure from customary procedure, Chief McManus advised Special Agent Johnson that SAPD was going to take the case under the state smuggling statute. The District Attorney later stated that his office had never taken such a case, and no SAPD officers, including McManus, could recall another occasion when SAPD attempted to investigate or prosecute a case under the state smuggling statute.

55. Johnson asked McManus if he wanted Johnson to help the SAPD detectives. Chief McManus told Johnson “no” and refused Johnson’s offer to assist the detectives.

56. Chief McManus also expressed concern about Johnson displaying his HSI badge because he believed that it might scare the suspected aliens. In response, Johnson offered to put on a jacket to cover the badge, but McManus walked away from Johnson and did not respond to his offer.

57. At the scene, the immigration lawyer called by SAPD provided advice to the suspected aliens, and McManus advised officers that the immigration lawyer could help by translating for them. The lawyer introduced McManus to the immigrants and told them that SAPD does not work with immigration.

58. While investigating the scene, SAPD learned that the trailer originated from Michigan and picked up the suspected aliens from a warehouse in Laredo, Texas.

59. SAPD also learned that some individuals who were in the trailer left the scene before SAPD arrived.

60. Moreover, witnesses reported to an SAPD officer that they had called in previous human trafficking incidents at this same location, as recently as two nights before, but SAPD never responded.

61. SAPD officers at the scene believed HSI would take over the investigation.

62. SAPD and McManus did not run the personal information of the suspected aliens through criminal history databases while on the scene or at SAPD headquarters.

63. At approximately 3:30 p.m., Special Agent Johnson called Assistant Special Agent-in-Charge Craig Larabee to brief him on the details of the scene. Johnson advised Larabee that SAPD was pursuing the case under the state smuggling statute. Larabee then called another SAPD officer to confirm that SAPD intended to process the case under the state smuggling statute, an unprecedented decision. That officer referred Larabee to Chief McManus. Larabee told the SAPD officer that HSI would take the criminal case and process the suspected aliens.

64. Soon after his call with Larabee, Johnson approached the SAPD officer who had contacted him, provided him the phone number for ERO, and told the officer

to contact ERO before releasing the suspected aliens because ERO was ready to process them. SAPD declined this request.

Chief McManus and SAPD take the suspected aliens to headquarters and continue to prohibit involvement by federal immigration authorities

65. SAPD transported the twelve suspected aliens to SAPD headquarters. The suspected aliens provided statements to SAPD.

66. Special Agent Johnson also went to SAPD headquarters. When Johnson arrived, he went to Sergeant James Cline's office. While there, Cline told Chief McManus that SAPD did not have enough detectives fluent in Spanish to conduct all the interviews. Johnson, a fluent Spanish speaker, offered to help the detectives with the interviews. Chief McManus ignored his offer and walked out of the room.

67. Special Agent Johnson went to the monitor room where he could watch and listen to the interviews.

68. Special Agent Johnson observed the interview of the driver, learned that he was cooperating, and that the driver ultimately confessed to his part in the smuggling scheme.

69. During the interview the driver also informed the SAPD detectives that he had traveled through multiple jurisdictions outside of San Antonio.

70. Many of the suspected aliens admitted to crossing the United States border outside of normal entry points, and at least one admitted to being deported in the past.

71. During the interviews of the suspected aliens and driver, other officers told Sergeant Cline that Chief McManus said the suspected aliens should be released.

Cline called Deputy Chief Anthony Muro, who confirmed with his superior officer that Chief McManus had ordered the immigrants to be released rather than given to HSI. Deputy Chief Muro even requested and received the order in writing.

72. Based on direction from his superior officers, Deputy Chief Muro directed Sergeant Cline to release the suspected aliens.

73. In light of Chief McManus's actions at the scene and his response to HSI Special Agent Johnson, Johnson was directed by HSI supervisors to leave SAPD Headquarters.

74. As Johnson began to leave SAPD, he stopped at Sergeant Cline's office. Cline told Johnson that Chief McManus had ordered the release of the immigrants. Johnson told Cline to call ERO because they would come and pick up the suspected aliens, again requesting that SAPD release the aliens to HSI. In response, Cline said he could not call ERO because he had been given a direct order through his chain of command to release the suspected aliens.

Chief McManus and SAPD release the suspected aliens to Catholic Charities and RAICES

75. Despite multiple requests, SAPD and Chief McManus did not allow ERO to pick up or process any of the suspected aliens. Instead, they were released by SAPD.

76. Further, pursuant to policies adopted by the City, McManus personally called an immigration lawyer to the scene to represent the suspected aliens during his department's own active criminal investigation. McManus also contacted Catholic

Charities to transport the suspected aliens away from SAPD headquarters and away from ERO.

77. While the suspected aliens were at SAPD headquarters, McManus did not order and SAPD did not:

- a. Collect fingerprints or take other steps to confirm their identities or immigration status;
- b. Run information through criminal databases;
- c. Request that Johnson submit any of the suspected aliens' information to the ICE database;
- d. Obtain verified contact information for the suspected aliens so they could be contacted as witnesses in the alleged state smuggling case; or
- e. Call ERO to request transportation to federal custody or so that ICE could run the suspected aliens' information through its database.

78. The suspected aliens' verified contact information and current locations are unknown.

79. SAPD released the alleged smuggler without charging him with a crime.

80. SAPD and McManus repeatedly and deliberately refused to cooperate with HSI and Special Agent Johnson's request to transport the suspected aliens to HSI.

81. Chief McManus and SAPD adopted and enforced a policy to prohibit and materially limit the enforcement of immigration laws. They prevented HSI from participating in the investigation of the smuggling incident, collecting information about the suspected aliens, interviewing the suspected aliens, and taking custody of the suspected aliens.

82. SAPD and McManus prohibited and materially limited HSI's enforcement of federal immigration laws.

Defendants' policies prohibiting and materially limiting enforcement of immigration laws

83. In addition, SAPD has a written policy of effectively deterring contact with federal immigration authorities when it encounters potential suspected aliens.

84. SAPD promulgated General Manual Procedure 618 – Racial/Bias Profiling/Immigration Policy, effective September 1, 2017, the day that SB 4 took effect throughout Texas.

85. It is SAPD's policy, codified in SAPD General Manual Procedure 618.11 Subpart A, that "[o]fficers will not refer persons to Immigration and Customs Enforcement (ICE) unless the person has a federal deportation warrant."

86. The policy effectively prohibits SAPD officers from transferring suspected aliens to federal immigration officers, absent federal officials providing proof of a federal deportation warrant. But not all aliens unlawfully present in the United States are subject to deportation warrants. And the federal government has the legal right to apprehend those individuals as well. Similarly, the policy also effectively discourages SAPD officers from contacting or referring individuals to ICE,

since SAPD officers ordinarily do not possess the threshold information required by the SAPD Immigration Policy to initiate contact with ICE without contacting ICE in the first place. Thus, it is SAPD's policy to effectively prohibit SAPD officers from cooperating with federal immigration authorities.

87. Yet SAPD and the City of San Antonio enforce a policy of contacting immigration attorneys and Catholic Charities to assist suspected aliens (and suspected felons) at suspected crime scenes.

88. On August 31, 2017, the day before SB 4 took effect, the City adopted Ordinance 2017-08-31-0614, which authorized Defendant Sculley to negotiate and execute contracts for \$250,000 in legal services from Texas RioGrande Legal Aid, Catholic Charities, and RAICES, the same immigration law firm called to the scene in this case. Of this amount, the City directed Defendant Sculley to spend \$200,000 on services to immigrants and suspected aliens, which includes helping these individuals navigate federal immigration laws, among other things. According to Ordinance 2017-08-31-0614, \$100,000 of the funding came from a grant from Vera Institute of Justice SAFE (Safety and Fairness for Everyone) Cities Network, an organization based in New York City that promotes representation of immigrants in removal defense.

89. As a result of Ordinance 2017-08-31-0614 and the December 23, 2017 incident, SAPD developed a Communication Protocol for Human Smuggling or Trafficking Incidents. Part of that Protocol requires Chief McManus's office to notify Catholic Charities and the immigration law firm of any smuggling or trafficking

incident so that these agencies can provide translation services, aid, and legal services to suspected felons (suspected illegal aliens).

VII. FIRST CAUSE OF ACTION

Prohibiting or Materially Limiting Enforcement of Immigration Laws on December 23, 2017

90. Plaintiff repeats and realleges the previous paragraphs as if fully restated here.

91. Under SB 4, a local entity “may not: (1) adopt[or] enforce . . . a policy under which the entity or department prohibits or materially limits the enforcement of immigration laws.” Tex. Gov’t Code § 752.053(a).

92. SAPD and McManus violated section 752.053 on December 23, 2017, by prohibiting the enforcement of immigration laws when they failed to turn over the suspected aliens to ICE or HSI after repeated requests from these agencies to take the suspected aliens into custody.

93. SAPD and McManus violated section 752.053 on December 23, 2017, by materially limiting the enforcement of immigration laws when they failed to turn over the suspected aliens to ICE or HSI after repeated requests from these agencies to take them into custody.

VIII. SECOND CAUSE OF ACTION

Prohibiting Assistance or Cooperation with Federal Immigration Officer on December 23, 2017

94. Plaintiff repeats and realleges the previous paragraphs as if fully restated here.

95. Under SB 4, a local entity “may not prohibit or materially limit a person who is a commissioned peace officer” from “assisting or cooperating with a federal immigration officer as reasonable or necessary, including providing enforcement assistance” Tex. Gov’t Code § 752.053(b)(3).

96. On December 23, 2017, SAPD and McManus prohibited SAPD officers from assisting or cooperating with ICE, HSI, and HSI Special Agent Johnson in the enforcement of federal immigration laws.

97. On December 23, 2017, SAPD and McManus materially limited SAPD officers from assisting or cooperating with ICE, HSI, and HSI Special Agent Johnson in the enforcement of federal immigration laws.

IX. THIRD CAUSE OF ACTION

Policies Prohibiting or Materially Limiting Enforcement of Immigration Laws

98. Plaintiff repeats and realleges the previous paragraphs as if fully restated here.

99. Under SB 4, a local entity “may not: (1) adopt[or] enforce . . . a policy under which the entity or department prohibits or materially limits the enforcement of immigration laws.” Tex. Gov’t Code § 752.053(a).

100. SAPD General Manual Procedure 618.11 – Racial/Bias Profiling/Immigration Policy prohibits its officers from referring persons to ICE unless the person has a federal deportation warrant. But SAPD officers would not know if a person has a federal deportation warrant unless they contacted ICE to obtain that information. Thus, SAPD’s Procedure 618.11 is a de facto policy of

prohibiting or materially limiting SAPD officers from complying with federal immigration laws.

101. The City, SAPD, McManus, and Sculley have a policy of contacting Catholic Charities any time they encounter a smuggling or trafficking scene where suspected aliens are present and contacting immigration counsel to represent the suspected aliens at the scene. This prohibits and materially limits the enforcement of immigration laws.

102. In addition, the City, SAPD, McManus, and Sculley have demonstrated a pattern or practice of ignoring potential human smuggling incidents involving individuals smuggled in trailers.

X. INJUNCTIVE RELIEF

103. Plaintiff repeats and realleges the previous paragraphs as if fully restated here.

104. Texas Government Code section 752.055 authorizes the Attorney General to seek equitable relief to enjoin McManus and Sculley from future violations of SB 4. *Id.* § 752.055(b).

105. Plaintiff asks the Court to enjoin Defendant McManus from future violations of Texas Government Code section 752.053.

106. Plaintiff asks the Court to enjoin Defendants McManus and Sculley from enforcing SAPD General Manual Procedure 618.11 (Immigration Policy).

XI. CIVIL PENALTIES

107. Plaintiff repeats and realleges the previous paragraphs as if fully restated here.

108. Texas Government Code section 752.056 provides that a local entity that violates section 752.053 is liable for civil penalties in an amount not less \$1,000 or more than \$1,500 for the first violation, and not less than \$25,000 and not more than \$25,500 for each subsequent violation. Tex. Gov't Code § 752.056(a)(1–2). Each day of a continuing violation of section 752.053 constitutes a separate violation for the calculation of civil penalties under section 752.056. *Id.* § 752.056(b).

109. Plaintiff asks the Court to award civil penalties in the amount of \$1,500 for the first violation, and \$25,500 for each subsequent violation based on Defendants' violations of section 752.053.

110. Plaintiff asks the Court to award a civil penalty of at least \$1,500 for Defendant McManus's violation of section 752.053(a)(1) on December 23, 2017.

111. Plaintiff asks the Court to award a civil penalty of at least \$1,500 for Defendant SAPD's violation of section 752.053(a)(1) on December 23, 2017.

112. Plaintiff asks the Court to award a civil penalty of at least \$1,500 for Defendant McManus's violation of section 752.053(b)(3) on December 23, 2017.

113. Plaintiff asks the Court to award a civil penalty of at least \$1,500 for Defendant SAPD's violation of section 752.053(b)(3) on December 23, 2017.

114. Plaintiff asks the Court to award a civil penalty of at least \$1,500 for Defendants' adoption, enforcement, and endorsement of SAPD General Manual

Procedure 618.11 (Immigration Policy), which became effective September 1, 2017. Plaintiff further asks the Court to award a civil penalty of at least \$25,500 per day, based on a continuing violation from September 2, 2017, to the present day, for Defendants' adoption, enforcement, and endorsement of SAPD General Manual Procedure 618.11 (Immigration Policy).

XII. ATTORNEY'S FEES AND COSTS

115. Plaintiff repeats and realleges the previous paragraphs as if fully restated here.

116. Texas Government Code section 402.006 provides for the recovery of attorney's fees and court costs, and the Attorney General may charge a reasonable fee for the electronic filing of documents. *Id.* § 402.006(c), (e).

117. Plaintiff asks the Court to award its full attorney's fees and costs, which will be provided at the appropriate time.

XIII. REQUEST FOR DISCLOSURE

118. Under Texas Rule of Civil Procedure 194, Texas requests that Defendants disclose, within 50 days of the service of this request, the information or material described in Rule 194.2.

XIV. PRAYER

WHEREFORE, Plaintiff prays that the Court enter judgment against Defendants and:

- A. Issue a writ of injunction prohibiting Defendant McManus from future violations of Texas Government Code § 752.053;

- B. Issue a writ of injunction prohibiting Defendants McManus and Sculley from enforcing SAPD General Manual Procedure 618.11 (Immigration Policy);
- C. Award a civil penalty of \$1,500 against Defendant McManus for the violation of Texas Government Code § 752.053(a)(1) on December 23, 2017;
- D. Award a civil penalty of \$1,500 against Defendant SAPD for the violation of Texas Government Code § 752.053(a)(1) on December 23, 2017;
- E. Award a civil penalty of \$1,500 against Defendant McManus for the violation of Texas Government Code § 752.053(b)(3) on December 23, 2017;
- F. Award a civil penalty of \$1,500 against Defendant SAPD for the violation of Texas Government Code § 752.053(b)(3) on December 23, 2017;
- G. Award civil penalties of \$1,500 for the first day, and \$25,500 for each subsequent day, from September 1, 2017, to the present day, for Defendants' adoption, enforcement, and endorsement of SAPD General Manual Procedure 618.11 (Immigration Policy).
- H. Award attorney's fees and costs to the Attorney General; and
- I. Award all such other and further relief, at law and in equity, to which Plaintiff may show himself justly entitled.

Respectfully submitted this 30th day of November 2018.

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