

**County of Contra Costa
OFFICE OF THE COUNTY ADMINISTRATOR
MEMORANDUM**

DATE: MAY 1, 2018

Via Electronic Mail

TO: DEPARTMENT HEADS

FROM: DAVID J. TWA, County Administrator

TIME FOR DST

SUBJECT: **TRUTH ACT COMMUNITY FORUM**

In 2016, the Governor signed into law the **Transparent Review of Unjust Transfers and Holds Act**, also known as the “TRUTH Act.”¹ Beginning in 2018, the TRUTH Act requires the governing body of a local government, such as the County of Contra Costa, to hold a Community Forum if a law enforcement agency within the County provided the federal Immigration and Customs Enforcement (ICE) agency access to individuals for civil immigration enforcement purposes during the prior calendar year.

How might the Community Forum requirement apply to your Department?

A Community Forum may be required if your department is a “local law enforcement agency” as defined by the TRUTH Act, as a department that:

- ✓ enforces criminal laws, regulations or local ordinances;
- ✓ operates a jail or juvenile detention facility;
- ✓ maintains custody of individuals in a jail or in a juvenile detention facility; *or*
- ✓ monitors compliance with probation or parole conditions

If your department is a local law enforcement agency, you must determine if the department provided ICE access in calendar year 2017. ICE Access includes:

- ✓ Responding to an ICE hold, notification, or transfer request;
- ✓ Providing ICE with advance notice of release information;
- ✓ Providing ICE with non-public information regarding release dates, home or work addresses;
- ✓ Permitting ICE to interview an individual; *or*
- ✓ Providing ICE with probation or parole check-in dates and times

Next Steps for Every Department:

To ensure compliance with the Community Forum requirement of the TRUTH Act, each department head must complete the attached certification form to determine: 1) whether your department qualifies as a local law enforcement agency, and 2) if so, whether your department provided ICE with access to individuals at any time in 2017.

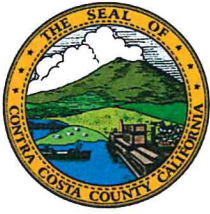
¹ CA Gov. Code §§ 7283-7283.2 [Assembly Bill 2792 (Chapter 768, Statutes 2016, effective January 1, 2017)].

Based on your responses, my office may be reaching out to you to assist in preparing for a TRUTH Act Community Forum later this summer.

Should you have any questions regarding the definitions described above, whether your department enforces criminal statutes, or any other issues related to the TRUTH Act, please contact Chief Assistant County Administrator Timothy Ewell at (925) 335-1036 or Deputy County Counsel Cynthia Schwerin at (925) 335-1874 prior to completing and returning your certification form.

Certification Forms must be returned electronically to Timothy Ewell by **end of business on June 1, 2018** at timothy.ewell@cao.cccounty.us

Attachment



CALIFORNIA TRUTH ACT CERTIFICATION FORM

To ensure compliance with the Community Forum requirement of the TRUTH Act, each department head must complete this attached certification form to determine: 1) whether your department qualifies as a local law enforcement agency, and 2) if so, whether your department provided the Immigration Customs Enforcement agency with access to individuals at any time in 2017. Based on your responses, the County Administrator's Office may be reaching out to you to assist in preparing for a TRUTH Act Community Forum later this summer.

Please return this form electronically to Chief Assistant County Administrator Timothy Ewell (timothy.ewell@cao.cccounty.us) no later than **close of business June 1, 2018.**

Complete STEP 1 below and STEP 2 (if necessary):

STEP 1. Does your department do any of the following?

- enforces criminal laws, regulations or local ordinances;
- operates a jail or juvenile detention facility;
- maintains custody of individuals in a jail or in a juvenile detention facility; **OR**
- monitors compliance with probation or parole conditions

Yes [**GO TO STEP 2**]

No [**STOP**]

STEP 2. In 2017, did your department provide access to the Immigration and Customs Enforcement (ICE) agency for civil immigration enforcement activities?

"ICE Access" is defined as providing any of the following to ICE:

- Responding to an ICE hold, notification, or transfer request;
- Providing ICE with advance notice of release information;
- Providing ICE with non-public information regarding release dates, home or work addresses;
- Permitting ICE to interview an individual; **OR**
- Providing ICE with probation or parole check-in dates and times

Yes

No

I declare that the information provided by me on the above form is true and correct to the best of my knowledge and belief.

Department Head Signature

Department Head Name

Department Name