



Agenda

PUBLIC PROTECTION COMMITTEE

August 6, 2018
9:00 A.M.

651 Pine Street, Room 101, Martinez

Supervisor John Gioia, Chair
Supervisor Federal D. Glover, Vice Chair

Agenda Items:

Items may be taken out of order based on the business of the day and preference of the Committee

1. Introductions
2. Public comment on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to three minutes).
3. APPROVE Record of Action from the June 25, 2018 meeting. **(Page 4)**
4. CONSIDER the implementation of recommendations from the Racial Justice Task Force and DIRECT staff to develop a process to identify nominees for appointment to a Racial Justice Oversight Body by the Board of Supervisors. **(Donte Blue, Office of Reentry and Justice) (Page 8)**
5. CONSIDER accepting input from the Office of the Sheriff-Coroner and members of the Racial Justice Task Force regarding amendments to Recommendations #21 and #22 of the Racial Justice Task Force's Final Report. **(Donte Blue, Office of Reentry and Justice) (Page 15)**
6. CONSIDER accepting reports from staff related to various immigration related issues, including compliance with state and federal law, status of federal litigation and correspondence with the U.S. Department of Justice related to federal grants. **(Timothy Ewell, Committee Staff) (Page 106)**
7. The next meeting is currently scheduled for September 10, 2018 at 9:00 AM.
8. Adjourn

The Public Protection Committee will provide reasonable accommodations for persons with disabilities planning to attend Public Protection Committee meetings. Contact the staff person listed below at least 72 hours before the meeting.

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the County to a majority of members of the Public Protection Committee less than 96 hours prior to that meeting are available for public inspection at 651 Pine Street, 10th floor, during normal business hours.

Public comment may be submitted via electronic mail on agenda items at least one full work day prior to the published meeting time.

For Additional Information Contact:

Timothy Ewell, Committee Staff
Phone (925) 335-1036, Fax (925) 646-1353
timothy.ewell@cao.cccounty.us

Glossary of Acronyms, Abbreviations, and other Terms (in alphabetical order):

Contra Costa County has a policy of making limited use of acronyms, abbreviations, and industry-specific language in its Board of Supervisors meetings and written materials. Following is a list of commonly used language that may appear in oral presentations and written materials associated with Board meetings:

AB	Assembly Bill	HIPAA	Health Insurance Portability and Accountability Act
ABAG	Association of Bay Area Governments	HIV	Human Immunodeficiency Syndrome
ACA	Assembly Constitutional Amendment	HOV	High Occupancy Vehicle
ADA	Americans with Disabilities Act of 1990	HR	Human Resources
AFSCME	American Federation of State County and Municipal Employees	HUD	United States Department of Housing and Urban Development
AICP	American Institute of Certified Planners	Inc.	Incorporated
AIDS	Acquired Immunodeficiency Syndrome	IOC	Internal Operations Committee
ALUC	Airport Land Use Commission	ISO	Industrial Safety Ordinance
AOD	Alcohol and Other Drugs	JPA	Joint (exercise of) Powers Authority or Agreement
BAAQMD	Bay Area Air Quality Management District	Lamorinda	Lafayette-Moraga-Orinda Area
BART	Bay Area Rapid Transit District	LAFCo	Local Agency Formation Commission
BCDC	Bay Conservation & Development Commission	LLC	Limited Liability Company
BGO	Better Government Ordinance	LLP	Limited Liability Partnership
BOS	Board of Supervisors	Local 1	Public Employees Union Local 1
CALTRANS	California Department of Transportation	LVN	Licensed Vocational Nurse
CaiWIN	California Works Information Network	MAC	Municipal Advisory Council
CaiWORKS	California Work Opportunity and Responsibility to Kids	MBE	Minority Business Enterprise
CAER	Community Awareness Emergency Response	M.D.	Medical Doctor
CAO	County Administrative Officer or Office	M.F.T.	Marriage and Family Therapist
CCCFPD	(ConFire) Contra Costa County Fire Protection District	MIS	Management Information System
CCHP	Contra Costa Health Plan	MOE	Maintenance of Effort
CCTA	Contra Costa Transportation Authority	MOU	Memorandum of Understanding
CDBG	Community Development Block Grant	MTC	Metropolitan Transportation Commission
CEQA	California Environmental Quality Act	NACo	National Association of Counties
CIO	Chief Information Officer	OB-GYN	Obstetrics and Gynecology
COLA	Cost of living adjustment	O.D.	Doctor of Optometry
ConFire	(CCCFPD) Contra Costa County Fire Protection District	OES-EOC	Office of Emergency Services-Emergency Operations Center
CPA	Certified Public Accountant	OSHA	Occupational Safety and Health Administration
CPI	Consumer Price Index	Psy.D.	Doctor of Psychology
CSA	County Service Area	RDA	Redevelopment Agency
CSAC	California State Association of Counties	RFI	Request For Information
CTC	California Transportation Commission	RFP	Request For Proposal
dba	doing business as	RFQ	Request For Qualifications
EBMUD	East Bay Municipal Utility District	RN	Registered Nurse
ECCFPD	East Contra Costa Fire Protection District	SB	Senate Bill
ECCRPC	East Contra Costa Regional Planning Commission	SBE	Small Business Enterprise
EIR	Environmental Impact Report	SRVRPC	San Ramon Valley Regional Planning Commission
EIS	Environmental Impact Statement	SWAT	Southwest Area Transportation Committee
EMCC	Emergency Medical Care Committee	TRANSPAC	Transportation Partnership & Cooperation (Central)
EMS	Emergency Medical Services	TRANSPLAN	Transportation Planning Committee (East County)
EPSDT	State Early Periodic Screening, Diagnosis and Treatment Program (Mental Health)	TRE or TTE	Trustee
et al.	et alii (and others)	TWIC	Transportation, Water and Infrastructure Committee
FAA	Federal Aviation Administration	VA	Department of Veterans Affairs
FEMA	Federal Emergency Management Agency	vs.	versus (against)
F&HS	Family and Human Services Committee	WAN	Wide Area Network
First 5	First Five Children and Families Commission (Proposition 10)	WBE	Women Business Enterprise
FTE	Full Time Equivalent	WCCTAC	West Contra Costa Transportation Advisory Committee
FY	Fiscal Year		
GHAD	Geologic Hazard Abatement District		
GIS	Geographic Information System		
HCD	(State Dept of) Housing & Community Development		
HHS	Department of Health and Human Services		



Contra Costa County Board of Supervisors

Subcommittee Report

PUBLIC PROTECTION COMMITTEE

3.

Meeting Date: 08/06/2018

Subject: RECORD OF ACTION - June 25, 2018

Submitted For: PUBLIC PROTECTION COMMITTEE,

Department: County Administrator

Referral No.: N/A

Referral Name: RECORD OF ACTION - June 25, 2018

Presenter: Timothy Ewell, Committee Staff **Contact:** Timothy Ewell, (925) 335-1036

Referral History:

County Ordinance requires that each County body keep a record of its meetings. Though the record need not be verbatim, it must accurately reflect the agenda and the decisions made in the meeting.

Referral Update:

Attached for the Committee's consideration is the Record of Action for its June 25, 2018 meeting.

Recommendation(s)/Next Step(s):

APPROVE Record of Action from the June 25, 2018 meeting.

Fiscal Impact (if any):

No fiscal impact. This item is informational only.

Attachments

Record of Action - June 2018



Agenda

PUBLIC PROTECTION COMMITTEE

*****RECORD OF ACTION*****

June 25, 2018

9:00 A.M.

651 Pine Street, Room 101, Martinez

Supervisor John Gioia, Chair

Supervisor Federal D. Glover, Vice Chair

Agenda Items:

Items may be taken out of order based on the business of the day and preference of the Committee

Present: John Gioia, Chair
Federal D. Glover, Vice Chair
Staff Present: Timothy M. Ewell, Committee Staff

1. Introductions

Convene - 9:02 AM

2. Public comment on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to three minutes).

No public comment

3. APPROVE Record of Action from the May 23, 2018 meeting.

Approved as presented

Chair John Gioia, Vice Chair Federal D. Glover

AYE: Chair John Gioia, Vice Chair Federal D. Glover

Passed

4. ACCEPT the Contra Costa County Reentry System Strategic Plan, 2018–2023 and RECOMMEND its adoption by the Board of Supervisors.

Approved as presented with the following direction to staff:

1. Forward the Reentry Strategic Plan to the full Board of Supervisors for consideration and approval.

2. Ensure that the following considerations are taken into account during the establishment of the Reentry Council:

a. A formal process for county departments and community stakeholders to

- bring resources to the table and share information;*
- b. The Council should meet at least quarterly;*
- c. Develop an outline for implementation of the Strategic Plan and bring back to the Committee for review;*
- d. Determine how the AB109 Community Advisory Board will have a role in advising the Reentry Council;*
- e. Determine how the immigration advocacy community will have a role in advising the Reentry Council.*

Vice Chair Federal D. Glover, Chair John Gioia

AYE: Chair John Gioia, Vice Chair Federal D. Glover

Passed

5. ACCEPT the report "Racial Justice Task Force--Final Report and Recommendations" and RECOMMEND its consideration and adoption by the Board of Supervisors.

Approved as presented with the following direction to staff:

- 1. Forward to the full Board of Supervisors for review and approval;*
- 2. Determine whether the Racial Justice Task Force Oversight Board should be established;*
- 3. Determine a Year 1 action plan for the Oversight Board;*
- 4. Return to the Committee with the Year 1 action plan and any draft workplans going forward.*

Vice Chair Federal D. Glover, Chair John Gioia

AYE: Chair John Gioia, Vice Chair Federal D. Glover

Passed

6.
 1. ACCEPT a report on juvenile justice advisory bodies within the County; and
 2. PROVIDE direction to staff.

This item was not taken up by the Committee and was rescheduled to a future meeting.

7.
 1. ACCEPT reports from staff related to various immigration related issues, including compliance with state and federal law, status of federal litigation and correspondence with the U.S. Department of Justice related to federal grants.
 2. PROVIDE direction to staff on next steps.

Approved as presented with the following direction to staff:

- 1. Staff should consider the immigration advocacy community request to provide childcare, simultaneous interpretation and a community presentation at the scheduled July 24, 2018 TRUTH Act community forum.*

Chair John Gioia, Vice Chair Federal D. Glover

AYE: Chair John Gioia, Vice Chair Federal D. Glover

Passed

8. The next meeting is currently scheduled for August 6, 2018.

9. Adjourn

Adjourned

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Contra Costa County Board of Supervisors

Subcommittee Report

PUBLIC PROTECTION COMMITTEE

4.

Meeting Date: 08/06/2018
Subject: Racial Justice Task Force Recommendations
Submitted For: David Twa, County Administrator
Department: County Administrator
Referral No.: N/A
Referral Name: Racial Justice Task Force
Presenter: Donté Blue **Contact:** D. Blue, 925-335-1977

Referral History:

On April 7, 2015, the Board of Supervisors (BOS) received a letter from the Coalition requesting the review of certain topics within the local criminal justice system. The PPC generally hears all matters related to public safety within the County and was tasked with reviewing this referral by the BOS.

On July 6, 2015, the PPC initiated discussion regarding this referral and directed staff to research certain items identified in the Coalition's letter to the BOS and return to the PPC in September 2015. Specifically, this was with regard to current workplace diversity training for county employees and current data on race in the County criminal justice system.

On September 14, 2015, the PPC received a comprehensive report from staff on current data related to race in the County criminal justice system, information regarding the County workplace diversity training and examples of diversity and implicit bias trainings from across the country.

At the November 9, 2015 meeting, the PPC received a brief presentation reintroducing the referral and providing an update on how a 2008 Disproportionate Minority Contact (DMC) report compares with the statistical data presented at the September meeting. Following discussion, the PPC directed staff to return in December 2015, following discussions between the County Probation Officer, District Attorney and Public Defender, with thoughts about how to approach a new DMC study initiative in the County.

On December 14, 2015, the PPC received an update from the County Probation Officer, District Attorney and Public Defender on how best to proceed with an update to the 2008 DMC report; including, establishing a task force to review and update findings from the 2008 report. During the 2008 study, the concept of establishing a new task force was discussed; however, the task force was not formed at that time. The PPC directed the three departments above to provide a written project scope and proposed task force composition for final review.

On February 29, 2016, the PPC received written description of the proposed task force discussed

at the December 2015 meeting from the County Probation Officer, District Attorney and Public Defender. The PPC accepted the proposed task force composition and clarified that the three school district seats should be represented by the West Contra Costa Unified School District, the Mount Diablo Unified School District and the Antioch Unified School District. The PPC directed staff to prepare a report for consideration by the full Board of Supervisors and schedule for early April 2016.

On April 12, 2016, the Board of Supervisors accepted a report and related recommendations from the Committee resulting in the formation of a 17-member Disproportionate Minority Contact Task Force composed of the following:

- County Probation Officer
- Public Defender
- District Attorney
- Sheriff-Coroner
- Health Services Director
- Superior Court representative
- County Police Chief's Association representative
- Mount Diablo Unified School District representative
- Antioch Unified School District representative
- West Contra Costa Unified School District representative
- (5) Community-based organization (CBO) representatives (at least 1 representative from each region of the County and at least one representative from the faith and family community)
- Mental Health representative (not a County employee)
- Public Member – At Large

On August 15, 2016, the Board of Supervisors renamed the Disproportionate Minority Contact Task Force to the Racial Justice Task Force, and appointed individuals to the Task Force.

On June 25, 2018, the Public Protection Committee accepted the "Racial Justice Task Force--Final Report and Recommendations," as prepared by Resource Development Associates and recommended the BOS adopt the report and its recommendations.

Referral Update:

On July 24, 2018, the Board of Supervisors considered adopting the "Racial Justice Task Force--Final Report and Recommendations," as prepared by Resource Development Associates and decided to adopt the report and recommendations as presented, except for recommendation #18 and recommendation #19. These two recommendations were referred back to the Public Protection Committee as part of a separate referral to solicit further input from both the Sheriff and Racial Justice Task Force.

Recommendation(s)/Next Step(s):

To implement the recommendations of the Racial Justice Task Force, staff recommends the Committee:

1. PROVIDE direction to staff for the establishment of a Racial Justice Oversight Body, and DIRECT staff to propose a process to identify nominees for appointment to the Racial Justice Oversight Body by the Board of Supervisors; and

As recommended by the Racial Justice Task Force, and adopted by the Board of Supervisors, a

Racial Justice Task Force Oversight Body shall be established to guide the implementation of the Task Force's recommendations, and assess the efficacy of the interventions, with transparency and ongoing input from a diverse array of stakeholders. Additionally, the RJOB should be expected to review local criminal and juvenile justice data to identify and report on the current state of racial disparities in the local justice system. To accomplish these functions, the full RJOB shall at least meet quarterly, provide the BOS with an annual report on its work, and be comprised of the following members:

1. A representative from the Superior Court, as a non-voting member
2. The Sheriff or his designee
3. The Chief Probation Officer or his designee
4. The Public Defender or her designee
5. The District Attorney or her designee
6. A representative from a local law enforcement agency, nominated by the Contra Costa County Police Chiefs' Association
7. A representative from the Contra Costa County Board of Education
8. A representative from Contra Costa County Health Services
9. Eight community-based representatives, that include at a minimum:
 - a. Two members of the Racial Justice Coalition,
 - b. Two individuals with prior personal criminal or juvenile justice system involvement,
 - c. Three representatives from community-based organizations that work with individuals in the justice system, including at least one person who works directly with youth
 - d. One representative from a faith-based organization

It should be noted that the main differences between the Racial Justice Task Force membership, and that of the RJOB, is that the three school district seats have been replaced with a single seat for the County Office of Education, and the seven community-based representatives has been increased to eight with and had their regional restrictions replaced with more specific characteristics for each seat.

In implementing this first Task Force recommendation the Committee should also notice the recommendation identified a need for resources to staff and facilitate the work of the RJOB. While the level of administrative support required will depend on the volume of additional subcommittees and amount of work required between meetings of the full RJOB. Notwithstanding this, the Office of Reentry and Justice is able to staff quarterly meetings of the RJOB, as recommended by the Task Force, with current ORJ staffing levels. Inquiries into the cost of outside facilitation and support for the work of the RJOB beyond its quarterly meeting resulted in estimates of around \$100,000 per year. In considering any recommendations for funding, the Committee should be aware that no revenue source has been identified to cover any of the costs to implement the Task Force recommendations.

Attachments

Racial Justice Task Force Recommendations - Revised



Recommendations

Oversight and Accountability

- 1) The Racial Justice Task Force recommends that the Board of Supervisors appoint a Racial Justice Oversight Body (RJOB) to oversee the implementation of the recommendations made by the Task Force, as specified by the Board of Supervisors. The RJOB would meet on a quarterly basis and report to the Board on an annual basis. The RJOB shall be made up of the following members:
 1. A representative from the Superior Court, as a non-voting member
 2. The Sheriff or his designee
 3. The Chief Probation Officer or his designee
 4. The Public Defender or her designee
 5. The District Attorney or her designee
 6. A representative from a local law enforcement agency, nominated by the Contra Costa County Police Chiefs' Assn.
 7. A representative from the Contra Costa County Board of Education
 8. A representative from Contra Costa County Health Services
 9. Eight community-based representatives, that include at a minimum:
 - a. Two members of the Racial Justice Coalition,
 - b. Two individuals with prior personal criminal or juvenile justice system involvement,
 - c. Three representatives from community-based organizations that work with individuals in the justice system, including at least one person who works directly with youth
 - d. One representative from a faith-based organization

Any individual may meet more than one of these qualifications.

The RJTF further recommends that the work of this body be staffed by the County Office of Reentry and Justice, and that funds for facilitation be allocated through an RFP process.

- 1) a. The RJOB should or a subcommittee thereof should review local criminal and juvenile justice data in order to identify and report on racial disparities. This will include a review of use-of-force data, as available from the California Department of Justice's Open Justice data.

Diversion

- 2) With the goal of reducing racial disparities in the Contra Costa County criminal justice system, form a committee to recommend countywide criteria and protocols for formal and informal diversion. The recommendations shall be evidence-based and follow established best practices. In considering what criteria and protocols to recommend, the committee shall
 1. Develop separate recommendations for adult and juvenile populations.



Contra Costa County

Racial Justice Task Force – Final Recommendations

2. Strive to ensure the broadest possible pool of eligible participants.
3. Strive to ensure that prior criminal justice involvement does not bar a person's eligibility for diversion.
4. Ensure that the inability to pay for the costs of diversion will not prohibit participation.
5. Recommend, as appropriate, partnerships between law enforcement agencies and community-based organizations to provide diversion services and oversight.

This committee may be a subgroup of the Racial Justice Oversight Body (RJOB) and will report to the RJOB.

- 3) Expand the use of crisis intervention teams, mobile crisis teams, and behavioral health assessment teams so they are available across the County.
- 4) Local law enforcement agencies shall issue citations and establish non-enforcement diversion programs as an alternative to arrests.

Data

- 5) All Contra Costa County justice partners and local law enforcement agencies shall collect individual-level data on all individual encounters with criminal and juvenile justice systems and processes. In so doing, they should consult best practices to balance data needs with confidentiality regulations.
 - a. Office of Reentry and Justice (ORJ) should publish race-specific data (diversion, arrest, and outcomes on calls for service) online to create greater transparency and accountability of the County justice partners and LEAs.
 - b. All Contra Costa County justice partners and local law enforcement agencies should improve capacity for data collection and analysis including expanding staff with data analysis capabilities.
 - i. Probation Department, in partnership with County justice partners should assess tools regularly to ensure a decrease in racial disparities.
 - c. Office of Reentry and Justice (ORJ) should support analysis of interventions implemented through the RJTF to measure efficacy and assess impact on racial disparities.

County Support for Local Agencies

- 6) The County shall work with local enforcement agencies to seek funds that support the integration of de-escalation and behavioral health intervention trainings into local enforcement agency regional academy and/or department orientations.
 - a. The County shall work with local enforcement agencies to seek funds to implement improved procedural justice practices and implicit bias training.
 - i. Identify funding for procedural justice training utilizing the train the trainer model.



- ii. Work with the Chief's Association to create a forum to share information and strengthen promising practices around procedural justice and implicit bias trainings.
- 7) In addition, local enforcement agencies in CCC should:
 - i. Ensure inclusion of de-escalation and behavioral health intervention trainings into local enforcement agency regional academy and/or department orientations
 - ii. Provide procedural justice and implicit bias training to all staff
- 8) The County Office of Education shall provide resources to incentivize school districts to explore, evaluate, implement or expand existing non-punitive discipline practices, such as Positive Behavioral Interventions Support (PBIS) and Restorative Justice (RJ) practices.
 - i. Identify funding for continuous training and technical assistance to all schools in the County to support implementation of PBIS and Restorative Justice, as well as data collection to assess implementation and impact.
- 9) The County Office of Education shall work with school districts to provide behavioral health services such as counseling, peer support, and early intervention services for youth presenting signs of emotional, mental, and/or behavioral distress.

Community Engagement and Services

- 10) County justice partners shall establish formal partnerships with community-based organizations to provide greater capacity for
 - i. diversion,
 - ii. reentry programs,
 - iii. alternatives to detention
 - iv. pretrial services
 - v. in custody programming

All community-based organizations receiving funding from the County shall be evaluated for efficacy and effectiveness of program goals and objectives to ensure populations are appropriately served. Community input shall be an integral part of this process.

- 11) Establish a community capacity fund to build the capacity of community-based organizations – especially those staffed by formerly incarcerated individuals – to contract with the County and provide services to reentry clients.
- 12) The County and/or oversight body shall collaborate with the Community Corrections Partnership- Executive Committee (CCP-EC) to consider increasing realignment funding for community services.

Practices Related to Trial and Adjudication Processes

- 13) Encourage the Superior Court to return to the process of jury selection whereby jurors are called to service to their local branch court for misdemeanor trials.



- 14) The Public Defender’s Office shall hire social workers who can assess clients’ psychosocial needs and link them to services.
- 15) The Public Defender’s Office, either directly or through partnerships with community-based organizations, should offer civil legal representation to clients. For youth, this should focus on educational advocacy.

Confinement

- 16) Expand eligibility for pre-trial services and increase pre-trial services staffing, with a focus on reducing racial disparities and replacing the money bail system.
- 17) Expand the current pre-release pilot to serve all individuals in custody.
- 18) Establish an independent grievance process for individuals in custody in the County adult detention facilities to report concerns related to conditions of confinement based on gender, race, religion, and national origin. This process shall not operate via the Sheriff’s Office or require any review by Sheriff’s Office staff.
- 19) Establish an independent monitoring body to oversee conditions of confinement in County adult detention facilities based on gender, race, religion, and national origin and report back to the Board of Supervisors.

Other

- 20) All County staff shall participate in and complete implicit bias training.

PLEASE NOTE THE FOLLOWING:

AFTER FULL CONSIDERATION OF THE MATTER DURING ITS JULY 24, 2018, MEETING, RECOMMENDATIONS #18 AND #19 WERE NOT ADOPTED BY THE CONTRA COSTA COUNTY BOARD OF SUPERVISORS. INSTEAD, THESE TWO RECOMMENDATIONS HAVE BEEN SEPERATELY REFERRED TO THE BOARD'S PUBLIC PROTECTION COMMITTEE TO GARNER ADDITIONAL INPUT FROM BOTH THE SHERIFF AND MEMBERS OF THE RACIAL JUSTICE TASK FORCE PRIOR TO BEING RETURNED TO THE BOARD FOR ANY FURTHER CONSIDERATION.



Contra Costa County Board of Supervisors

Subcommittee Report

PUBLIC PROTECTION COMMITTEE

5.

Meeting Date: 08/06/2018
Subject: Further Input on Certain Racial Justice Task Force Recommendations
Submitted For: David Twa, County Administrator
Department: County Administrator
Referral No.: N/A
Referral Name: Further Input on Certain Racial Justice Task Force Recommendations
Presenter: Donté Blue **Contact:** D. Blue, 925-335-1977

Referral History:

The Public Protection Committee accepted the "Racial Justice Task Force--Final Report and Recommendations" as presented on June 25, 2018.

Referral Update:

The "Racial Justice Task Force--Final Report and Recommendations" was presented to the Board of Supervisors for adoption on July 24, 2018. Prior to the Board meeting, however, Contra Costa County Sheriff, David O. Livingston, submitted a letter to the Supervisors, and County Administrator's Office, raising concerns about the age of the data used in the Task Force's report, and the validity of the conclusions derived from this data. Most importantly, this letter urged the Board to oppose Recommendation #21 (recommending the creation of an independent body to review in-custody grievances), and Recommendation #22 (recommending the creation of an adult detention oversight body for conditions of confinement). The reason the Sheriff gave for these objections was that these recommendations exceeded the Task Force's scope of responsibility, the Sheriff is an elected constitutional officer independent of the Board of Supervisors, and the Office of Sheriff-Coroner is already subject to sufficient oversight and audits from the state by way of the Attorney General, Board of State and Community Corrections, and Civil Grand Jury of the Superior Court.

Based on the Sheriff's comments, the Supervisors received a preliminary opinion from County Counsel as to the Board's ability to act in accordance with the two challenged Task Force's Recommendations. County Counsel opined that the Sheriff-Coroner enjoyed a level of autonomy over his department's operation of the County's jails, and the Board could not unilaterally interfere with this function. Furthermore, while the Board could convene an advisory body to report on information about these operations, gaining access to the information necessary to fulfill this function would still require some level of participation from Office of the Sheriff-Coroner.

The Board then voted to strike Recommendations #18 and #19 (these appear as Recommendations #21 and #22 in the Final Report) before adopting the remainder of the Task Force's 20 recommendations and Final Report. In a separate motion, the Board referred the two

stricken recommendations back to the Public Protection Committee with direction to gather input from the Sheriff and Racial Justice Task Force to determine if there was some version of these recommendations that can be agreed upon and returned to the Board for reconsideration at a future date.

Discussion

While the conversation around independent civilian oversight of custodial facilities is not new, recently there has been notable activity in this area across the state. Specifically, in just the past few years both Los Angeles County and Santa Clara County have enacted ordinances that have created offices and bodies to provide oversight of both its local jail operations and other law enforcement activities. Below are summaries of the events and actions that led to establishing oversight functions in these two jurisdictions. There are also documents attached to this staff report that further detail the relevant activity in both of these jurisdictions.

LOS ANGELES COUNTY - INSPECTOR GENERAL AND CIVILIAN OVERSIGHT COMMISSION

In 2014 the Board of Supervisors, as part of its duty to supervise the official conduct of the Sheriff under Government Codes §25303, created the Office of the Inspector General (OIG) with the goal of providing the Board with “comprehensive oversight, monitoring of, and reporting about the Sheriff’s Department and its jail facilities.” This development came in the midst of a 2013 investigation into the County’s Sheriff and jails by the US Department of Justice that ultimately resulted in multiple consent decrees to provide individuals detained in their jails with confinement conditions that better ensured each person's safety from harm (including self-harm and excessive force), and provided them with adequate treatment for their various health needs. Since its formation, the OIG has produced a variety of reports for the Board on topics that include Sheriff’s policies regarding interaction with immigration authorities, programs for incarcerated pregnant women, and the safe release of people from the Sheriff’s custody.

In 2015 the Board of Supervisors convened a work group to explore the creation of a Civilian Oversight Commission (Commission). This work resulted in LA's Sheriff and Inspector General signing a Memorandum of Agreement (MoA) that established a process for the OIG to get information from the Sheriff for the operation of the Commission and performance of OIG duties. With this MoA, and a set of recommendations from the Work Group, in January 2016 LA’s Board of Supervisors approved an ordinance to establish the County’s nine-member Civilian Oversight Commission as a permanent advisory board that would work with the OIG to review the activities of the County’s Sheriff Department. With its inaugural meeting in January 2017, the Commission officially began fulfilling its charge of ensuring an improved level of public transparency and accountability for the LA County Sheriff.

SANTA CLARA COUNTY - OFFICE OF CORRECTION AND LAW ENFORCEMENT OVERSIGHT

After the 2015 murder of a man by Santa Clara County correctional officials while in their custody, the Santa Clara County Board of Supervisors established a Blue Ribbon Commission (BRC) with the goal of identifying opportunities to improve in-custody operations within the County’s local jails. The BRC worked with 13 other organizations to provide the Board of Supervisors over 600 recommendations aimed at improving local jail conditions. As part its final report, the establishment of an office that provided an avenue to accomplish meaningful civilian oversight was cited by the BRC as one of the two most important recommendations to improve the conditions and operations of the County's local jails. In 2016 the Board referred the matter to its Finance and Government Operations Committee to move the discussion towards the

implementation of the BRC recommendations. As part of this work, the Committee then convened two panels of experts from across the country to discuss the possibility and necessity of creating an independent oversight body in the County. The Committee reported a general consensus among the panelist of the need for such oversight and the importance of the functions that would be provided by such a body. Informed by the work of the BRC, and its own Finance and Government Operations Committee, in April 2018 the Santa Clara County Board of Supervisors voted unanimously to enact an ordinance for the creation of an Office of Correction and Law Enforcement Oversight.

Recommendation(s)/Next Step(s):

When the Task Force Recommendations were being considered by the Board, County Counsel was clear that oversight of the type being contemplated would require the participation of the Sheriff’s Office. Notably, both examples described above had the full support of the local Sheriff.

Staff recommends the Committee take the following action:

1. ACCEPT input from the Office of the Sheriff-Coroner and members of the Racial Justice Task Force re amendments to Racial Justice Task Force Recommendations that were stricken by the Board of Supervisors; or
2. DIRECT staff to work with County Counsel to convene a small working group of up to two Sheriff representatives and two Racial Justice Task Force members to develop amended recommendations to be considered by the Committee.

Attachments

Final RJTF Memo - Revised

Sheriff Letter to BOS

LA County - Office of Inspector General

LA County - Civilian Oversight Commission

LA County - Sheriff MOA with Inspector General

Santa Clara County - Office of Correction and Law Enforcement Monitoring



Final Report to Board of Supervisors

Introduction

Overview of Racial Justice Task Force

On April 12, 2016 the Contra Costa County Board of Supervisors (Board) unanimously voted to create the Racial Justice Task Force (RJTF), prompted in large part by the activism and advocacy of the Contra Costa County Racial Justice Coalition. Tasked with building on the County’s 2008 report and recommendations, “Disproportionate Minority Contact: Reducing Disparities in Contra Costa County,” the 17-member body was designed to represent a range of local stakeholders, including County criminal and juvenile justice agencies, County health and behavioral health, community-based organizations, local school districts and law enforcement agencies, and the community at large. In February 2017, Resource Development Associates (RDA) was hired to provide Task Force facilitation and data analysis services and on April 5, 2017, the RJTF convened for the first time.

The RJTF met monthly from April 2017 through June 2018 to review data on local criminal and juvenile justice systems and processes, discuss best practices and emerging practices for addressing racial disparities in those systems and processes, and develop recommendations for action to address those disparities. Two ad hoc subcommittees were also convened to foster community engagement and plan for two series of community forums. In November 2017, the RJTF hosted 5 community forums to solicit residents’ input on priority areas for the Task Force to focus on and in May 2018, the RJTF hosted 3 additional forums to solicit input on preliminary recommendations. On June 6, 2018, the Task Force met for the last time to vote on recommendations to present to the Board of Supervisors.

The purpose of this memo is to present those recommendations to the Board and the larger body of local stakeholders in order to move forward their adoptions and implementation. This memo begins with a brief discussion of the considerations taken into account by the RJTF as it developed these recommendations, followed by an overview of the racial disparities in Contra Costa County, and then a presentation of recommendations. Appendices provide more information on the Task Force voting process, including a breakdown of how each RJTF member voted on each recommendation, as well as additional data on disparities in local criminal and juvenile justice systems.

Considerations in RJTF Areas of Focus and Recommendations

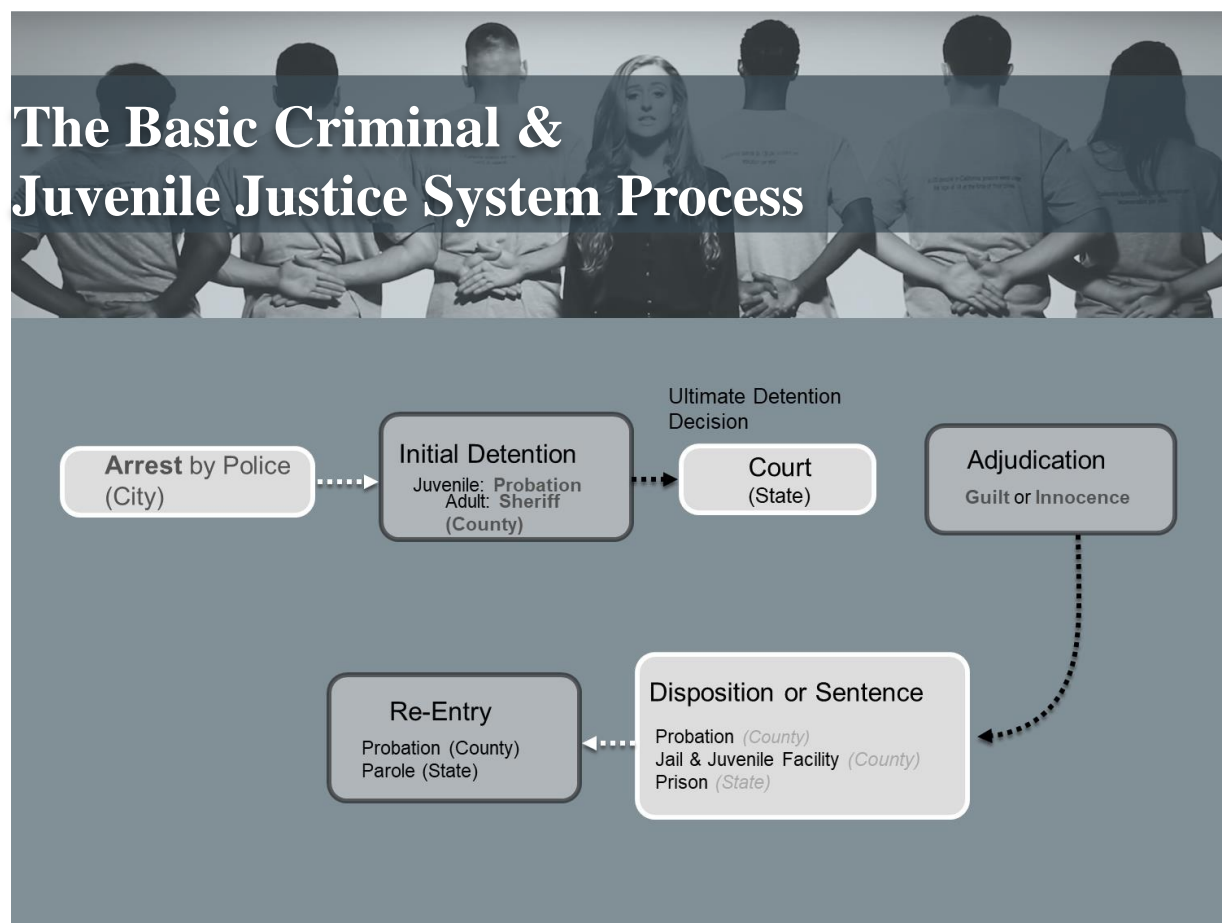
The criminal and juvenile justice systems are comprised of a wide array of agencies and organizations that have different statutory responsibilities and authority and operate in different jurisdictions (Figure 1). As the RJTF began its work, the group had to grapple with two key considerations related to the scope of the justice system and of the Task Force itself: 1) whether to focus only on agencies and processes under County jurisdiction and authority, and 2) how to prioritize breadth, and make recommendations across



the justice system, or depth, and make a smaller number of recommendations but with greater specificity and readiness for implementation.

In terms of the former, RJTF members quickly agreed that despite the body having been convened to make recommendations for County action, it was impossible to understand disparities in County justice processes without first examining adults’ and youths’ entry into these processes, namely arrests and other issues related to local law enforcement. Therefore, both data and recommendations below are inclusive of criminal justice system agencies that operate within Contra Costa County but do not report to the Board, including local law enforcement agencies and the Superior Court. There are also recommendations for the school districts that operate within the County.

Figure 1. Overview of Criminal and Juvenile Justice System Process



In addition to taking a more expansive approach in deciding which justice system agencies and processes to include under its purview, the RJTF also agreed to take a broad focus, looking at disparities across criminal and juvenile justice processes and putting forth an extensive set of recommendations to address all of them, rather than a narrower focus on any one process or area of focus. As a consequence, the recommendations made here should be viewed as a starting point as part of a longer implementation process.



In addition to the two considerations described above, as the RJTF engaged in the process of developing recommendations, one other key decision point regularly emerged for consideration: whether and how much to focus on feasibility—and affordability—in making recommendations to the Board. Ultimately, the majority of RJTF members felt strongly that the task of this body was to review data and make recommendations based on observed disparities; RJTF members did not want the scope of these recommendations to be constrained by “likely” County action, agreeing that if a recommendation was important, the Task Force should make it rather than pre-determining what the County might ultimately implement.

Key Findings: Overview of Racial Disparities in Contra Costa County Criminal and Juvenile Justice Systems and Processes

Obtaining and examining data on racial disparities within the justice system was a critical step in the RJTF’s process and allowed the Task Force to identify key junctures where disparities exist in order to target interventions. A number of data limitations, tied to both data availability and data access, meant that the RJTF was not able to examine all data points of interest, driving a number of recommendations related to data collection and reporting. The lack of available data was a consistent challenge throughout this process, and key challenges included:

- Inconsistent data collection across the many local law enforcement agencies (LEAs) in Contra Costa County meant that the RJTF was not able to obtain up-to-date, racially specific data about law enforcement processes and practices; different LEA collect different data elements, have different policies and procedures around the dissemination of data collected, and have varying internal capacity for data management and analysis;
- Concerns about protecting youth’s confidentiality limited the Court’s willingness to make juvenile delinquency court data available; and
- California Judicial Council guidance to the Contra Costa County Court Executive Officer discouraged the Court from sharing individual-level criminal court data.

Because of these challenges, the RJTF had limited ability to obtain the type of individual-level data necessary to track racial disparities across different points in the criminal or juvenile justice process and relied largely on aggregate data and/or data available through public data sources. Data were collected from the State of California Department of Justice (DOJ) Criminal Justice Statistics Center (CJSC), the Contra Costa County Probation Department, the Contra Costa County Superior Court, the Contra Costa County Sheriff’s Office, and the Contra Costa County Racial Justice Coalition. Because different data are available from different sources at different points in time, these data span from 2013 through 2017.

Based on the data that was available, the following findings emerged:



Law Enforcement Disparities

Finding 1. Higher arrest rates for Black youth and adults across Contra Costa County drive disparities in justice system involvement and outcomes.

According to data from the State of California DOJ CJSC, in both 2013 and 2014, Blacks were more likely to be arrested than individuals from any other racial/ethnic group in every city except one in Contra Costa County. While the specific rate of the disparity varied by city the disparity tended to be higher in cities with smaller black populations (see Appendix B for more information). Across the County, Black adults were more than 3 times more likely to be arrested than adults from any other racial/ethnic group, and Black youth were more than 7 times more likely to be arrested than youth from any other racial/ethnic group.

Figure 2. Contra Costa County, 2014 Adult Arrests per 1,000

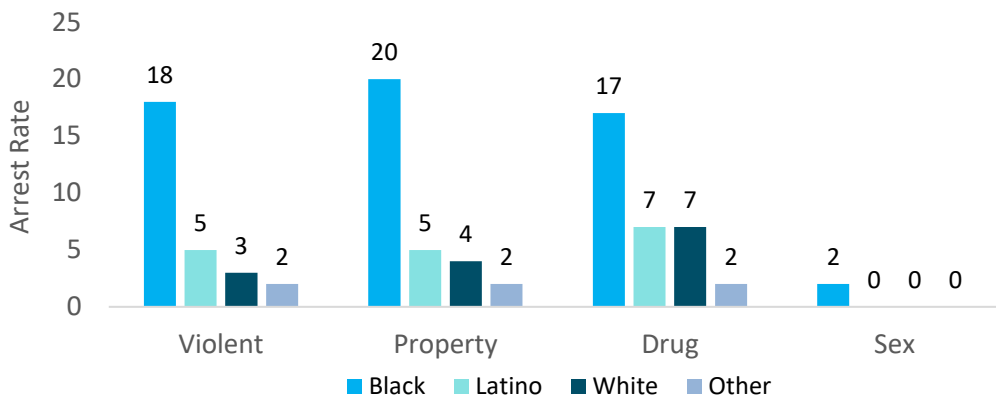
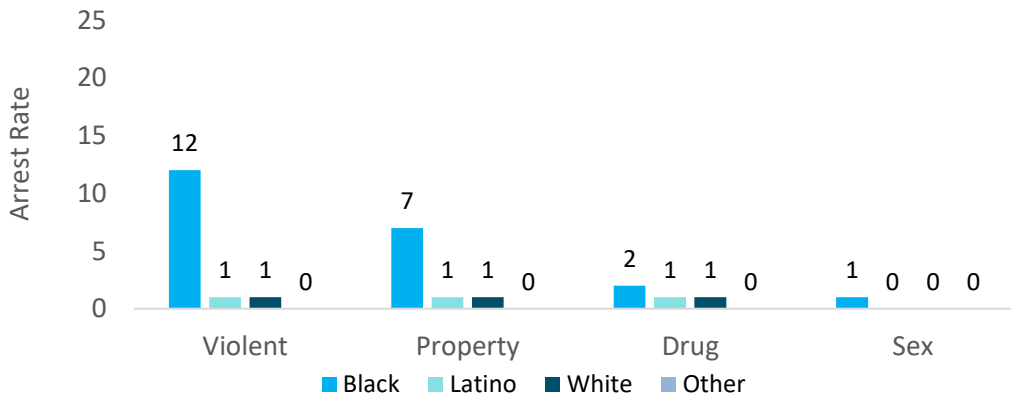


Figure 3. Contra Costa County, 2014 Juvenile Arrests per 1,000





Finding 2. While this finding is consistent across cities in the County, differences in the offenses with the greatest disparities indicates that different local contexts drive these disparities.

Despite the clear and consistent trend in Blacks being arrested more than any other racial/ethnic group, 2013 and 2014 DOJ data that there are notable differences in the rate of this disparity, as well as in the specific offenses for which Black residents are disproportionately arrested. For example, some cities show the greatest rate of disparity for felony offenses, while others show greater disparities for misdemeanors; similarly, some cities show greater disparities for violent offenses, while others show greater disparities for property or drug crime. What these data make clear is that different local patterns and practices drive these disparities.

This finding was also supported by qualitative data collection, which showed that the practices related to routing people away from formal criminal or juvenile justice processing—known as “diversion”—vary greatly across Contra Costa County. Different cities have different approaches to both formal and informal diversion, including different offenses for which they are willing to divert people and differences in whether and to what extent individuals who are arrested may be diverted to local organizations to address underlying issues that may lead to criminal or delinquent behavior and, subsequently, arrests.

Juvenile Justice Disparities

Finding 3. Black youth in Contra Costa County were much more likely than Latino and White youth to be referred to Probation.

Unsurprisingly given the disproportionate rate at which Black youth are arrested, data from the Contra Costa County Probation Department indicate that Black youth are more likely to be referred to Probation for possible further delinquency system processing. According to data from the Probation Department, in 2014 and 2015, Black youth were between 9-11 times more likely to be referred to Probation than White youth and 5-6 times more likely to be referred than Latino youth. Latino youth were also approximately twice as likely to be referred to Probation as White youth. As noted above, the RJTF was not able to obtain individual-level data on youth arrests or referrals, so we could not determine whether or not Black youth were more likely to be referred for similar offenses.

Finding 4. Black and Latino youth were more likely than White youth to be detained prior to adjudication.

Among youth who were referred to the Probation Department, both Black and Latino youth were more likely to be detained in the County’s Juvenile Hall, based on Probation data from 2014 and 2015. Both Black and Latino youth were 50% more likely to be detained than White youth after being referred to Probation and, because Black youth are already overrepresented in youth who are arrested and referred to Probation, Black youth who live in Contra Costa County are detained in Juvenile Hall at 14-16 times the rate of White youth. Again, data limitations limited the RJTF’s ability to compare the specific circumstances under which different youth were detained.



Finding 5. In 2014, Black youth were sent to secure confinement at a higher rate than all other races; relative to being a ward of the Court, Hispanic youth were securely confined at a higher rate.

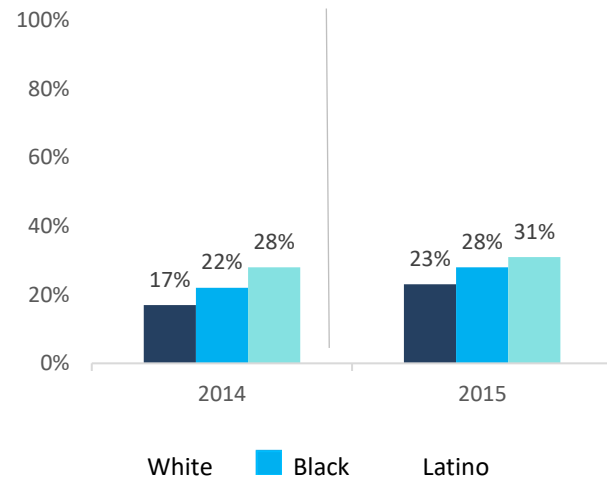
Among youth who are adjudicated delinquent, Black and Latino youth are more likely to receive a disposition that involved secure confinement, including either the Orin Allen Youth Rehabilitation Facility (“the Ranch”) or the California Department of Juvenile Justice (DJJ). According to Probation data from 2014 and 2015, Black youth were 50% to 200% more likely to be sent to secure confinement and Latino youth were 80% to 300% more likely than Whites; because of the cumulative disparities across the juvenile justice system, Black youth in Contra Costa County are confined 16-14 times often as White youth.

Criminal Justice Disparities

Finding 6. In 2014 and 2015, a greater proportion of cases with Latino or Black defendants had charge enhancements than cases with White defendants.

Sentencing enhancements are additional charges within the California Penal Code that allow for additional prison time if an underlying fact or condition is met. There are two kinds of enhancements that can increase the penalties for individuals who are convicted of a criminal offense, “charge enhancements” and “person enhancements.” Charge enhancements can occur when something about the way a crime is committed make the offense eligible for a more serious sentence that it would usually be, for example if someone is convicted of possessing or distributing drugs in a “drug free zone,” around a school or other designated area. Data from the Contra Costa County Superior Court for 2015 and 2016 show that a greater proportion of Black and Latino defendants have charge enhancements, meaning that they are likely receiving more serious penalties for comparable offenses as White defendants.

Figure 4. Black and Latino defendants are more likely to have charge enhancements than Whites



Finding 7. In 2014 and 2015, a greater proportion of Black defendants had person enhancements than either Latino or White defendants.

An individual can also be eligible for a more serious sentence if he or she has a prior criminal history via “person enhancements,” such as three strikes laws and other “habitual offender” laws. Data from the Contra Costa County Superior Court for 2015 and 2016 show that a greater proportion of Black defendants have person enhancements than White defendants, meaning that they are likely receiving more serious penalties for comparable offenses as White defendants. Although the data available to the RJTF did not allow us to compare the outcomes of defendants of different race/ethnicity with the same charges, this



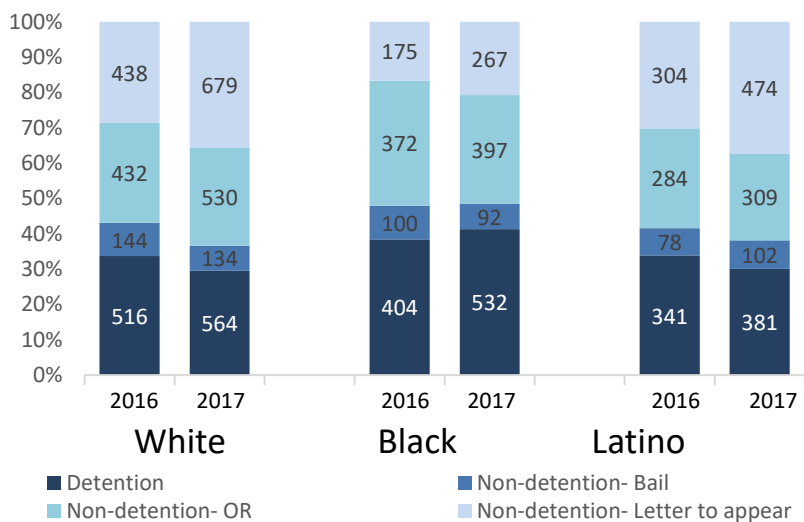
pattern is nonetheless important in light of a growing body of research showing that both kinds of enhancements are a major driver of disparities in imprisonment.ⁱ In particular, research has shown that Blacks are more likely to live in “drug free zones,” increasing the likelihood that they will be eligible for place-based enhancements; in addition, higher overall context with law enforcement and the criminal justice system has cumulative effects whereby Black defendants are more impacted by habitual offender laws.^{ii iii}

Finding 8. From 2015 to 2017, Black adults in Contra Costa County were more likely than Latino or White adults to be detained pre-trial.

Data from the Contra Costa County Sheriff’s Office showed that in 2016 and 2017, Black and Latino defendants were disproportionately likely to be detained pretrial than White defendants. The reasons for this included both court decisions related to bail and release as well as defendants’ ability to pay bail and obtain release.

Given the cumulative disparities across criminal justice processes, Black residents of Contra Costa County are held in pretrial detention at almost 7 times the rate of White residents; Latino residents are held in pretrial detention at 2.5 times the rate of Whites.

Figure 5. Black defendants are most likely to be detained pretrial



Finding 9. Changes to County jury selection processes have increased disparities in who services on juries in Contra Costa County.

Starting in 2011, Contra Costa County Superior Court made changes to the jury selection process and misdemeanor trial locations. Whereas previously, jurors for misdemeanor trials had been selected regionally to serve on trials in East, West and Central county regions, so that the jury pool was representative of the region in which an alleged crime occurred, beginning in 2011, the Court centralized the trials to occur at the Martinez Courthouse and began selecting jurors from a countywide pool. In tandem, these processes appear to have resulted in juries that are more White and less representative of the overall County population.



Recommendations

Oversight and Accountability

While the Contra Costa County RJTF has made critical progress in developing a broad set of recommendations for addressing racial disparities in the County’s criminal and juvenile justice systems, there is much work to be done to implement these recommendations and assess their efficacy. Moreover, it is critical to the RJTF that this be done transparently and with ongoing input from a diverse array of stakeholders.

Recommendations

- 1) The Racial Justice Task Force recommends that the Board of Supervisors appoint a Racial Justice Oversight Body (RJOB) to oversee the implementation of the recommendations made by the Task Force, as specified by the Board of Supervisors. The RJOB would meet on a quarterly basis and report to the Board on an annual basis. The RJOB shall be made up of the following members:
 1. A representative from the Superior Court, as a non-voting member
 2. The Sheriff or his designee
 3. The Chief Probation Officer or his designee
 4. The Public Defender or her designee
 5. The District Attorney or her designee
 6. A representative from a local law enforcement agency, nominated by the Contra Costa County Police Chiefs’ Association
 7. A representative from the Contra Costa County Board of Education
 8. A representative from Contra Costa County Health Services
 9. Eight community-based representatives, that include at a minimum:
 - a. Two members of the Racial Justice Coalition,
 - b. Two individuals with prior personal criminal or juvenile justice system involvement,
 - c. Three representatives from community-based organizations that work with individuals in the justice system, including at least one person who works directly with youth
 - d. One representative from a faith-based organization*Any individual may meet more than one of these qualifications.*

The RJTF further recommends that the work of this body be staffed by the County Office of Reentry and Justice, and that funds for facilitation be allocated through an RFP process.

- 1) a. The RJOB should or a subcommittee thereof should review local criminal and juvenile justice data in order to identify and report on racial disparities. This will include a review of use-of-force data, as available from the California Department of Justice’s Open Justice data.



Diversion

Diversion is a broad umbrella term that refers to the process of diverting individuals from formal criminal or delinquent processes following an encounter with law enforcement. Informal diversion may include the decision by a law enforcement officer not to arrest someone from criminal or delinquent behavior or, after arresting someone, choosing not to refer the person onto the District Attorney or Probation Department. Formal diversion generally involves linking individuals to services, supports, and opportunities that can help them address underlying issues that may lead to criminal or delinquent behavior. By helping people avoid formal justice system processing, diversion can be a critical vehicle for reducing racial disparities in the justice system. ^{iv v}

While diversion programs and practices redirect contact with the justice system, local jurisdictions must be aware that racial disparities can exist in this decision point and further exacerbate racial disparities if decision-making is not carefully monitored. In addition, because Blacks are so much more likely to have contact with the justice system and are often charged with more serious offenses than individuals from other racial/ethnic groups, diversion efforts that exclude people with prior justice system contact and/or are only limited to the most minor offenses often exacerbate racial disparities. Effective diversion programs are targeted, collaborative, and data driven.

Current Practices in Contra Costa County

Diversion is currently implemented inconsistently across Contra Costa County. Many local law enforcement agencies have their own diversion approaches and programs, but neither diversionary offenses nor diversion programs/processes are standardized across the county. At the County level, the District Attorney's Office has some limited diversion programs, such as the Bad Check Diversion Restitution program, and the Probation Department informally diverts youth whose offense are not determined appropriate for formal processing.

Recommendations

- 2) With the goal of reducing racial disparities in the Contra Costa County criminal justice system, form a committee to recommend countywide criteria and protocols for formal and informal diversion. The recommendations shall be evidence-based and follow established best practices. In considering what criteria and protocols to recommend, the committee shall
 1. Develop separate recommendations for adult and juvenile populations.
 2. Strive to ensure the broadest possible pool of eligible participants.
 3. Strive to ensure that prior criminal justice involvement does not bar a person's eligibility for diversion.
 4. Ensure that the inability to pay for the costs of diversion will not prohibit participation.
 5. Recommend, as appropriate, partnerships between law enforcement agencies and community-based organizations to provide diversion services and oversight.

This committee may be a subgroup of the Racial Justice Oversight Body (RJOB) and will report to the RJOB.



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- 3) Expand the use of crisis intervention teams, mobile crisis teams, and behavioral health assessment teams so they are available across the County.
- 4) Local law enforcement agencies shall issue citations and establish non-enforcement diversion programs as an alternative to arrests.

Data

Thorough data collection and use are essential to monitoring and tracking whether agencies are producing equitable outcomes across race and ethnicity, and efforts to address bias and disproportionate minority contact throughout justice systems are succeeding.

Data collection, analysis and reporting disaggregated by race, ethnicity, geography and offense will give stakeholders visibility on efficacy and implementation fidelity of interventions, where disparities persist, whether progress to reduce disparities is being made, and whether the strategies are properly implemented. Ultimately, data driven processes increase transparency and legitimacy to broader stakeholders about the initiatives to reduce disparities in the county.

Current Practices in Contra Costa County

Although County criminal justice system agencies and local law enforcement agencies in Contra Costa County generally collect data about individual contact with different criminal or juvenile justice systems, there has been no systematic countywide effort to standardize what data are collected, define how race is identified and tracked across different systems, or agree on reporting processes. In addition, although the County has used AB 109 funds to invest in client data management systems for several public agencies, these agencies tend to lack the capacity to extract and analyze these data on a regular basis.

Recommendations

- 5) All Contra Costa County justice partners and local law enforcement agencies shall collect individual-level data on all individual encounters with criminal and juvenile justice systems and processes. In so doing, they should consult best practices to balance data needs with confidentiality regulations.
 - a. Office of Reentry and Justice (ORJ) should publish race-specific data (diversion, arrest, and outcomes on calls for service) online to create greater transparency and accountability of the County justice partners and LEAs.
 - b. All Contra Costa County justice partners and local law enforcement agencies should improve capacity for data collection and analysis including expanding staff with data analysis capabilities.
 - i. Probation Department, in partnership with County justice partners should assess tools regularly to ensure a decrease in racial disparities.
 - c. Office of Reentry and Justice (ORJ) should support analysis of interventions implemented through the RJTF to measure efficacy and assess impact on racial disparities.



County Support for Local Agencies

As Figure 1. Overview of Criminal and Juvenile Justice System Process on page 2 makes clear, county-level criminal and juvenile justice agencies are fundamentally connected to and impacted by the policies and practices of non-county agencies. In particular, city-level law enforcement practices necessarily determine who ends up in County-level justice system agencies. In addition, school district approaches to school discipline have a direct relationship with whether or not youth are referred to county juvenile justice systems. Thus, while the RJTF was convened by the Contra Costa County Board of Supervisors to make recommendations for County processes, the following recommendations are based on addressing the inherent interconnectedness of County and more local processes.

Recommendations

- 6) The County shall work with local enforcement agencies to seek funds that support the integration of de-escalation and behavioral health intervention trainings into local enforcement agency regional academy and/or department orientations.
 - a. The County shall work with local enforcement agencies to seek funds to implement improved procedural justice practices and implicit bias training.
 - i. Identify funding for procedural justice training utilizing the train the trainer model.
 - ii. Work with the Chief's Association to create a forum to share information and strengthen promising practices around procedural justice and implicit bias trainings.
- 7) In addition, local enforcement agencies in CCC should:
 - i. Ensure inclusion of de-escalation and behavioral health intervention trainings into local enforcement agency regional academy and/or department orientations
 - ii. Provide procedural justice and implicit bias training to all staff
- 8) The County Office of Education shall provide resources to incentivize school districts to explore, evaluate, implement or expand existing non-punitive discipline practices, such as Positive Behavioral Interventions Support (PBIS) and Restorative Justice (RJ) practices.
 - i. Identify funding for continuous training and technical assistance to all schools in the County to support implementation of PBIS and Restorative Justice, as well as data collection to assess implementation and impact.
- 9) The County Office of Education shall work with school districts to provide behavioral health services such as counseling, peer support, and early intervention services for youth presenting signs of emotional, mental, and/or behavioral distress.

Community Engagement and Services

Collaboration and structured partnerships with the community is essential. The justice system needs to recognize community based organizations and faith-based organizations as legitimate partners in



reducing disparities. The community brings urgency, insight and creative solutions that can acutely reduce disparities and bring about a lasting change especially around reintegration and serving as alternatives to justice involvement.

Current Practices in Contra Costa County

Reentry programming in Contra Costa County is provided regionally using AB 109 funding, with the Reentry Success Center serving West County and HealthRIGHT360 delivering services under the Central-East Network of Services, also known as The Network. The Reentry Success Center provides services to individuals and families impacted by incarceration, helping to plan critical next steps after contact with police or courts. In addition, AB 109 funding supports a range of services and supports for any individual with a history of justice system involvement.

The County is also in the process of revising its reentry strategic plan through a community-engagement and planning process.

Recommendations

- 10) County justice partners shall establish formal partnerships with community-based organizations to provide greater capacity for
 - i. diversion,
 - ii. reentry programs,
 - iii. alternatives to detention
 - iv. pretrial services
 - v. in custody programming

All community-based organizations receiving funding from the County shall be evaluated for efficacy and effectiveness of program goals and objectives to ensure populations are appropriately served. Community input shall be an integral part of this process.

- 11) Establish a community capacity fund to build the capacity of community-based organizations – especially those staffed by formerly incarcerated individuals – to contract with the County and provide services to reentry clients.
- 12) The County and/or oversight body shall collaborate with the Community Corrections Partnership- Executive Committee (CCP-EC) to consider increasing realignment funding for community services.

Practices Related to Trial and Adjudication Processes

There are a number of practices that agencies involved in the adjudication process – courts, prosecution, and defense – can implement to reduce racial disparities in the justice system. For the Court, using a jury pool that is as representative as possible to the local population increases the likelihood that individuals are judged by a jury of their peers. District Attorney's Offices wield a great deal of power through their ability to decide whether and how to charge an individual with a criminal offense, as well as whether to request money bail or a release on recognizance. Public Defenders Offices, as the public agency



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advocating for the rights of individuals accused of crimes, are uniquely situated to support defendants, not only through vigorous defense but also by providing other services aimed at both addressing underlying issues that may be associated with justice system involvement, such as behavioral health issues, as well as by providing legal services to help people address some of the collateral consequences of criminal justice contact, such as immigration or child welfare issues.

Current Practices in Contra Costa County

Contra Costa County uses a master jury list created by combining a list of all registered voters as well as persons who have a valid driver's license or identification card issued by the Department of Motor Vehicles. Contra Costa County employs a One Day/One Trial system, where^{vi} Under this system, individuals are typically assigned to jury selection after one day at the courthouse, and then their service is complete for at least 12 months.^{vii} Individuals are selected from a countywide pool. The District Attorney's Office does not currently have any official policies regarding the use of sentence enhancements or bail requests.¹ The Public Defender's Office currently employs several social workers, funded through AB 109, who work with clients to support both legal advocacy and linkage to services to address psychosocial needs.

Recommendations

- 13) Encourage the Superior Court to return to the process of jury selection whereby jurors are called to service to their local branch court for misdemeanor trials.
- 14) The Public Defender's Office shall hire social workers who can assess clients' psychosocial needs and link them to services.
- 15) The Public Defender's Office, either directly or through partnerships with community-based organizations, should offer civil legal representation to clients. For youth, this should focus on educational advocacy.

Confinement

Indiscriminate use of confinement increases racial and ethnic disparity. Disparities in confinement can be reduced when successful and robust strategies are implemented at the front end of the justice system. Strategies to reduce racial and ethnic disparities in confinement address policies and practices that affect discipline, conditions of confinement, and facilitate smooth reintegration into the community.

Current Practices in Contra Costa County

Contra Costa County has placed emphasis on developing formalized partnerships between the Office of the Public Defender, Probation, the Sheriff's Department, and the District Attorney's Office in order to decrease the pretrial in-custody population. Through this collaboration, the County has developed the cross-departmental Pretrial Services (PTS) and Arraignment Court Early Representation (ACER) program. PTS provides judges with greater information by using a modified version of the Virginia Pretrial Risk Assessment Instrument (VPRAI). ACER ensures the presence of attorneys at defendants' initial court

¹ The RJTF considered but did not ultimately support a recommendation to limit the use of sentence enhancements.



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appearances and is intended to increase the likelihood that appropriate defendants will be released on their own recognizance (OR) for the duration of the court process and allow for the expedited resolution of cases.

Contra Costa County also worked with RDA to develop a pre-release planning pilot program plan, and has recently implemented a pre-release planning pilot program in the County. Finally, the County's Custody Alternative Facility allows individuals who are low risk to public safety to be released from custody and supervised by deputies from the Sheriff's Office.

Recommendations

- 16) Expand eligibility for pre-trial services and increase pre-trial services staffing, with a focus on reducing racial disparities and replacing the money bail system.
- 17) Expand the current pre-release pilot to serve all individuals in custody.
- 18) Establish an independent grievance process for individuals in custody in the County adult detention facilities to report concerns related to conditions of confinement based on gender, race, religion, and national origin. This process shall not operate via the Sheriff's Office or require any review by Sheriff's Office staff.
- 19) Establish an independent monitoring body to oversee conditions of confinement in County adult detention facilities based on gender, race, religion, and national origin and report back to the Board of Supervisors.

Other

- 20) All County staff shall participate in and complete implicit bias training.

Next Steps

The RJTF has made important progress in reducing racial disparities in Contra Costa County justice systems and there are a number of next steps that will be essential for carrying this work forward. The first recommendations provided here – the creation of a Racial Justice Oversight Body – will be an essential vehicle for taking these steps, and establishing the RJOB is an important next step. Once this Body has been established, staffed, and membership recruited, there are several steps necessary to ensure its progress and efficacy:

1. **Prioritization of recommendations:** the RJTF intentionally choose to take a broad view of its charge and developed a lengthy set of recommendations across justice systems and processes. Further action will now require greater focus on a smaller set of recommendations in order to delineate and then implement the concrete steps necessary for implementation. Toward this end, the County and/or RJOB must prioritize those recommendations of greatest interest, in particular identifying those that will be addressed in the upcoming fiscal year versus those that will be addressed in subsequent years.



2. **Establish subcommittees:** For each recommendation selected for immediate action, the RJOB should convene a subcommittee of RJOB members who bring expertise in and commitment to addressing that issue or topic area. These subcommittees should include public agency and community member representation and be small enough to do concrete implementation planning.
3. **Develop workplans:** Each subcommittee must develop a workplan that delineates core steps for implementing the recommendation(s) that it is working on, including timelines and roles and responsibilities. This will require identifying the individuals and organizations that have influence and authority over changes to policy and practice and establishing processes for engagement them in next steps.

ⁱ Nazgol Ghandnoosh. “Black Lives Matter: Eliminating Racial Inequity In The Criminal Justice System,” *The Sentencing Project*. 2015.

ⁱⁱ Ibid.

ⁱⁱⁱ John MacDonald and Steven Raphael. “An Analysis of Racial and Ethnic Disparities in Case Dispositions and Sentencing Outcomes for Criminal Cases Presented to and Processed by the Office of the San Francisco District Attorney.” (2017).

^{iv} Ryan C. Wagoner, Carol A. Schubert, and Edward P. Mulvey, “Probation Intensity, Self-Reported Offending, and Psychopathy in Juveniles on Probation for Serious Offenses,” *Journal of the American Academy of Psychiatry and the Law Online* 43, no. 2 (June 1, 2015): 191–200.

^v Youth.Gov: Points of Intervention. (2017). Retrieved December 15, 2017 from <https://youth.gov/youth-topics/juvenile-justice/points-intervention>

^{vi} <http://www.cc-courts.org/jury/general.aspx>

^{vii} <http://www.courts.ca.gov/documents/jurysys.pdf>



Appendix A: Detailed Summary of Votes

When the RJTF began meeting, members established a series of working agreements that were designed to ensure that all perspectives were valued and that dissenting views were given due consideration. Toward that end, the Task Force agreed to a voting process whereby members could choose one of three options in responding to recommendations: 1. support, 2. do not support, and 3. oppose. If four or more RJTF members—or one-quarter—of the voting RJTF members oppose any action or recommendation, the Task Force agreed that it would not pass. Task Force members could also abstain from any vote.

Oversight and Accountability

Recommendation #1¹

- 1) The Racial Justice Task Force recommends that the Board of Supervisors appoint a Racial Justice Oversight Body (RJOB) to oversee the implementation of the recommendations made by the Task Force, as specified by the Board of Supervisors. The RJOB would meet on a quarterly basis and report to the Board on an annual basis. The RJOB shall be made up of the following members:
 1. A representative from the Superior Court, as a non-voting member
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 4. The Public Defender or her designee
 5. The District Attorney or her designee
 6. A representative from a local law enforcement agency, nominated by the Contra Costa County Police Chiefs' Assn.
 7. A representative from the Contra Costa County Board of Education
 8. A representative from Contra Costa County Health Services
 9. Eight community-based representatives, that include at a minimum:
 - a. Two members of the Racial Justice Coalition,
 - b. Two individuals with prior personal criminal or juvenile justice system involvement,
 - c. Three representatives from community-based organizations that work with individuals in the justice system, including at least one person who works directly with youth
 - d. One representative from a faith-based organization

Any individual may meet more than one of these qualifications.

The RJTF further recommends that the work of this body be staffed by the County Office of Reentry and Justice, and that funds for facilitation be allocated through an RFP process.

¹ The RJTF spent several meetings discussing and refining these recommendations. Through this process, some recommendations were combined or rearranged; as a result, there are sometimes gaps in numbering.



Vote by Members

Vote	Members	Total
Support	Bisa French, Todd Billeci, Leslie Takahashi, Venus Johnson, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	14
Do Not Support		0
Oppose		0
Abstain		0

Result: Passed

Recommendation #1a

The RJOB should or a subcommittee thereof should review local criminal and juvenile justice data in order to identify and report on racial disparities. This will include a review of use-of-force data, as available from the California Department of Justice’s Open Justice data.

Vote by Members

Vote	Members	Total
Support	Bisa French, Todd Billeci, Leslie Takahashi, Venus Johnson, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	14
Do Not Support		0
Oppose		0
Abstain		0

Result: Passed

Diversion

Revised Recommendation #2

With the goal of reducing racial disparities in the Contra Costa County criminal justice system, form a committee to recommend countywide criteria and protocols for formal and informal diversion. The recommendations shall be evidence-based and follow established best practices.

In considering what criteria and protocols to recommend, the committee shall

1. Develop separate recommendations for adult and juvenile populations.
2. Strive to ensure the broadest possible pool of eligible participants.
3. Strive to ensure that prior criminal justice involvement does not bar a person’s eligibility for diversion.
4. Ensure that the inability to pay for the costs of diversion will not be a bar to eligibility or participation.





Recommend, as appropriate, partnerships between law enforcement agencies and community based organizations to provide diversion services and oversight.

This committee may be a subgroup of the Racial Justice Oversight Body (RJOB) and will report to the RJOB.

Vote by Members

Vote	Members	Total
Support	Bisa French, Todd Billeci, Leslie Takahashi, Venus Johnson, Marcus Walton, William Walker, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	12
Do Not Support		0
Oppose		0
Abstain	John Lowden, Cardenas Shackelford	2

Result: Passed

Recommendation #2

County criminal and juvenile justice agencies and the Police Chief’s Association shall establish criteria for informal and formal diversion, with a focus on those offenses with greatest racial disparity. Toward that end, the County shall identify the offenses for which Black and Latinos are most disproportionately arrested, charged, and convicted and use those as a starting point for diversion efforts.

Vote by Members*

Vote	Members	Total
Support		0
Do Not Support		0
Oppose		0
Abstain		0

* Members did not vote as Revised Recommendation #2 passed

Result: Failed

Recommendation #2a

Criteria for diversion shall include non-violent felony level crimes such as burglary.

Vote by Members*

Vote	Members	Total
Support		0
Do Not Support		0
Oppose		0
Abstain		0

* Members did not vote as Revised Recommendation #2 passed





Result: Failed

Recommendation #2b

Criteria for diversion shall allow individuals with prior justice system involvement to be diverted.

Vote by Members*

Vote	Members	Total
Support		0
Do Not Support		0
Oppose		0
Abstain		0

* Members did not vote as Revised Recommendation #2 passed

Result: Failed

Recommendation #3

Local enforcement agencies shall establish formal partnerships with community based organizations to provide diversion programs & services for youth and adults. Inability to pay shall not prohibit participation in diversion programs.

Vote by Members*

Vote	Members	Total
Support		0
Do Not Support		0
Oppose		0
Abstain		0

* Members did not vote as Revised Recommendation #2 passed

Result: Failed

Recommendation #3a

County justice partners shall establish formal partnerships with community based organizations to provide diversion programs & services for youth and adults. Inability to pay shall not prohibit participation in diversion programs.

Vote by Members*

Vote	Members	Total
Support		0
Do Not Support		0
Oppose		0
Abstain		0

* Members did not vote as Revised Recommendation #2 passed





Result: Failed

Recommendation #4

Expand the use of crisis intervention teams, mobile crisis teams, and system-wide behavioral health assessment teams so they are available across the County.

Vote by Members

Vote	Members	Total
Support	Bisa French, Todd Billeci, Leslie Takahashi, Venus Johnson, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	14
Do Not Support		0
Oppose		0
Abstain		0

Result: Passed

Recommendation #5

Local law enforcement agencies shall issue citations and establish non-enforcement diversion as an alternative to arrests.

Vote by Members

Vote	Members	Total
Support	Bisa French, Todd Billeci, Leslie Takahashi, Venus Johnson, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Dennisha Marsh, Debra Mason, Robin Lipetzky	13
Do Not Support		0
Oppose		0
Abstain	Harlan Grossman	1

Result: Passed





Data

Recommendation #6

All Contra Costa County criminal justice agencies and local law enforcement agencies shall collect individual-level data on all individual encounters with criminal and juvenile justice systems and processes. In so doing, they shall consult best practices to balance data needs with confidentiality concerns.

Vote by Members

Vote	Members	Total
Support	Bisa French, Leslie Takahashi, Venus Johnson, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	13
Do Not Support		0
Oppose		0
Abstain	Todd Billeci	1

Result: Passed

Recommendation #6a

Office of Reentry and Justice shall publish race-specific data on all of the above online to create greater transparency and accountability of the County criminal justice agencies and local enforcement agencies.

Vote by Members

Vote	Members	Total
Support	Bisa French, Todd Billeci, Leslie Takahashi, Venus Johnson, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	14
Do Not Support		0
Oppose		0
Abstain		0

Discussion: Todd Billeci shared there may be court-involved issues attaining juvenile data

Result: Passed





Recommendation #6b

All Contra Costa County criminal justice agencies and local law enforcement agencies shall improve capacity for data collection and analysis including expanding staff with data analysis capabilities.

Vote by Members

Vote	Members	Total
Support	Leslie Takahashi, Venus Johnson, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	11
Do Not Support		0
Oppose		0
Abstain	Bisa French, Todd Billeci, John Lowden,	3

Discussion: Bisa French shared concern about the fiscal impact of this recommendation. Todd Billeci shared he does not like the word “shall” in this recommendation. Venus Johnson shared she whole heartedly believes system change is driven through data and policy however, the Board does not have the authority to make this happen. She stated all agencies should be working independently towards better data collection and analysis to drive policy change. . John Lowden shared he will abstain in interest of other agencies. Harlan Grossman shared he is unsure who has the authority to do this.

Result: Passed

Recommendation #6c

Office of Reentry and Justice shall support analysis of interventions implemented through the RJTF to measure efficacy and assess impact on racial disparities.

Vote by Members

Vote	Members	Total
Support	Bisa French, Todd Billeci, Leslie Takahashi, Venus Johnson, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	14
Do Not Support		0
Oppose		0
Abstain		0

Result: Passed





County Support for Local Agencies

Recommendation #8

The County shall provide resources to ensure integration of de-escalation and behavioral health intervention trainings into local enforcement agency regional academy and/or department orientations.

Vote by Members

Vote	Members	Total
Support	Bisa French, Marcus Walton, Tamisha Walker	3
Do Not Support	Leslie Takahashi, Stephanie Medley	2
Oppose	Todd Billeci, Venus Johnson, John Lowden, William Walker, Cardenas Shackelford, Harlan Grossman, Dennisha Marsh, Robin Lipetzky	8
Abstain	Debra Mason	1

Discussion: Leslie Takahashi shared while she understands the Board may not have the jurisdiction to do this, it is important to identify the resources needed to make this recommendation happen.

Result: Failed

OR

Revised Recommendation #8

The County shall work with local enforcement agencies to seek funds that support the integration of de-escalation and behavioral health intervention trainings into local enforcement agency regional academy and/or department orientations.

Vote by Members

Vote	Members	Total
Support	Bisa French, Todd Billeci, Leslie Takahashi, Venus Johnson, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	14
Do Not Support		0
Oppose		0
Abstain		0

Result: Passed

Recommendation #8a

The County shall provide resources to incentivize local enforcement agencies to implement improved procedural justice practices and implicit bias training.

- i. Identify funding for procedural justice training utilizing the train the trainer model
- ii. Work with the Chief’s Association to create a forum to share information and strengthen promising practices around procedural justice and implicit bias trainings.





Vote by Members

Vote	Members	Total
Support	Bisa French, Todd Billeci, Leslie Takahashi, Venus Johnson, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	14
Do Not Support		0
Oppose		0
Abstain		0

Result: Passed

Recommendation #9

In addition, local enforcement agencies in Contra Costa County shall:

- i. Ensure inclusion of de-escalation and behavioral health intervention trainings into local enforcement agency regional academy and/or department orientations
- ii. Provide procedural justice and implicit bias training to all staff

Vote by Members

Vote	Members	Total
Support	Bisa French, Todd Billeci, Leslie Takahashi, Venus Johnson, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	14
Do Not Support		0
Oppose		0
Abstain		0

Result: Passed

Recommendation #10

The County Office of Education shall provide resources to incentivize school districts to explore, evaluate, implement or expand existing non-punitive discipline practices, such as Positive Behavioral Interventions Support (PBIS) and Restorative Justice practices.

- i. Identify funding for continuous training and technical assistance to all schools in the County to support implementation of PBIS and Restorative Justice, as well as data collection to assess implementation and impact.





Vote by Members

Vote	Members	Total
Support	Bisa French, Leslie Takahashi, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	12
Do Not Support		0
Oppose		0
Abstain	Todd Billeci, Venus Johnson	2

Result: Passed

Recommendation #10a

The County Office of Education shall work with school districts to provide supportive behavioral health services such as counseling, peer support, and early intervention services for youth presenting signs of emotional, mental, and/or behavioral distress.

Vote by Members

Vote	Members	Total
Support	Bisa French, Leslie Takahashi, Venus Johnson, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	13
Do Not Support		0
Oppose		0
Abstain	Todd Billeci	1

Result: Passed

Revised Recommendation #11

In their review and approval of Local Control and Accountability Plans (LCAPs) and supplemental funding, the County Office of Education shall prioritize the following, as far as legally possible.

- a. Exploring and identifying programs that focus on faculty and staff trainings and their interactions with students. Such programs shall support developing strategies that address behavior issues to achieve positive outcomes such as My Teacher Partner Program (MTP).
- b. Requiring school districts to create partnerships with culturally specific organizations to routinely train faculty and staff on the issues facing communities of color.





Vote by Members

Vote	Members	Total
Support	Leslie Takahashi, , William Walker, Tamisha Walker, Stephanie Medley, Dennisha Marsh, Debra Mason, Robin Lipetzky	7
Do Not Support	Marcus Walton, Cardenas Shackelford, Harlan Grossman	3
Oppose		0
Abstain	Bisa French, Todd Billeci, Venus Johnson, John Lowden	4

Result: Failed

Community Engagement and Services

Recommendation #12

County criminal justice agencies shall establish formal partnerships with community-based organizations to provide greater capacity for

- i. diversion,
- ii. reentry programs,
- iii. alternatives to detention
- iv. pretrial services
- v. in custody programming

All community-based organizations receiving funding from the County shall be evaluated for efficacy and effectiveness of program goals and objectives to ensure populations are appropriately served. Community input shall be an integral part of this process.

Vote by Members

Vote	Members	Total
Support	Bisa French, Todd Billeci, Leslie Takahashi, Venus Johnson, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	14
Do Not Support		0
Oppose		0
Abstain		0

Result: Passed

Recommendation #13

Establish a community capacity fund to build the capacity of community-based organizations – especially those staffed by formerly incarcerated individuals – to provide services to reentry clients.





Vote by Members

Vote	Members	Total
Support	Bisa French, Todd Billeci, Leslie Takahashi, Venus Johnson, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, , Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	13
Do Not Support		0
Oppose		0
Abstain	Tamisha Walker	1

Result: Passed

Recommendation #15

The County and/or oversight body shall collaborate with the Community Corrections Partnership-Executive Committee (CCP-EC) to consider increasing realignment funding for community services.

Vote by Members

Vote	Members	Total
Support	Leslie Takahashi, Venus Johnson, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	12
Do Not Support	Todd Billeci	1
Oppose		0
Abstain	Bisa French	1

Result: Passed

Practices Related to Trial and Adjudication Processes

Recommendation #16a

Encourage the Superior Court to return to the process of jury selection whereby jurors are called to service to their local branch court for misdemeanor trials.

Vote by Members

Vote	Members	Total
Support	Bisa French, Todd Billeci, Leslie Takahashi, Venus Johnson, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	14
Do Not Support		0
Oppose		0
Abstain		0

Result: Passed





Recommendation #16b

Encourage the Superior Court to assign felony jury trials to the branch courts having jurisdiction over the location where the alleged offense occurred.

Vote by Members

Vote	Members	Total
Support	Leslie Takahashi, Venus Johnson, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Robin Lipetzky	5
Do Not Support	John Lowden, Harlan Grossman, Dennisha Marsh, Debra Mason	4
Oppose		0
Abstain	Bisa French, Todd Billeci, , Marcus Walton, William Walker,	5

Result: Failed

Recommendation #17

Establish circumstances where DA won't seek sentence enhancements. As a starting point, the DA's Office shall not seek enhancements for any offenses in which defendants are eligible for Prop 47 relief.

Vote by Members

Vote	Members	Total
Support	Leslie Takahashi, William Walker, Tamisha Walker, Stephanie Medley, Dennisha Marsh, Debra Mason, Robin Lipetzky	7
Do Not Support	John Lowden	1
Oppose		0
Abstain	Bisa French, Todd Billeci, Venus Johnson, Marcus Walton, Cardenas Shackelford, Harlan Grossman	6

Discussion: Venus Johnson shared there is a caveat to this recommendation. She shared there are currently cases going through the justice system where the courts are deciding if Prop 47 applies to certain offense that may not have been specifically listed in the ballot initiative. Depending on the results of those cases, charging decisions will be impacted. Venus shared she does not disagree with the recommendation, but due to the way it is written and the stance of the legal system, she will abstain.

Result: Failed





Recommendation #18a

Public Defender’s Office shall hire social workers who can assess clients’ psychosocial needs and link them to services.

Vote by Members

Vote	Members	Total
Support	Bisa French, Leslie Takahashi, Venus Johnson, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	12
Do Not Support		0
Oppose		0
Abstain	Todd Billeci, John Lowden	2

Result: Passed

Recommendation #18b

The Public Defender’s Office, either directly or through partnerships with community-based organizations, shall offer civil legal representation to clients. For youth, this shall focus on educational advocacy

Vote by Members

Vote	Members	Total
Support	Bisa French, Leslie Takahashi, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Dennisha Marsh, Debra Mason, Robin Lipetzky	10
Do Not Support		0
Oppose	Harlan Grossman	1
Abstain	Todd Billeci, Venus Johnson, John Lowden	3

Discussion: Tamisha Walker shared the County does not currently provide enough funding for the Public Defender’s Office so she will support it. Stephanie Medley shared similar sentiments as Tamisha and shared the recommendation as it is written does not attach any resources to it or identifies any

Result: Passed





Confinement

Recommendation #19

Expand eligibility for pre-trial services and increase pre-trial services staffing, with a focus on reducing racial disparities and replacing the money bail system.

Vote by Members

Vote	Members	Total
Support	Todd Billeci, Leslie Takahashi, Venus Johnson, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	13
Do Not Support		0
Oppose		0
Abstain	Bisa French	1

Result: Passed

Recommendation #20

Expand the current pre-release pilot to serve all individuals in custody.

Vote by Members

Vote	Members	Total
Support	Bisa French, Todd Billeci, Leslie Takahashi, Venus Johnson, , Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Robin Lipetzky	12
Do Not Support	John Lowden, Debra Mason	2
Oppose		0
Abstain		0

Discussion: Todd Billeci clarified this recommendation pertains to a pre-release program not pre-trial

Result: Passed

Recommendation #21

Establish an independent grievance process for individual in custody on the County adult detention facilities to report concerns related to conditions of confinement based on gender, race, religion, and national origin. This process shall not operate via the Sheriff’s Office or require any review by Sheriff’s Office staff.





Vote by Members

Vote	Members	Total
Support	Leslie Takahashi, Venus Johnson, , Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Robin Lipetzky	10
Do Not Support	Todd Billeci, Debra Mason	2
Oppose	John Lowden	1
Abstain	Bisa French	1

Discussion: Debra Mason shared she does not support the recommendation if it requires the elimination of the Sherriff’s current process. She shared she believes there should be an additional step to process any complains if one is not satisfied with the Sherriff’s process.

Result: Passed

IT SHOULD BE NOTED THAT AFTER FULL CONSIDERATION OF THE MATTER AT ITS JULY 24, 2018, MEETING, RECOMMENDATION #21 WAS NOT ADOPTED BY THE CONTRA COSTA COUNTY BOARD OF SUPERVISORS

Recommendation #22

Establish an independent monitoring body to oversee conditions of confinement in County adult detention facilities based on gender, race, religion, and national origin and report back to the Board of Supervisors.

Vote by Members

Vote	Members	Total
Support	Bisa French, Leslie Takahashi, Venus Johnson, , Marcus Walton, William Walker, , Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	11
Do Not Support		0
Oppose	Todd Billeci, John Lowden	2
Abstain	Cardenas Shackelford	1

Discussion: Todd Billeci shared that even though he opposes this recommendation, he appreciates the engagement and involvement of the community throughout this process.

Result: Passed

IT SHOULD BE NOTED THAT AFTER FULL CONSIDERATION OF THE MATTER AT ITS JULY 24, 2018, MEETING, RECOMMENDATION #22 WAS NOT ADOPTED BY THE CONTRA COSTA COUNTY BOARD OF SUPERVISORS

RECOMMENDATIONS #21 AND #22, ABOVE, HAVE BEEN REFERRED TO THE PUBLIC PROTECTION COMMITTEE FOR ADDITIONAL INPUT FROM THE SHERIFF AND RACIAL JUSTICE TASK FORCE PRIOR TO FUTURE CONSIDERATION BY THE BOARD





Added Recommendation

Recommendation #23

All County staff shall participate and complete implicit bias training.

Vote by Members

Vote	Members	Total
Support	Bisa French, Venus Johnson, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	12
Do Not Support		0
Oppose		0
Abstain	Todd Billeci, Leslie Takahashi	2

Discussion: Todd shared that he will abstain because he has heard that recent studies indicate that implicit bias training may cause more harm than good.

Result: Passed



Appendix B: Data reviewed by RJTF

This appendix includes a summary of all quantitative data obtained and reviewed by the RJTF. As noted in the project Findings above, data were obtained from a variety of sources, including the State of California Department of Justice (DOJ), the Contra Costa County Probation Department, the Contra Costa County Superior Court, the Contra Costa County Sheriff’s Office, and the Contra Costa County Racial Justice Coalition. Because different data are available from different sources at different points in time, these data span from 2013 through 2017.

Local Law Enforcement Data

All data provided below are from the State of California DOJ Criminal Justice Statistics Center (CJSC). Data are from 2014, unless otherwise indicated.

Across cities in Contra Costa County, Blacks are more likely to be arrested than other racial/ethnic group.

Figure 1. Contra Costa County, Adult Arrests per 1,000

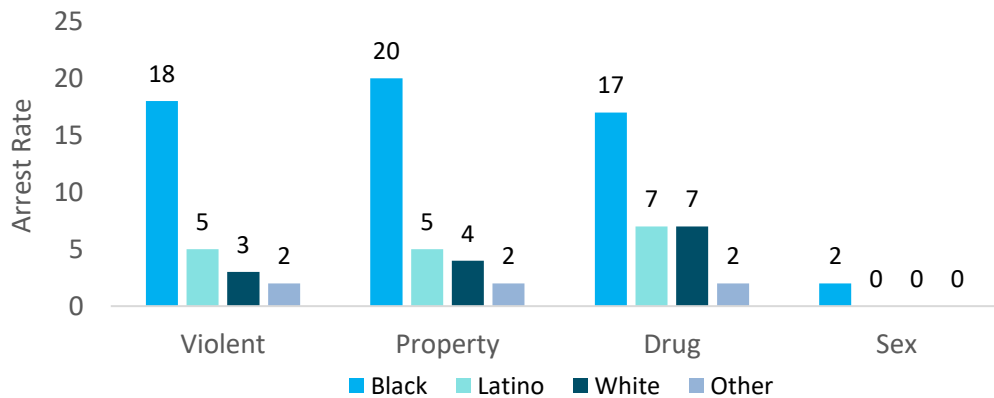


Figure . Illustrates countywide arrest trends among Black, Latino, White and Other adults. Black adults are 6 times more likely than White adults to be arrested for a violent offense, as well as 5 times more likely to be arrested for a property crime and over 2 times as likely to be arrested for a drug offense.





Figure 2. Contra Costa County, Juvenile Arrests per 1,000

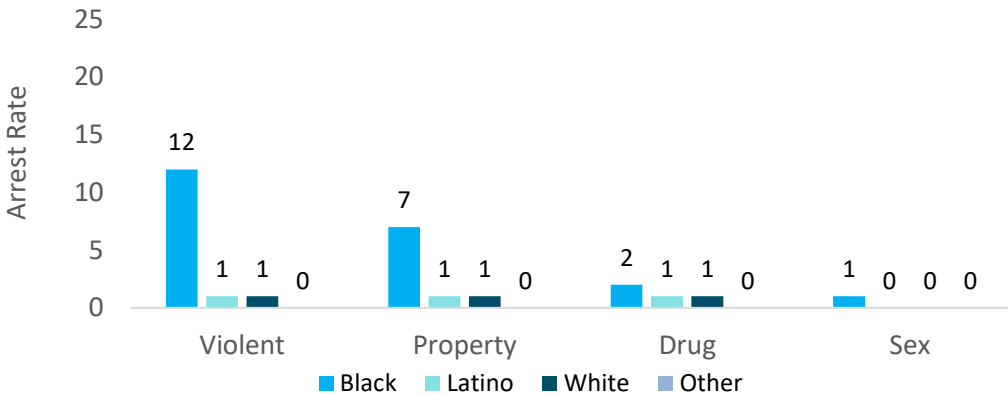


Figure 2. illustrates countywide arrest trends among Black, Latino, White and Other youth. Black youth are 12 times more likely to be arrested for a violent crime than White youth, while they are 7 times more likely to be arrested for a property offense and twice as likely to be arrested for a drug offense than White youth. A greater disparity among arrests rates by race exists within youth as compared to adults.

Racial disparities in arrests are often greater in cities with smaller Black populations.

While these graphs are city specific data, they are examples of a larger trend across most cities in Contra Costa County.

Figure 3. El Cerrito Population

Total Population: 24, 136

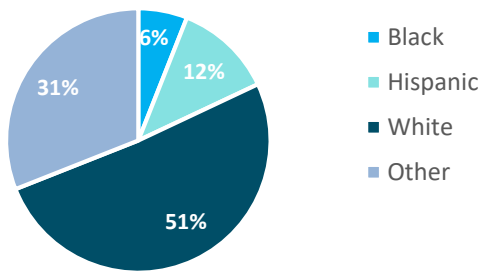


Figure 4. El Cerrito Adult Arrest Rates per 1,000

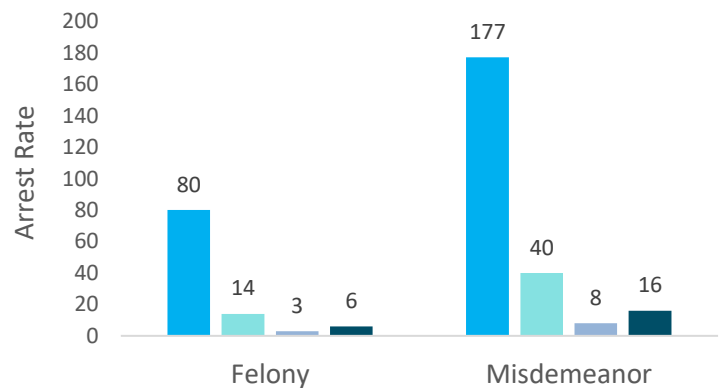


Figure 3. represents a breakdown of El Cerrito’s total population, which is relatively a small population. Of El Cerrito’s total population, 6% are black. Figure 4. shows that Black individuals are approximately 13 times as likely as White individuals to be arrested for a felony and approximately 11 times more likely to be arrested for a misdemeanor.





Figure 5. Richmond City Population

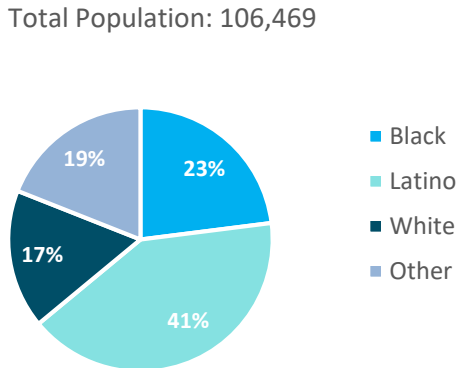


Figure 6. Richmond Adult Arrests Rate per 1,000

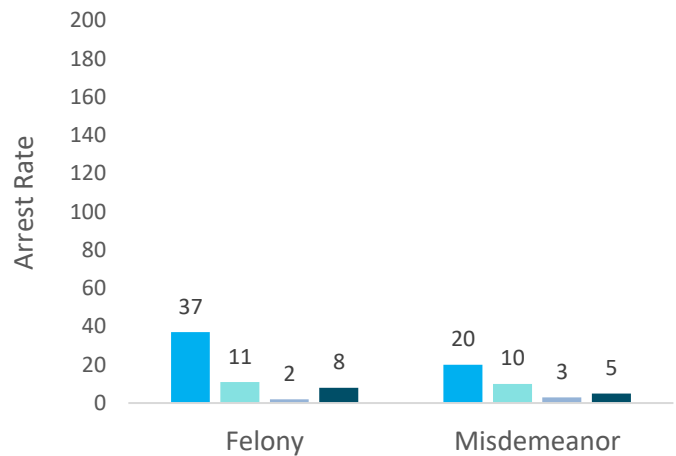
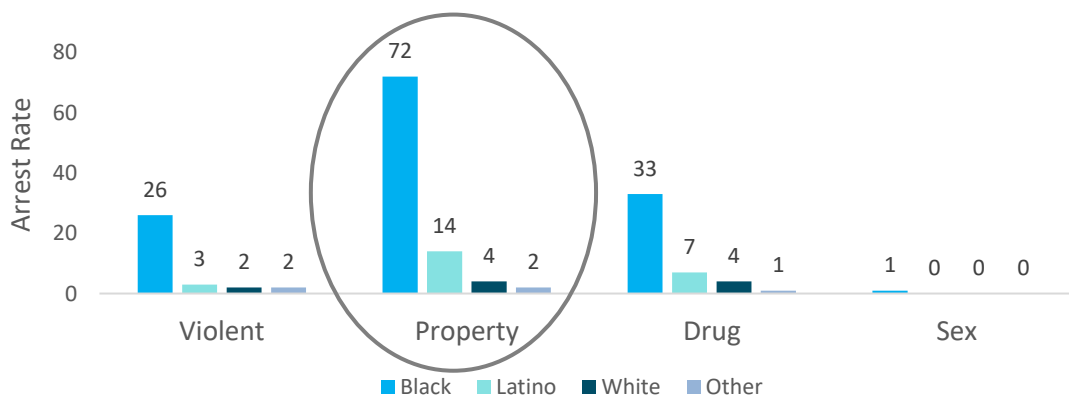


Figure 5. represents a breakdown of Richmond’s total population, which is a much larger city with a larger black population (23%) than El Cerrito. While the racial disparities are not as great as those in El Cerrito or smaller cities, disparities remain. As seen in Figure 6, Black adults are approximately 4.5 times as likely as White adults to be arrested for a felony and approximately 4 times as likely to be arrested for a misdemeanor.

While Black adults are more likely to be arrested than White adults, there are variations across cities for what offenses disparities are greatest.

While these graphs are city specific data, they are examples of a larger trend across most cities in Contra Costa County.

Figure 7. City of El Cerrito, Adults Arrest Rates per 1,000

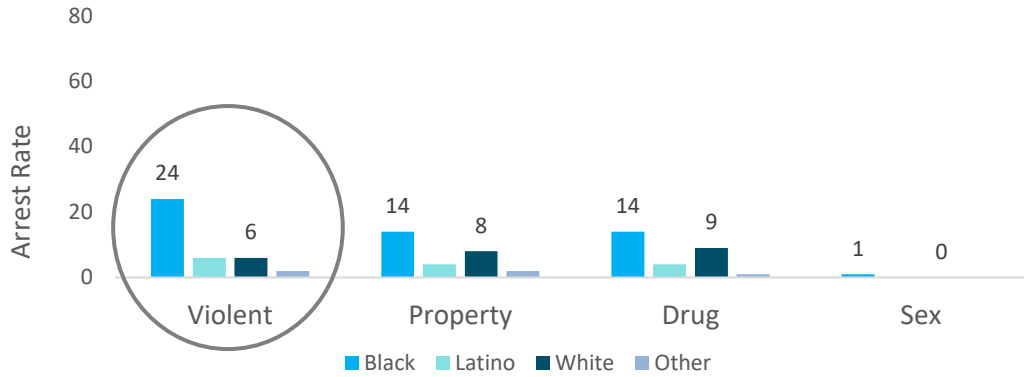


As Figure 7. illustrates, disparities are greatest for property offenses in El Cerrito where Black adults are approximately 18 times as likely as White adults to be arrested for a property offense.





Figure 8. City of Antioch, Adult Arrest Rates per 1,000



As seen in Figure 8., disparities are greatest for violent offenses in Antioch where Black adults are 4 times more likely than White adults to be arrested for a violent offense compared to only 1.5 times more likely to be arrested for a property or drug offense respectively.

Across most cities in Contra Costa County, Black youth are more likely to be arrested than White or Latino youth. Disparities for Black youth are greater than disparities for Black adults.

Figure 9. Contra Costa County, Felony Arrest Rates per 1,000

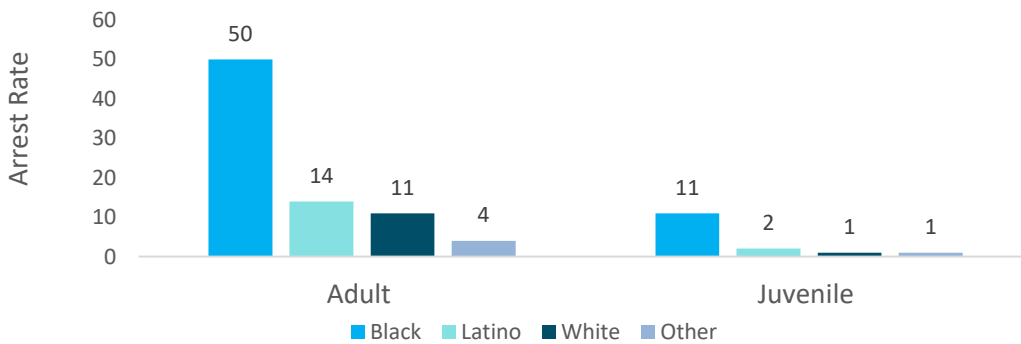


Figure 9. illustrates countywide data in which compared to White adults, Black adults are approximately 5 times more likely to be arrested for a felony while Black youth are 11 times more likely to be arrested than White youth.



Figure 10. Contra Costa County, Misdemeanor Arrest Rates per 1,000

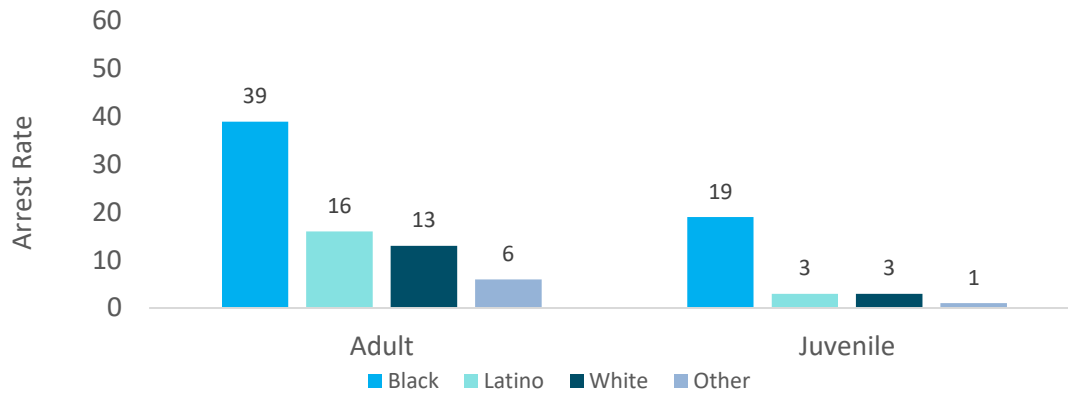
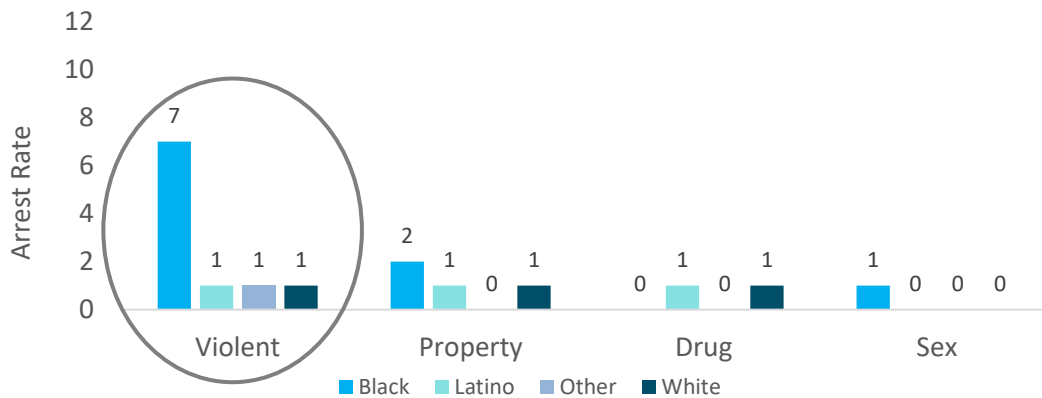


Figure 10. illustrates countywide data in which compared to White adults, Black adults are 3 times more likely to be arrested for a misdemeanor while Black youth are approximately 6 times more likely to be arrested.

While Black youth are more likely to be arrested than White youth, there are variations across cities for what offenses disparities are greatest.

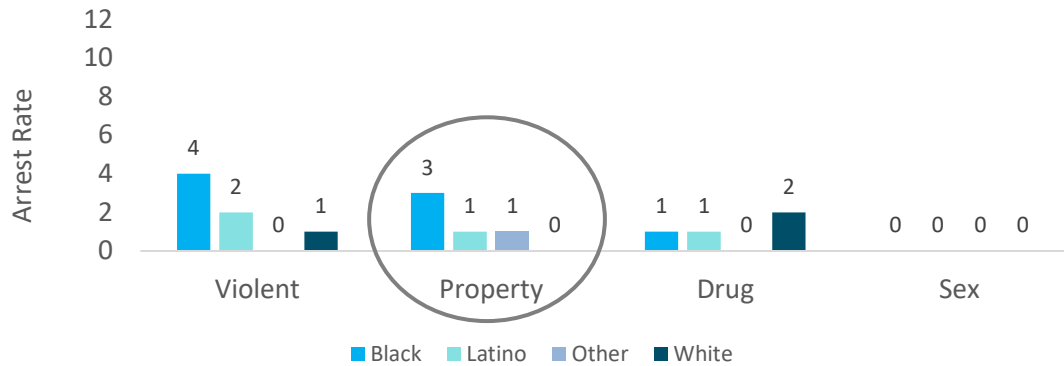
Figure 11. City of Richmond, Juvenile Arrest Rates per 1,000



As seen in Figure 11, disparities are greatest for violent offenses in Richmond where Black youth are 7 times more likely to be arrested for a violent offense than White or Latino youth.



Figure 12. City of Pittsburg, Juvenile Arrest Rates per 1,000



As seen in Figure 12, disparities are greatest for property offenses in Pittsburg where Black youth are 3 times more likely to be arrested for a property offense than White or Latino youth.

Although LEAs have implemented diversion practices, there is no systematic data collection on these programs, who is diverted, or their impact

None of the following law enforcement agencies collect race-specific data on diversion practices:

- Richmond PD partners with RYSE to divert youth from official processing.
- Antioch PD partners with Reach to divert youth from official processing.
- Pittsburg and Concord PD have implemented the community court model to divert some adult and juvenile cases from formal processing.



Juvenile Justice Data

All data provided below are from the Contra Costa County Probation Department. Data are from 2013 and 2014.

In 2014, Black youth in Contra Costa County, were much more likely than Latino and White youth to be referred to Probation.

Figure 13. Rated of Referral to Probation per 1,000 youth, by Race

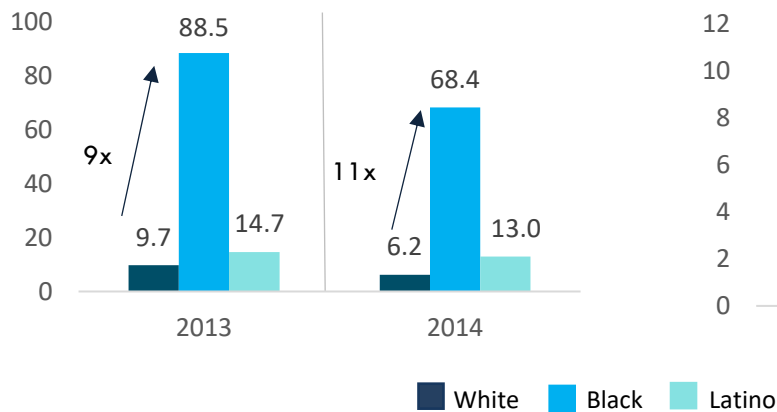


Figure 14. Referrals to Probation RRI, by Race

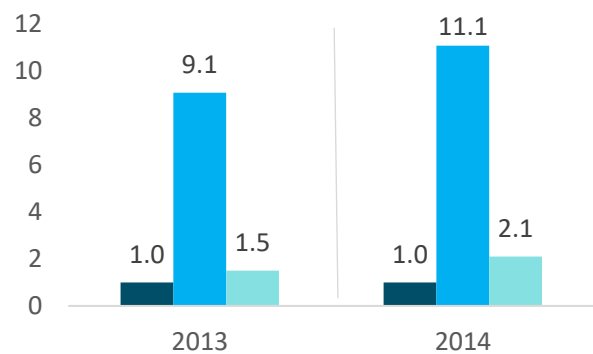


Figure and Figure 13. Rated of Referral to Probation per 1,000 youth, by Race, illustrate overall, in 2013 and 2014, Black youth were 9 times more likely than White youth and 6 times more likely than Latino youth to be referred to Probation.

In 2014, Black and Latino youth are more likely than White youth to be detained prior to adjudication.

Figure 15. Pre-Adjudication Detention Rates per 1,000 Youth, by Race

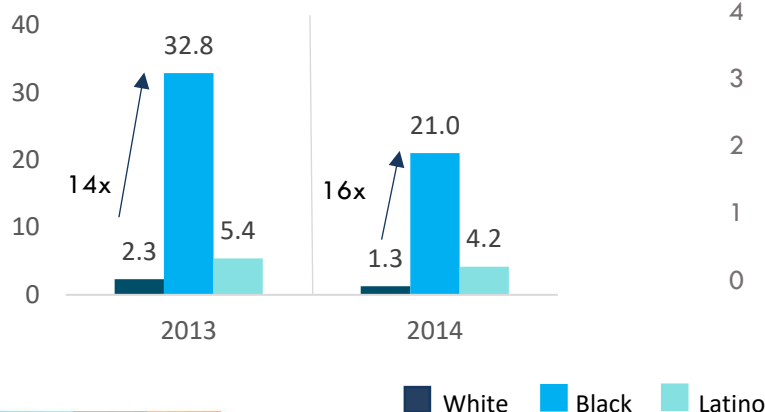
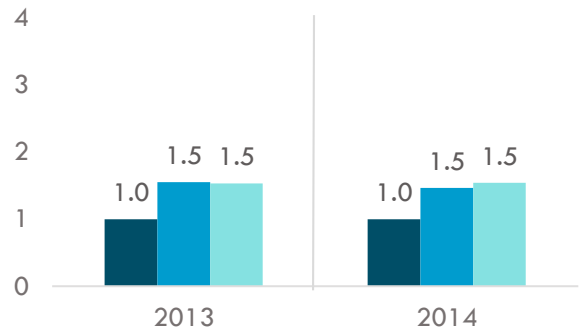


Figure 16. Pre-Adjudication Detention RRI, by Race





As seen in Figure and Figure 16, of all youth referred to Probation, Black and Latino youth are 50% more likely than White youth to be detained prior to adjudication.

In 2014, petitions filed for Black youth were at a higher rate than all other groups, however relative to referrals the rate was the same as all other groups.

Figure 18. Pre-Adjudication Detention Rates per 1,000 Youth, by Race

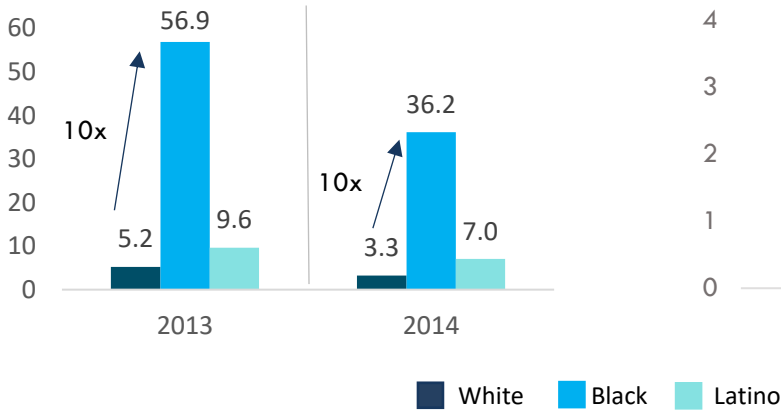
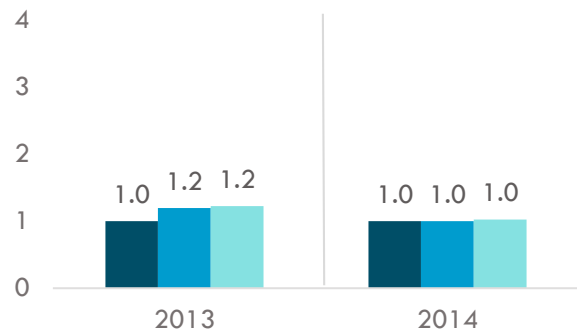


Figure 17. Pre-Adjudication Detention RRI, by Race



Figures 17 and 18 show that the Probation Department filed petitions at the same rate for all referred youth regardless of race; however, relative to their proportion of the overall county population, Black youth were 10 times more likely to have petitions filed than all other groups.

In 2014, Black youth were deemed to be a ward of the court at a higher rate than all other groups, however relative to petitions filed, the rate was approximately the same across all groups.

Figure 19. Rates of Petitions Filed per 1,000 youth by Race

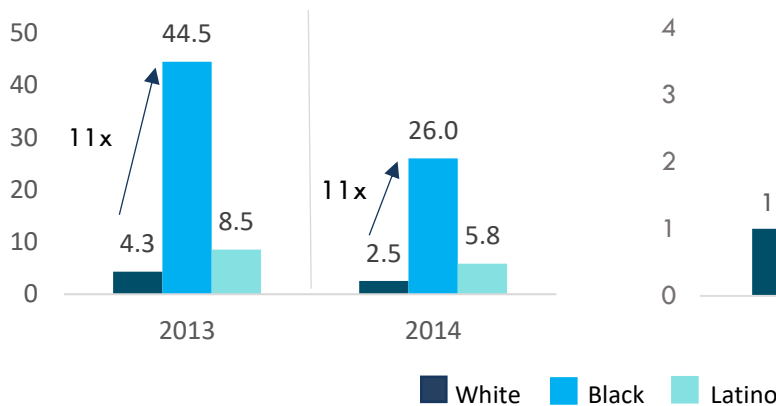


Figure 20. Petitions Filed RRI, by Race





Among youth who had petitions filed, there were not disparities in who was deemed to be a ward of the court. There were still disparities compared to the overall rate within the population.

In 2014, Black youth received placement at a higher rate than all other groups, however relative to being a ward of the court the rate was relatively the same across all groups.

Figure 21. Ward of the Court Rates per 1,000 by Race

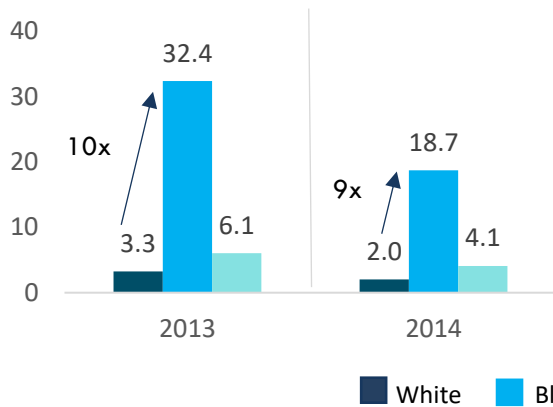
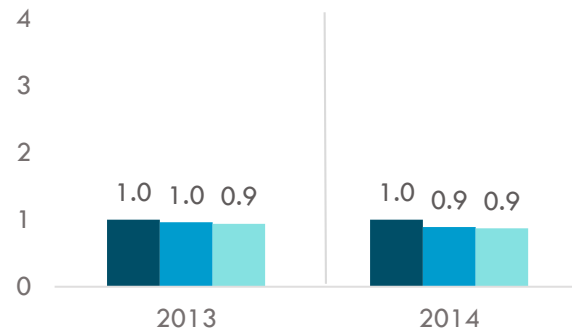


Figure 22. Ward of the Court RRI, by Race



As Figures 21 and 22 illustrate, among youth who were adjudicated delinquent, there were no disparities in which youth received a disposition of placement. There were still disparities compared to the overall rate within the population.

In 2014, Black youth were sent to secure confinement at a higher rate than all other races, however relative to being a ward of the court Latino youth were securely confined at a higher rate.

Figure 23. Placement Rates per 1,000 Youth, by Race

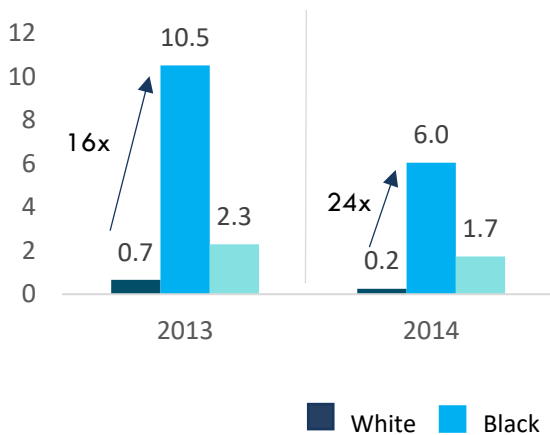
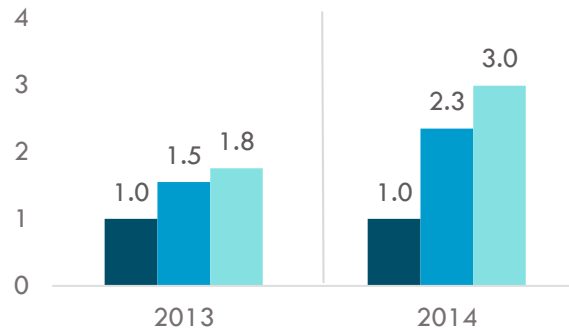


Figure 24. Placement RRI, by Race





Contra Costa County

Racial Justice Task Force – Final Report and Recommendations

Among all youth who were made a ward of the court, Latino youth were 3 times more likely to be placed in secure confinement compared to White youth and Black youth were 2 times more likely to be placed in secure confinement compared to White youth.





Criminal Justice Data

Data provided below are from the California DOJ CSJC, Contra Costa County Superior Court, and Contra Costa Sheriff's Office. Data are from 2014-2017. Specific data sources and dates are provided below.

In 2014, compared to Whites, Black adults were more likely to be arrested for a misdemeanor and felony.

Figure 25. Misdemeanor Arrest Rates, by Race*

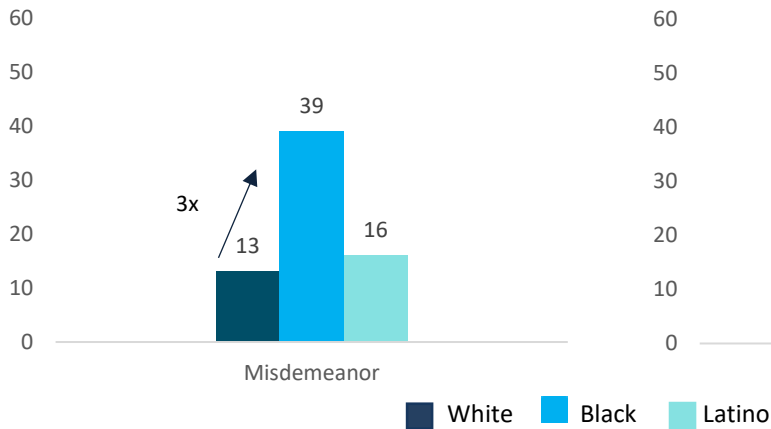
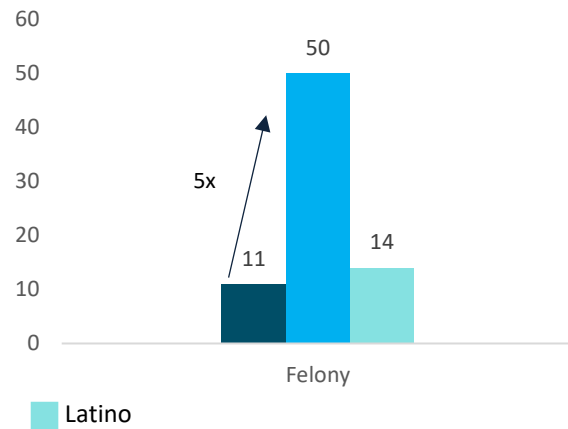


Figure 26. Felony Arrest Rates, by Race*



**Data from across all cities in Contra Costa County from California DOJ CSJC*

As Figure 25 illustrates, Black adults were three times more likely to be arrested for a misdemeanor compare to Whites. Similarly, Figure 26 shows Black adults were four times more likely to be arrested for a felony than White adults.

Black adults were more likely than White adults to have any case filed against them.

Figure 27. Misdemeanor Case Filing Rates, by Race*

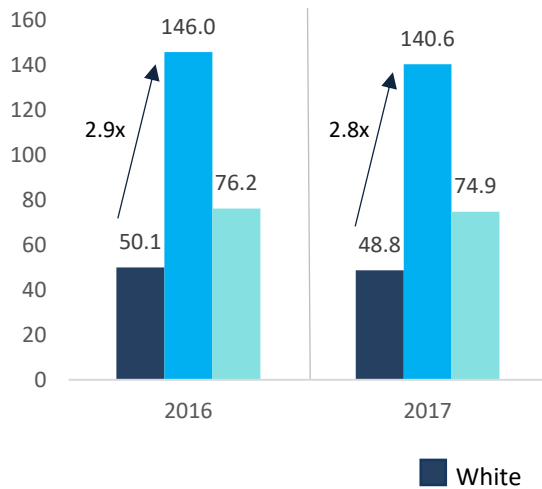
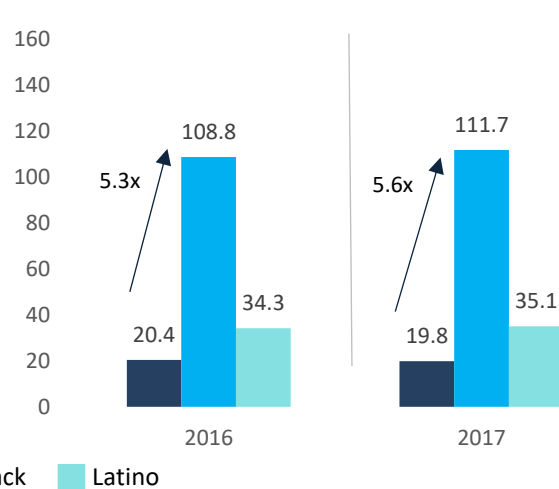


Figure 28. Felony Case Filing Rates, by Race*



**Data from Contra Costa County Criminal Court*





Figure 27 shows how in both 2016 and 2017, Black adults were approximately three times more likely to have a misdemeanor case filing than their White counterparts. Similarly, as shown in Figure 28, Black adults were more than five times more likely to have a felony case filing than White adults.

Black adults in Contra Costa County were more likely than Latino or White adults to be detained pre-trial.

Figure 29. Pre-Trial Detention Rates, by Race*

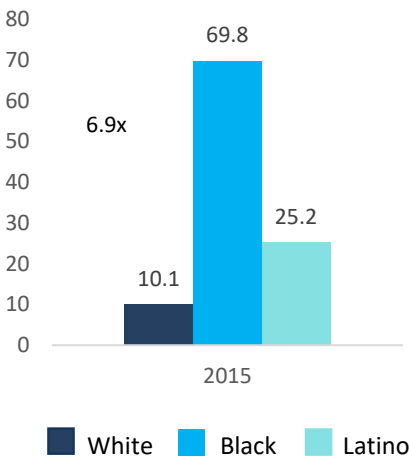
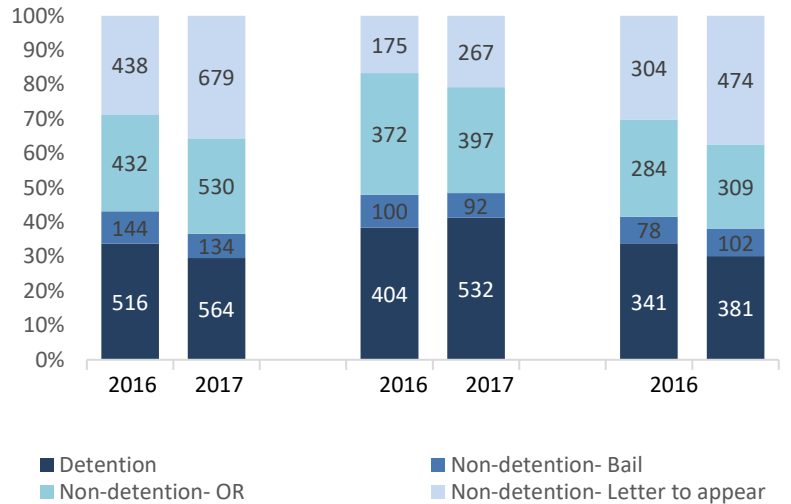


Figure 30. Pre-Trial Detention versus Non-Detention, by Race*



*Data is a snapshot of detained population on 7/9/2015
 Contra Costa County Sheriff's Office

*Data from Contra Costa County Criminal Court

As Figure 29 illustrates, in 2015, Black adults were approximately 7 times more likely to be detained pre-trial than White adults. Figure 30 shows in both 2016 and 2017, Black adults were more likely to be detained as compared to White adults who have higher rates of non-detention OR and letter to appear. Black adults are also significantly less likely to be given a letter to appear than both White and Latino adults.





A greater proportion of cases with Latino or Black defendants had charge or person enhancements than cases with White defendants.

Figure 31. Proportion of Cases with Charge Enhancements, by Race*

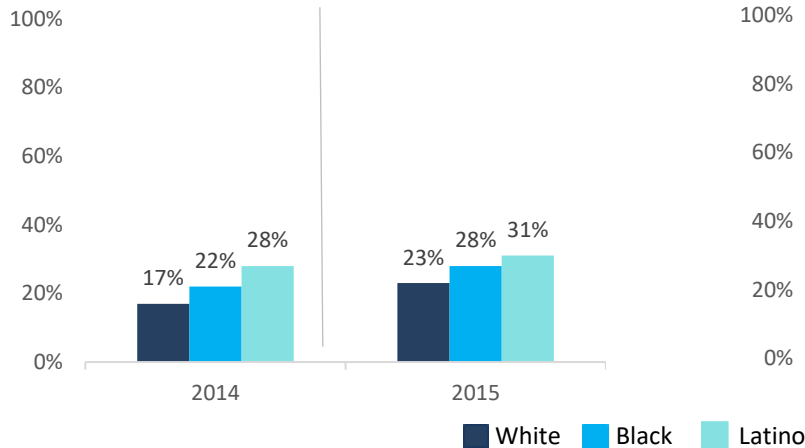
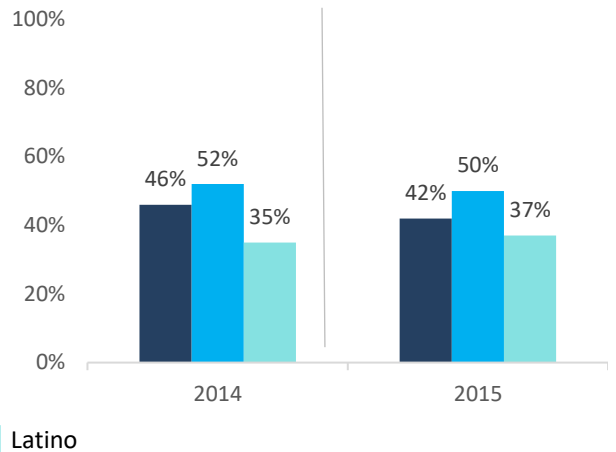


Figure 32. Proportion of Cases with Person Enhancements, by Race*



**Data from the Public Defender's Office*

Figure 31 shows in both 2014 and 2015, Latino adults had the highest proportion of cases with charge enhancements. Figure 32 shows both in 2014 and 2015, Black adults had the highest proportion of cases with person enhancements, followed by White adults.

Black adults were more likely than white adults to have a misdemeanor or felony case filed against them.

Figure 33. Misdemeanor Conviction Rates, by Race*

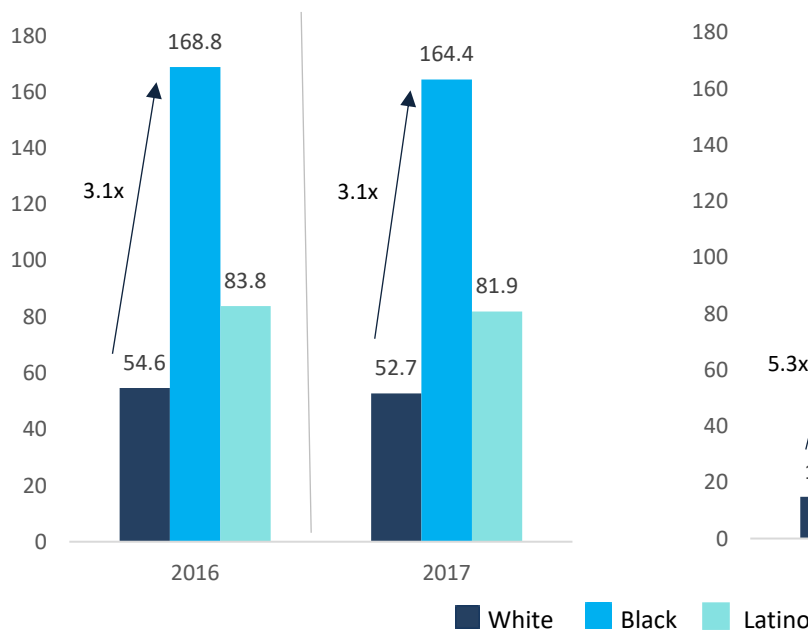
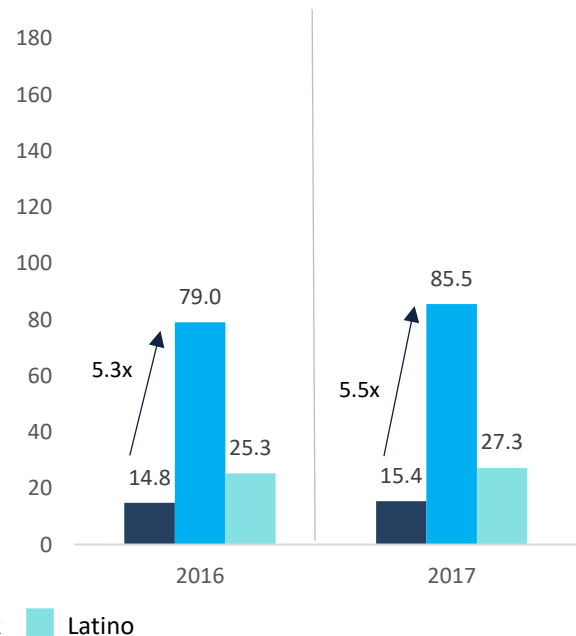


Figure 34. Felony Conviction Rates, by Race*



**Data from Contra Costa County Criminal Court*





Contra Costa County

Racial Justice Task Force – Final Report and Recommendations

Figure 33 shows Black adults were three times more likely to have a misdemeanor conviction than White adults. Figure 34 shows Black adults were more than five times as likely to get a felony conviction than White adults in 2016 and 2017.



Appendix C. Community Forums

The Racial Justice Task Force hosted two rounds of community forums throughout Contra Costa County. The goal of each community forum was to engage community members with the project and gather community input and feedback on the projects’ areas of focus and set of draft recommendations.

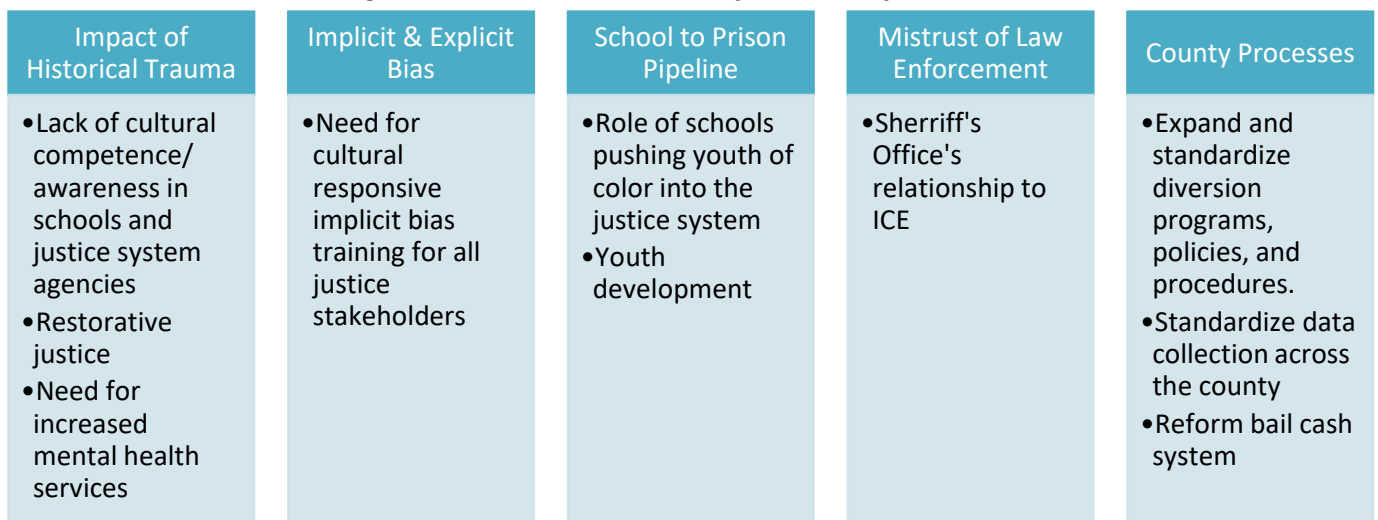
The first round of community forums took place in November and consisted of five community forums in the cities of Concord, Danville, Pittsburg, Richmond, and Antioch. The focus of the first round of community forums was to share the purpose of the Racial Justice Task Force and share work to date. Community members also had the opportunity to provide input towards the project’s areas of focus.

Table 1. Attendees per Location

Location	Number of Public Attendees
Concord	32
Danville	35
Pittsburg	34
Richmond	28
Antioch	25

The Racial Justice Coalition, District Attorney, Board of Supervisors, School Board, Teachers, Public Defender, faith-based organizations, and Local Law Enforcement were some of the stakeholders in attendance.

Figure 35. November Community Forums Key Themes





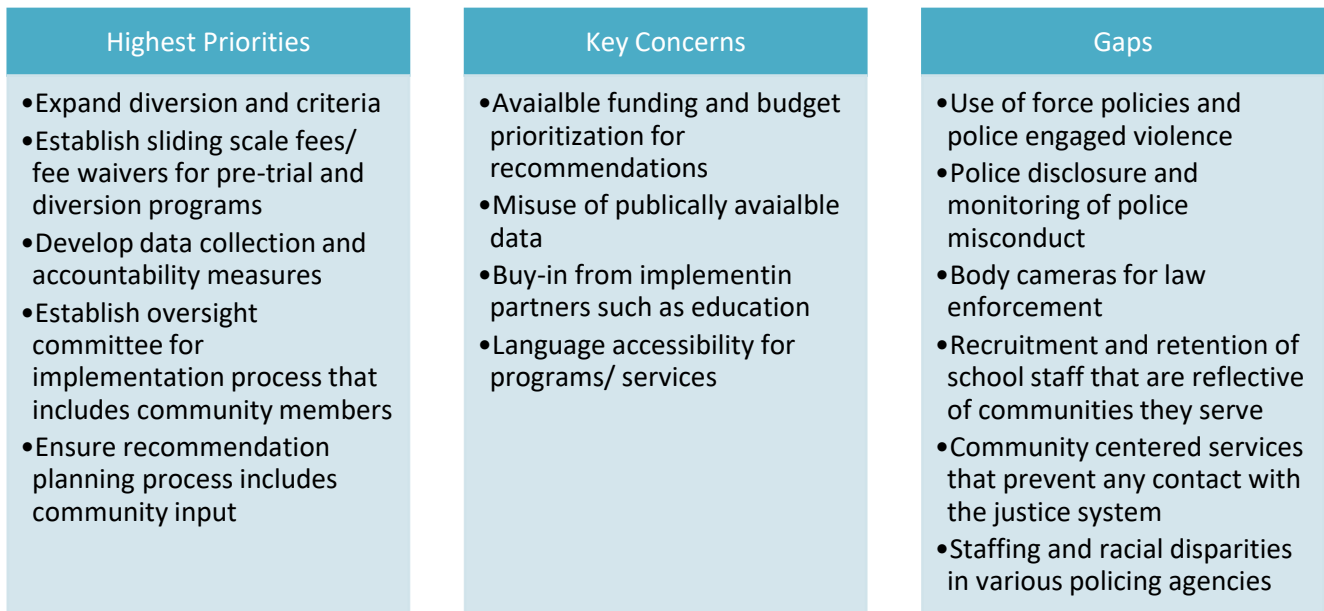
Following the first round of community forums, the Racial Justice Task Force analyzed community input and integrated feedback into areas of focus. After a series of discussions of best practices, current practices, and analysis of racial disparities in the county, the Racial Justice Task Force drafted a set of preliminary recommendations for the Board of Supervisors. The purpose of the second round of community forums was to share the set of preliminary set of recommendations and solicit feedback for any revisions, additions, or removals of drafted recommendations.

Table 2. Attendees per Location

Location	Number of Public Attendees
Walnut Creek	59
Antioch	24
Richmond	28

The Racial Justice Coalition, District Attorney, Board of Supervisors, School Board, Teachers, Public Defender, Behavioral Health, community-based organizations, faith-based organizations, Local Law Enforcement, and residents were some of the stakeholders in attendance.

Figure 36. May Community Forums Key Themes





CONTRA COSTA COUNTY OFFICE OF THE SHERIFF
DAVID O. LIVINGSTON
SHERIFF - CORONER

July 23, 2018

VIA EMAIL

Honorable Chair and Members of the Board
Contra Costa County Board of Supervisors
651 Pine Street
Martinez, CA 94553

Dear Chair Mitchoff and Members of the Board:

Re: Racial Justice Task Force Final Report Draft

My office is in receipt of the draft final report to the Board of Supervisors from the county's Racial Justice Task Force, (RJTF). I understand the Board will be receiving this report at your next meeting. As you know, Assistant Sheriff John Lowden served on that task force representing the Office of the Sheriff. Although the work of the task force is important, and the goal of reducing racial disparity in the criminal justice system is of vital importance, I note several areas of concern with the research methodology, the conclusions drawn therefrom, and several of the recommendations.

I appreciate the opportunity to raise these issues with you, particularly as they address law enforcement and adult custody activities.

Data Collection.

Data used throughout the report is dated and inconsistent. It appears much of the data was collected from 2013 – 2015 Department of Justice statistics when more current data was available. Additionally, the report acknowledged that the RJTF was not able to examine all data points, and that data collection was a “challenge throughout this process” yet they still made significant “findings” even in the absence of this data. Too frequently assumptions about data are reported as facts.

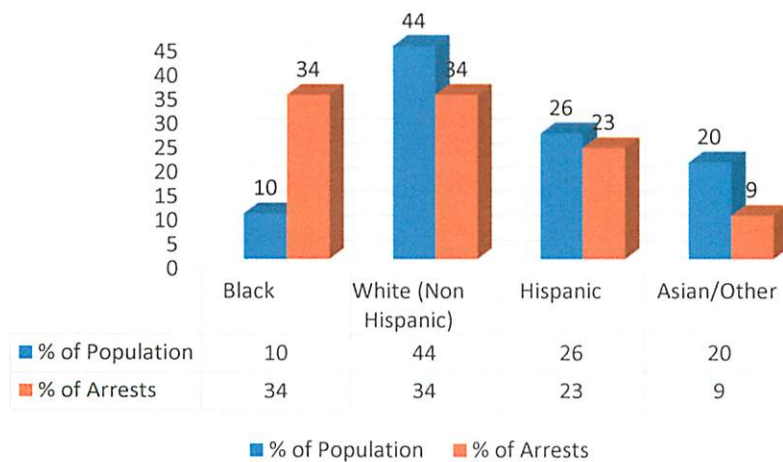
For example, data on the *initial reason* for the police contact is critical in assessing if procedural bias exists yet there was no data provided. Data identifying if an officer was *dispatched* to an event which leads to an arrest or action taken following an “*on-view*” suspicious act must be known to draw any conclusions.

Likewise, paramount to any conclusion about whether persons of different races are treated differently in the criminal justice system is data about prior criminal conduct, probation or parole status, or prior diversion for juveniles. This data is completely absent from the report. For example, if a white male and a black male were arrested for the same offense, but the white male had prior convictions, was on probation or parole, or had other past criminal justice contacts, it is highly likely the adjudication of his offense would result in different (and likely more severe) criminal justice consequences and/or physical confinement. Pre-trial confinement will also be impacted by prior criminal conduct. Yet, the report includes no data on this critical point.

This issue of prior criminal conduct is key to any unbiased assessment of racial disparities yet only receives passing comment in Finding Number 7.

We are also concerned with the finding relating to “Offender Information.” (Finding 2) Specifically, no criminal justice offender data was utilized. If the report had included offender or suspect racial data for various crimes, that information would help to explain if racial disparities occur in those *committing the crimes at the outset*. For example, in Contra Costa County Sheriff’s jurisdiction, the following data is from Department of Justice (DOJ) “Part 1” crime arrests in 2017, (serious felony crimes including murder, rape, robbery, grand theft, arson, etc.):

Part 1 Crimes Arrests County-wide Including Contract Cities & Total Population - 2017



Recommendations

Finally, two recommendations in particular necessitate a response from this office. They are as follows:

Recommendation #21 – OPPOSE

In addition to being beyond the scope of the RJTF authority, the Office of the Sheriff-Coroner is overseen by a constitutional independently-elected official and answers directly to the citizens of Contra Costa County. The Sheriff's Office already utilizes inmate complaint procedures and is subject to oversight and audit by the California Attorney General, the Civil Grand Jury, and the California Board of State & Community Corrections, (BSCC). Additional grievance processes are unnecessary and unwarranted.

Recommendation #22 – OPPOSE

As noted above, this recommendation is beyond the scope of the RJTF and the Sheriff-Coroner is an elected official subject to state oversight and audit. No additional "monitoring bodies" are necessary or warranted.

Sincerely,



DAVID O. LIVINGSTON
Sheriff – Coroner

DOL:sl

cc: David Twa, County Administrator
Tim Ewell, Chief Assistant County Administrator
Lara DeLaney, Director, Office of Reentry and Justice



WILLIAM T FUJIOKA
Chief Executive Officer

County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
<http://ceo.lacounty.gov>

"To Enrich Lives Through Effective And Caring Service"

Board of Supervisors
GLORIA MOLINA
First District

MARK RIDLEY-THOMAS
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

August 05, 2014

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

11 August 5, 2014

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

ESTABLISHMENT OF THE OFFICE OF INSPECTOR GENERAL ALL DISTRICTS (3 VOTES)

SUBJECT

Establish the Office of Inspector General to provide independent and comprehensive oversight, monitoring of, and reporting about the Sheriff's Department and its jail facilities.

IT IS RECOMMENDED THAT THE BOARD:

1. Adopt the accompanying ordinance outlining the scope of authority and responsibilities of the Office of Inspector General and the dissolution of the Ombudsman (Attachment I).
2. Approve interim ordinance authority for a total of 37 new positions, including 28 positions for the Office of Inspector General and nine new administrative support positions within the Executive Office, pending allocation by the Chief Executive Office Classification and Administration (Attachment II). Eight of these positions will be frozen pending additional Board action.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

In October 2011, the Board authorized the creation of the Citizens' Commission on Jail Violence (CCJV) to conduct a review of the nature, depth, and cause of the allegations of inappropriate use of force by deputies in the jails and to recommend corrective action as necessary. On September 28, 2012, the CCJV released its report with 63 recommendations.

On October 2, 2012, the Board directed the Chief Executive Office (CEO) to conduct a fiscal analysis

of the recommendations made by the CCJV, including the creation of an independent Office of Inspector General (OIG). In consultation with the CCJV Implementation Monitor (Monitor) and the Board's Consultants (Consultants), we prepared a draft organizational structure which identified functional units, an operational model, and position classifications. The newly appointed Inspector General has provided a revised organizational structure. The Monitor has reviewed the proposal and determined that it meets the CCJV's recommendation to establish an independent OIG to monitor the Sheriff's Department (Department).

Implementation of Strategic Plan Goals

Establishing the OIG will support the County Strategic Plan Goal 3: Integrated Services Delivery – Maximize opportunities to measurably improve client and community outcomes and leverage resources through the continuous integration of health, community, and public safety services. Strategic Initiative 3: Implementing Jail Reform – Continue the Sheriff's implementation and the Board's monitoring of all 63 recommendations of the CCJV, to improve conditions in the County's jails.

FISCAL IMPACT/FINANCING

The OIG will be funded through the Executive Office of the Board of Supervisors (Executive Office) budget.

In Fiscal Year (FY) 2013-14 Recommended Budget, \$5,000,000 in funding was set aside in Provisional Financing Uses (PFU) for the OIG. On June 23, 2014, the Board approved the transfer of \$1,000,000 from PFU to the Executive Office to offset OIG costs incurred during the year. In Supplemental Changes, we will recommend \$2,500,000 be carried over to FY 2014-15 for continued start-up and contingency costs. The remaining FY 2013-14 PFU balance of \$1,500,000 will revert to the General Fund.

The OIG is requesting 37 additional positions and \$7,225,000 in ongoing funding. The CEO will recommend the transfer of \$5,000,000 from PFU to the Executive Office during Supplemental Changes to partially fund the OIG. This funding will support 29 of the 37 positions requested by the OIG. The remaining eight positions will be frozen until a detailed analysis of the OIG activities and accomplishments are provided to the Board.

During Supplemental Changes, \$2,225,000 in funding will be transferred from the Sheriff and Community and Senior Services (CSS) Departments to PFU due to the termination of the Office of Independent Review (OIR) and Special Counsel contracts, as well as the dissolution of the Ombudsman. Funding will remain in PFU until Board approval, which is subject to the Inspector General providing a report to the Board outlining the OIG activities, accomplishments, and performance milestones achieved no later than December 31, 2014.

The OIG financing proposal is detailed in Attachment III.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The CCJV recommended the creation of an OIG with the objective of providing independent and comprehensive monitoring of the Department and restoring the public's confidence in the Department.

Pursuant to Government Code section 25303, the Board has the statutory duty to supervise the official conduct of all County officers. The accompanying ordinance establishes the Inspector General as special counsel to the Board with responsibility for the independent and comprehensive oversight, monitoring of, and reporting about the Department and its jail facilities. The OIG is created to facilitate the Board's responsibility without interfering with the Department's investigative functions.

The Inspector General shall report directly to, and serve as an agent of, the Board and shall make regular reports to the Board on the Department's operations. Such reports shall be public reports, except to the extent they relate to confidential personnel or otherwise privileged matters. The Inspector General shall have an attorney-client relationship with the Board when requested by the Board to provide privileged legal advice pertaining to a claim or lawsuit arising out of the actions of the Department or its personnel.

Under the Board's auspices and with the cooperation of the Department, the OIG will:

- Monitor the Department's operations, conditions in the jail facilities, and the Department's response to inmate and public complaints related to the Department's operations.
- Periodically review the Department's use of force patterns, trends, and statistics; investigations of force incidents and allegations of misconduct; and disciplinary decisions.
- Review the quality of audits and inspections conducted by the Department and conduct its own periodic audits and inspections.
- Regularly communicate with the public, the Board, and the Department regarding the Department's operations.
- Without interfering with the Department's investigative functions, investigate specific incidents involving Department personnel in certain limited circumstances.
- Safeguard and maintain the confidentiality of any peace officer's personnel records and all other privileged or confidential information received by the OIG as required by law or as necessary to maintain any applicable privileges or the confidentiality of the information.

The Sheriff maintains constitutional and statutory responsibility with respect to Department operations, policies, imposition of staff discipline, and the allocation of resources. The Sheriff has reviewed the ordinance and recommends the attorney-client privilege be extended to his Department.

The Monitor and Consultants have reviewed the ordinance, organizational structure, and operational model and concur that it will satisfy the CCJV's recommendation to establish an OIG. They also concur with County Counsel that the attorney-client privilege should be limited to the Board of Supervisors, pursuant to the CCJV recommendations.

The Executive Office has identified and confirmed the resources necessary to support the OIG.

CEO Real Estate Division has identified office space; Asset Planning and Strategy approved the Space Request/Evaluation; and both have coordinated program requirements with the Executive Office.

CSS' Office of Ombudsman will be dissolved upon adoption of the attached ordinance. The Department of Human Resources (DHR) is assisting in developing a Workforce Reduction Plan in accordance with applicable Civil Service Rules.

The Chief Information Office has been consulted regarding the information technology resources required by the OIG.

The accompanying ordinance implementing an amendment to Title 2 - Administration and Title 6 - Salaries of the County Code has been approved as to form by County Counsel.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Existing Monitoring Structure

Investigatory monitoring of the Department has been performed through service contracts with Special Counsel Merrick Bobb (Special Counsel), who conducts macro-level policy review, and the Office of Independent Review (OIR), which conducts micro-level investigations such as significant use of force incidents. In addition, the CSS Ombudsman reviews public and inmate complaints against the Department. Although each monitoring entity functions effectively within its mandated responsibilities, the CCJV raised the following concerns with the current monitoring structure:

- Limitations within their respective scopes of responsibility;
- Critical gaps in identifying problematic patterns, trends and tactical issues, and continuing problems in the Department;
- Despite the identification and public reporting of recurrent critical issues, there has been limited sustained follow up on the Department's progress to implement reform recommendations; and
- “. . . outside projects raise concerns regarding OIR's [and Special Counsel's] ability to devote its full time and attention to comprehensive oversight of the Department and its jail facilities.”

Consolidation of Monitoring Responsibilities

In order to address the aforementioned concerns and provide more robust monitoring of the Department, the CCJV recommended consolidation of the functions of Special Counsel, OIR, and CSS Ombudsman under a single OIG.

Proposed Organizational Structure

The recommended OIG organizational structure is based on consultations with the Inspector General, the Monitor, and Consultants (Attachment IV). The proposal places the OIG within the Executive Office to ensure responsiveness to the Board and organizational independence from the Department. The Executive Office will provide the OIG with administrative support services such as human resources, budget/fiscal/procurement services, information systems, etc. This will allow the County to leverage its existing infrastructure instead of having to build a separate administrative unit for the OIG.

The OIG has developed an operational model utilizing three functional units that will have department-wide responsibility:

- Review and Analysis - A team of attorneys and inspectors will analyze and review data for the production of reports and the identification of trends. The team will also have responsibility for the real-time monitoring of disciplinary activity in coordination with the Audits and Investigations Unit. This unit will assume some of the functions of the OIR and Special Counsel.
- Audits and Investigations - A team of inspectors will audit the Department's compliance with policy and procedures, including the quality of its internal audits and inspections reports. This unit also will assume some of the functions of Special Counsel.
- Monitoring and Community Outreach - A team of community liaisons and inspectors will monitor conditions within the jail facilities, the Department's responses to complaints from inmates and the public, and take input from the public. This unit will assume the functions of the CSS Ombudsman.

The Inspector General and Chief Deputy will be responsible for ensuring ongoing internal communications between the functional units and identify problematic patterns, trends and tactical issues, and continuing problems within the Department.

Dissolution of the CSS Ombudsman

The functions of the CSS Ombudsman will be assumed by the OIG. CSS will work with DHR to develop a Workforce Reduction Plan in accordance with applicable Civil Service Rules.

OIR Monitoring of Probation Department

In addition to the Department, the OIR also monitors the Probation Department. The continuation of OIR oversight of the Probation Department has been addressed in a separate Board letter.

CONCLUSION

The accompanying ordinance, organizational structure, operational model, and budget provide the resources necessary to establish the OIG.

The Honorable Board of Supervisors

8/5/2014

Page 6

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'WTF', followed by a large, stylized flourish that resembles a heart or a large 'M', and then a horizontal line extending to the right.

WILLIAM T FUJIOKA

Chief Executive Officer

WTF:GAM:SW

DT:llm

Enclosures

c: Executive Office, Board of Supervisors
County Counsel
Sheriff
Chief Information Office
Community and Senior Services
Human Resources
Probation

**REQUEST FOR INTERIM ORDINANCE AUTHORITY
PROVISIONAL ALLOCATION FOR THE BOARD OF SUPERVISORS
FISCAL YEAR 2014-2015**

OFFICE OF INSPECTOR GENERAL

<u>Classification</u> <i>(corresponding working title)</i>	<u>Budgeted Positions</u>	<u>Frozen Positions</u>	<u>Total Positions</u>
Inspector General (UC) (#9973)	1		1
Chief Deputy Inspector General (UC) (#9975)	1		1
Assistant Inspector General (UC) (#9974)	3		3
Deputy Inspector General (#1651)	4	1	5
Inspector, OIG (#1650) <i>(Inspector II)</i>	4	2	6
Investigator II (#2915) <i>(Inspector I)</i>	2	2	4
Paralegal (#9232) <i>(Special Assistant)</i>	1		1
Administrative Services Manager I (#1002) <i>(Statistician)</i>	0	1	1
Senior Management Secretary III (#2116) <i>(Secretary to Inspector General)</i>	1		1
Management Secretary III (#2109) <i>(Secretaries to Assistant Inspector Generals)</i>	3		3
Senior Board Specialist (#1100) <i>(Community Liaison)</i>	1	1	2
Total	<u>21.0</u>	<u>7.0</u>	<u>28.0</u>

EXECUTIVE OFFICE

<u>Classification</u>	<u>Budgeted Positions</u>	<u>Frozen Positions</u>	<u>Total Positions</u>
Senior IT Technical Support Analyst (#2547)	1		1
Principal Application Developer (#2526)	1		1
Principal Network Systems Administrator (#2561)	1		1
Database Administrator (#2620)	1		1
Management Analyst (#1848)	1		1
Senior Board Specialist (#1100)	1		1
Intermediate Board Specialist (#1099)	1		1
Administrative Services Manager II (#1003)	0	1	1
Head Board Specialist (#1108)	1		1
Total	<u>8.0</u>	<u>1.0</u>	<u>9.0</u>

TOTAL POSITIONS REQUESTED	<u>29.0</u>	<u>8.0</u>	<u>37.0</u>
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OFFICE OF THE INSPECTOR GENERAL: FINANCING PROPOSAL

	FY 2013-14	FY 2014-15 (Initial Funding)	FY 2014-15+ (Full Funding)
<u>Pre-OIG Sheriff Monitoring Cost</u>			
Ombudsman (funded by Community & Senior Services)	\$641,000	\$0	\$0
Special Counsel (funded by Judgments & Damages budget)	\$334,000	\$0	\$0
Office of Independent Review (funded by Sheriff's Department)	\$1,194,000	\$0	\$0
Total Pre-OIG Monitoring Cost	\$2,169,000	\$0	\$0

RECOMMENDED MONITORING

OFFICE OF THE INSPECTOR GENERAL	\$1,000,000	\$5,000,000	\$7,225,000
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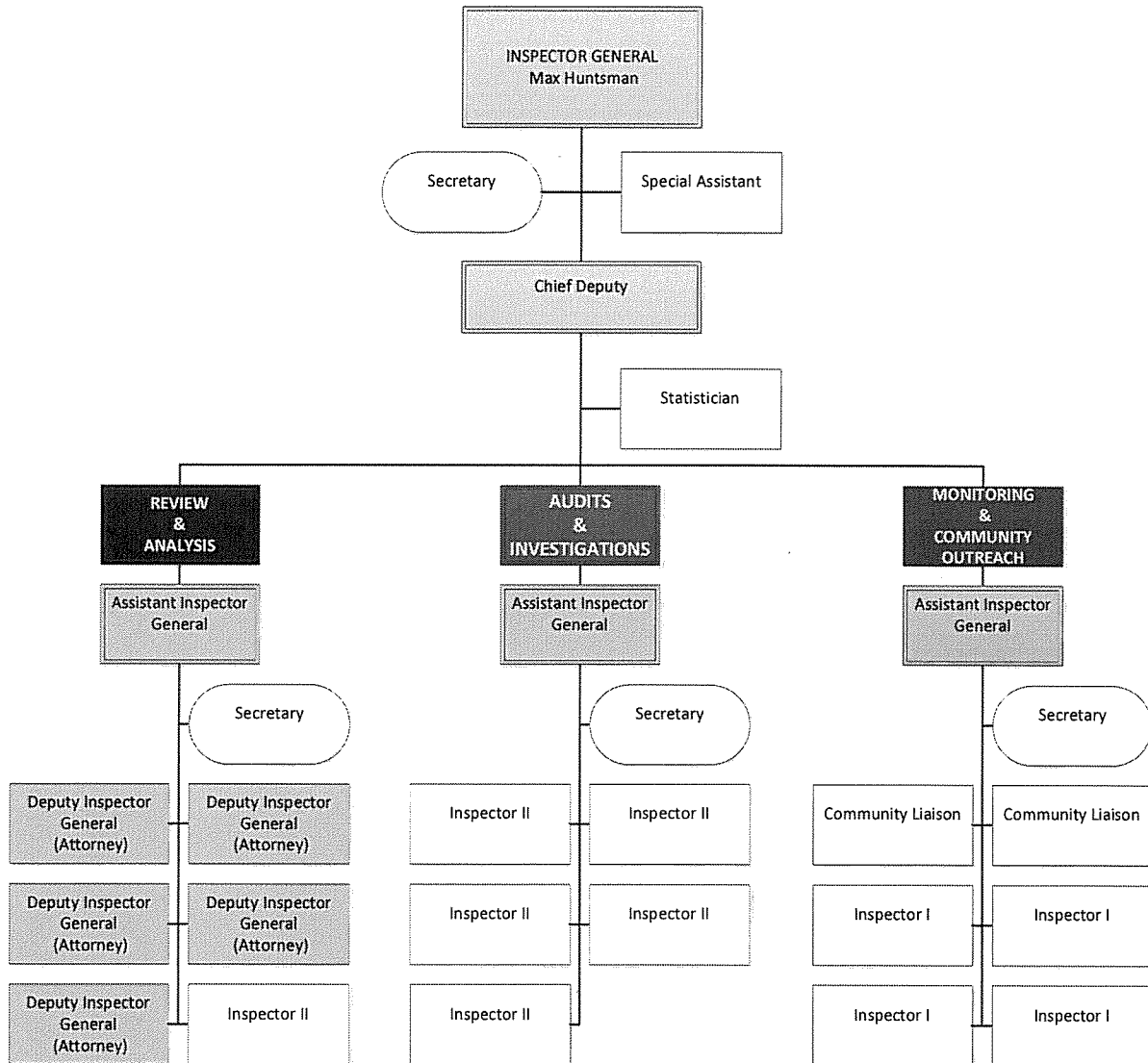
OIG Funding by Permanently Transferring Net County Cost From:

Provisional Financing Uses (\$5M was set aside during 2013-14 Recommended Budget)	\$1,000,000	\$5,000,000	\$5,000,000
Dissolution of Ombudsman (reflects COLAs)	\$0	\$0	\$697,000
Expiration of Special Counsel Contract*	\$0	\$0	\$334,000
Expiration of Office of Independent Review Contract	\$0	\$0	\$1,194,000
Total NCC Transfer	\$1,000,000	\$5,000,000	\$7,225,000

* Following the transition of responsibilities to the OIG, the Inspector General may recommend a special projects contract for as-needed services.

OFFICE OF THE INSPECTOR GENERAL

Organizational Structure



OIG 28 Staff	EXECUTIVE OFFICE 9 -Support Staff
5 - Management 5 - Attorneys 10 - Inspectors 2 - Community Liaison 6 - Admin Support	
ESTIMATED ANNUAL COST: \$7,225,000	

WORK PLAN SUMMARY

This is an outline of the Office of Inspector General's work plan for the fiscal year starting July 1, 2016. This is not dissimilar from the OIG's 2015-2016 work plan. However, the OIG was not able to fully implement the work plan throughout the entirety of the year due to some restrictions placed on the OIG's access to Los Angeles County Sheriff's Department information. With the December 2015 Memorandum of Agreement to Share and Protect Confidential LASD Information, those access issues have been removed.

The following work plan shows a + next to the objectives which can only be partially fulfilled without full access. An * marks objectives which cannot not be fulfilled without full access. All of these items can be fulfilled with the current access the OIG has to LASD information.

FORCE

- Monitor revisions to the Use of Force manual
- Monitor the Department's adherence to its preference for planned, supervised and directed force+
- Monitor Department's use of force training and its use of situational use of force options chart
- Monitor effectiveness of and compliance with Manual of Policies and Procedures mandates for the investigations of all force incidents+
- Monitor adherence to Force Prevention, Anti-retaliation, and Anti-harassment policies+
- Monitor force prevention practices with special needs prisoners+
- Monitor use of force review tracking mechanisms
- Monitor senior management involvement in tracking and force+
- Monitor adherence to enhanced discipline guidelines for force*
- Respond along with Internal Affairs to the scene of deputy involved shootings and in custody deaths and monitor the investigation through to resolution+
- Monitor adherence to no huddling policy in force investigations+

CUSTODY

- Monitor facilities and conditions of confinement at all jails+
- Monitor deliver of medical and mental health services to prisoners+
- Monitor provision of religious, educational, and therapeutic programming to prisoners
- Monitor access of disabled prisoners to programs and activities
- Monitor specialized training of custody personnel+
- Monitor Deputy/Custody Assistant/Security Assistant ratios
- Monitor sworn and civilian staffing patterns
- Monitor settlement agreement implementation+
- Monitor department's emphasis on respect, engagement of and communication with prisoners
- Examine consistency of prisoner discipline within and among the custody facilities
- Monitor department's compliance with Prison Rape Elimination Act, CCR Title 15, Americans with Disabilities Act.+

- Monitor personnel compliance with the Manual of Policy and Procedures and Custody Division Manual*
- Monitor and evaluate the department's Mandatory Rotation of Line Personnel policy+
- Monitor Sheriff's personal engagement in custody oversight
- Monitor processing of prisoner grievances and tracking by employee identity*
- Monitor effectiveness of prisoner grievance system+
- Monitor senior management engagement and visibility in jail facilities
- Monitor CFRC, SCIF, and CFRT, processes*
- Monitor department's administrative segregation and disciplinary practices
- Monitor department's adherence to national standards for custodial best practices

AUDITS

- Conduct routine audits of use of force statistics to detect patterns and trends+
- Review audits conducted by Department's Audits and Accountability Bureau+
 - Seven pending from calendar 2015
 - Eighteen scheduled for calendar 2016
- Audit and investigate issues brought to light as result of monitoring activities+

DEPARTMENT OPERATIONS

- Monitor stations, bureaus, units and commands+
 - Service comment reports+
 - Response times
 - Citations
 - Arrests
 - Filings
 - Crime classification
 - Personnel issues and grievances*
- Review hiring standards and monitor hiring practices to ensure compliance+
- Review staffing patterns and mandatory overtime+
- Monitor department's community engagement efforts
- Review academy and Department wide training curriculum and monitor training+
- Monitor and review evaluation of employees during probationary period*
- Review and monitor disciplinary practices, including enhanced discipline for dishonesty/force*
- Review and monitor investigations of employee misconduct and clique formation*
- Review and monitor effectiveness of Department data collection and tracking systems
- Review and monitor patterns in and Department response to complaints+
- Review and monitor implementation and effectiveness of dual track career path*
- Monitor department's community oriented policing policies and practices
- Review application of policy standards for consistency and clarity+
- Review patterns and trends in criminal conduct by employees+
- Review patterns and trends in policy violations by employees*

PROJECTS (these are temporary endeavors with a start and a finish which focus on areas of particular concern, such as “Recommendation to the Los Angeles County Sheriff’s Department for Public Data Disclosure” and “Body-Worn Cameras: Policy Recommendations and Review of LASD’s Pilot Program.”) Currently there are eleven in progress or in the development stages.+

REPORTS (these are reports prepared in response to specific requests from the Board of Supervisors, such as “A Preliminary Review of Sheriff Crime Statistic Reporting,” “Analysis of the Legal Basis for X-Ray Body Scanner Searches in County Jail” and other reports prepared pursuant to Code section 6.44.190(E).)+

TASKS ENABLED BY ACCESS

Receive and review Watch Commander’s Service Comment Report’s and monitor how handled.

Receive and review Custody Division Chiefs’ Memoranda.

Receive and review inmate grievances and monitor how handled.

Receive and review personnel grievances and monitor how handled.

Review use of force investigations and monitor how handled.

Review misconduct investigations and monitor how handled.

Review and analyze Department responses to claims and lawsuits.

Review and analyze Internal Affairs Bureau investigations.

Review and analyze Internal Criminal Investigation Bureau investigations.

Monitor, review and analyze investigations of deputy involved shootings and in custody deaths (the OIG responds to the scene of these and can now follow the entire course of these cases).

Be present during, and review and analyze:

- Critical Incident Review
- Custody Force Response Team rollouts
- Custody Force Review Committee
- Executive Force Review Committee
- Case Review
- Shooting Review
- Sheriff’s Critical Incident Forum/Risk Management Forum
- Death Review
- Over Detention
- Strategic Planning (Custody)

Be present at the Sheriff’s Executive Productivity Committee meetings

Review audits conducted by Audit and Accountability Bureau involving personnel matters

Conduct audits of issues brought to our attention during monitoring activities

Access and Review LASD’s Personnel Performance Index

Fully monitor sustainability of CCJV reforms

Fully monitor sustainability of other reforms initiated by the Sheriff or in response to litigation.

Follow discipline cases from initiation through completion of civil service process.

Review and analyze effectiveness of training conducted by the Department.



County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
<http://ceo.lacounty.gov>

SACHI A. HAMAI
Chief Executive Officer

Board of Supervisors
HILDA L. SOLIS
First District

MARK RIDLEY-THOMAS
Second District

SHEILA KUEHL
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

March 11, 2016

To: Supervisor Hilda L. Solis, Chair
Supervisor Mark Ridley-Thomas
Supervisor Sheila Kuehl
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: Sachi A. Hamai
Chief Executive Officer

REPORT BACK ON PROPOSED STAFFING AND FUNDING FOR THE CIVILIAN OVERSIGHT COMMISSION FOR THE SHERIFF DEPARTMENT (ITEM NO. P1, AGENDA OF JANUARY 12, 2016)

On January 12, 2016, the Board directed the CEO to report back with recommendations on a proposed budget to staff and fund the Civilian Oversight Commission (Commission) and if the number of investigators assigned to the Office of the Inspector General (OIG) should be increased to handle additional workload.

BACKGROUND

On June 22, 2015, the Working Group of the Commission for the Sheriff's Department (Sheriff) issued their final report with recommendations to the Board regarding the Commission's mission, authority, size, structure and relationship to the Sheriff and OIG. In the final report, the Working Group discussed, in depth, the need for permanent staffing for the Commission to be an effective unit. The staff envisioned included an Executive Director, analysts, a Public Information Officer and administrative support. The Working Group also recommended an increase in staff for the OIG in order to handle the workload of the newly created Commission.

COMMISSION STAFF

As directed by the Board, the CEO has developed a draft organizational framework for the Commission, which includes staff identified by the Working Group as necessary for

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Intra-County Correspondence Sent Electronically Only

the Commission to be effective. The initial staffing plan includes an Executive Director, one Principal Staff Analyst; two Senior Staff Analysts; one Public Information Officer II; one Management Analyst; and one Management Secretary III position. Attachment A reflects the proposed budget and staffing plan for the Commission. Attachment B is the proposed organizational structure. All positions are preliminary pending final approval and allocation by CEO Classification and Administration. Once finalized, the necessary classification, compensation and funding for the Commission will be included as part of the annual budget process.

A preliminary cost estimate of \$1,254,000 is needed to address the operational needs of the Commission. The CEO recommends that a nationwide recruitment of the Executive Director begin as soon as possible. Upon appointment, the Executive Director, in conjunction with the CEO, will work together to determine if the proposed organizational structure and staffing plan meets their needs. If not, the CEO will return to the Board with a revised recommendation and operational cost estimate for your consideration.

ESTIMATED COSTS FOR COMMISSION STAFF

ON-GOING COSTS	
8 Recommended Staff Salaries and Employee Benefits	\$ 1,006,000
On-going Services and Supplies (\$6,000 X 8 Positions)	\$ 48,000
ONE-TIME START UP COSTS	
Vehicle (Executive Director)	\$ 35,000
Office Equipment and Furniture (Laptops, Computer, Monitors, Cubicles, Chairs, Phones, Photocopier/Scanner Printer, Network Printer etc.)	\$ 165,000
ESTIMATED TOTAL	\$ 1,254,000

COMMISSION OFFICE SPACE & IMPROVEMENTS

CEO Asset Management staff is currently surveying the Los Angeles downtown area for suitable office space for the Commission’s staff. Based on the 8 recommended number of staff required for the Commission, CEO estimates that a total of 2,100 square feet of office space will be required. The annual lease for 2,100 square feet in the Downtown area is estimated at \$62,000 with one-time cost for tenant and technology infrastructure improvements estimated at \$216,000, totaling \$278,000.

ADDITIONAL STAFF FOR THE OIG

The new Commission will certainly impact the OIG operationally. However, until the Commission is established and their needs are known, it is too early to determine the

actual long-term impact the Commission will have on the OIG. If the Commission chooses to use readily available OIG reports, then additional staff resources may not be needed. Should the Commission seek an entirely different set of reports to support their work, then an increase in staff may be warranted. Once established, the OIG will assess the Commission's impact on its resources and organizational structure and submit to the CEO, if necessary, a request for additional positions for consideration during the annual budget process.

Separate from the Board motion, the OIG is requesting authorization to fill four positions frozen by the Board on August 5, 2014. These positions were frozen until a detailed analysis of the OIG's activities and accomplishments were provided to the Board. The OIG believes the four positions are necessary to handle increases in workload associated with access to confidential information which began in December 2015. All four positions are fully funded.

The following is a summary of the requested positions and their respective duties and responsibilities:

- Administrative Services Manager I - position will serve as a statistician and is needed to ensure the data disseminated by the OIG is relevant and interpreted properly.
- 2 Inspectors and 1 Deputy Inspector General - positions would bring the investigative and analysis staff to full strength (two inspectors and one lawyer).

In addition, the OIG is requesting one additional unbudgeted Senior Board Specialist position. This position will serve as liaison between the Board, the Commission and the OIG. The estimated annual cost for this position is \$86,000. The CEO is currently reviewing the aforementioned requests.

Should you have any questions, please contact Sheila Williams, Public Safety, at (213) 974-1155.

SAH:SK:JJ
SW:DC:cc

c: Executive Office, Board of Supervisors
County Counsel
Sheriff
Office of Inspector General

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**Salaries and Employee Benefits Costout
FY 2016-17**

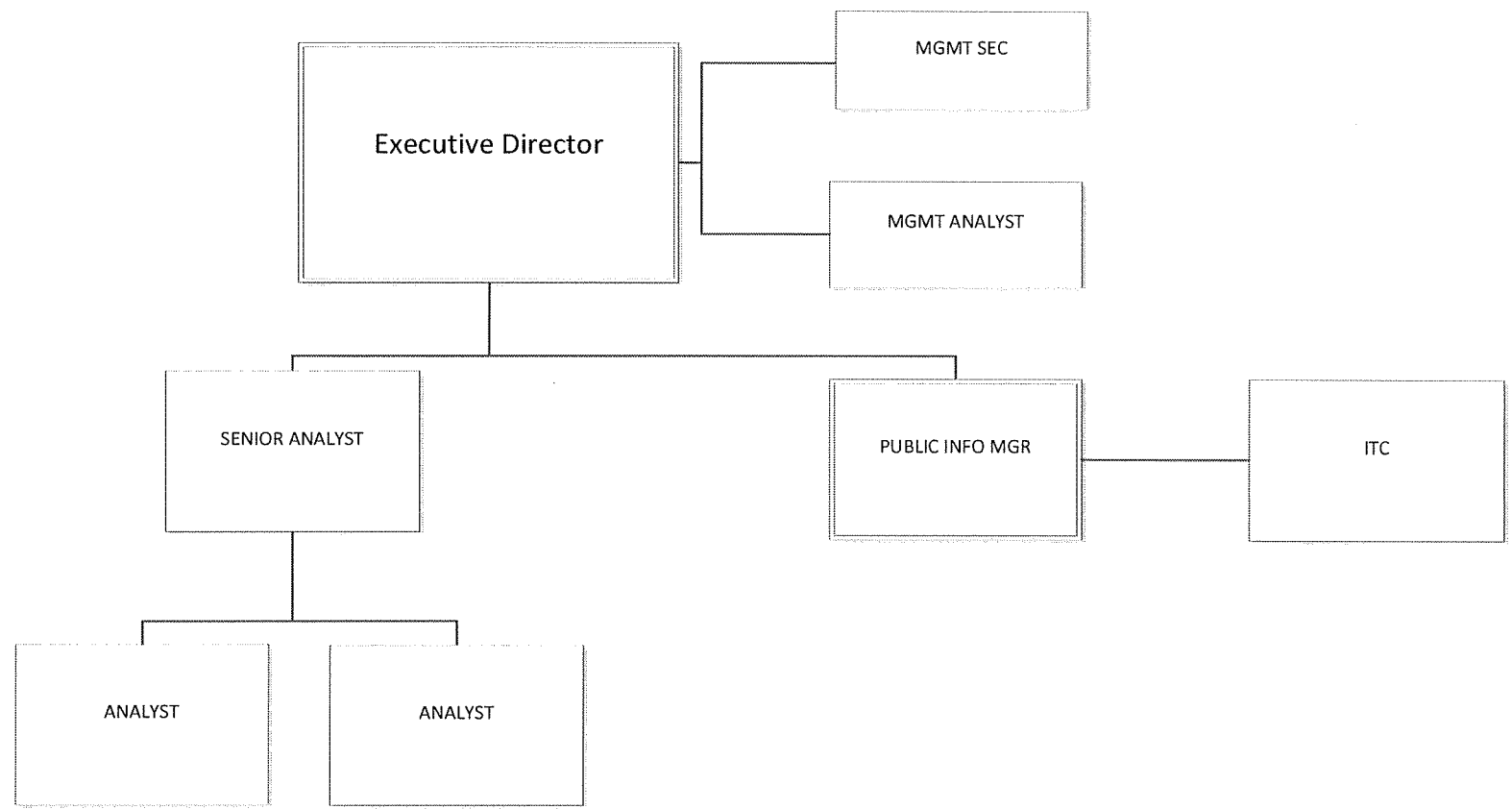
Item Name	Item No.	Schedule Level	No. of Budgeted Pos	Net Annual Salary	Total Variable EB's	TOTAL (S&EB's)
Executive Director, Civilian Oversight Commission (UC)	-	R16	1.0	166,000.00	70,583.20	236,583.19
Principal Staff Analyst, Commission Services	0961	106H	1.0	105,000.00	44,646.00	149,646.00
Senior Staff Analyst, Commission Services	0960	100H	2.0	179,000.00	76,110.80	255,110.80
Public Information Officer II (b)	1601	94E	1.0	78,000.00	33,165.60	111,165.60
Management Analyst	1848	90H	1.0	68,000.00	28,913.60	96,913.60
Management Secretary III	2109	88C	1.0	64,000.00	27,212.80	91,212.80
Intermediate Typist Clerk (b)	2214	66B	1.0	37,000.00	28,962.40	65,962.41
			8.0	697,000.00	309,000.00	1,006,000.00

Footnote:

(a) Annual salary is based on FY2016-17 CEO RECOMMENDED BUDGET Oracle - Weighted Annual Rate (Report ID:BP036A2 Date: 11/12/15)

(b) Salary based on Schedule A as of February 1, 2016 and 3% COLA

Civilian Oversight Commission



MEMORANDUM OF AGREEMENT TO SHARE AND PROTECT CONFIDENTIAL LASD INFORMATION

This Memorandum of Agreement (MOA) is entered into by and between the Sheriff of Los Angeles County and the Inspector General of Los Angeles County in the spirit of cooperation in order to effectuate the goals of County Code Section 6.44.190 and provide the Inspector General with extensive access to information, documents and materials without the need for any formal legal process.

PURPOSE

The purpose of the MOA is to establish a working protocol for the Sheriff's Department (LASD) to convey information to the Inspector General (the Inspector General and his staff are herein referred to collectively as "OIG"), the Los Angeles County Board of Supervisors, and the anticipated, although yet to be formally created, Civilian Oversight Commission.

SCOPE

The parties understand and agree that the OIG, the Board of Supervisors, and the Civilian Oversight Commission shall be provided upon request non-confidential and/or non-privileged information and documentation. The remainder of this MOA shall address access to privileged and/or confidential information, including, but not necessarily limited to: personnel files, discipline information, complaints about LASD personnel, LASD investigations (criminal and administrative), information contained in the Department's Personnel Performance Index, force investigations, complaint inquiries, and non-public data and information. The term "information" as used herein means documents (whether in printed or electronic form), Sheriff's videos, databases, the contents of such documents or databases, and any conversations, discussions or meeting including or involving such materials.

TIMELINE AND PROCESS

All requests by the Civilian Oversight Commission, including its members and staff, for information and material shall be handled through, and made by, the OIG. The OIG will obtain access to documents or information by making a request to LASD. LASD shall respond to requests from the Inspector General in a timely manner and without unreasonable delay. Within ten (10) working days of a request, LASD will either (1) provide the requested information to OIG, (2) notify OIG that it will require more time to gather and produce the information, and provide an estimated time frame within which it will provide the information, or (3) notify OIG that it will not provide the requested information.

PERSONNEL RECORDS

The parties agree that the Inspector General will have reasonable access to Sheriff's personnel records upon request, including individually identifiable peace officer personnel records as defined by Penal Code § 832.8. In order to respect the right of privacy of LASD employees, OIG agrees to limit such requests to only those records and that portion of the record deemed necessary to the OIG's purpose.

ACCESS TO PERSONNEL PERFORMANCE INDEX DATABASE

The Inspector General may obtain access to the Personnel Performance Index (PPI) system (or equivalent access on any successor system), including individually identifiable information, by making a request to the Captain of Risk Management Bureau or his/her designee. Direct access to the system will be provided only to OIG personnel specifically designated by the Inspector General and will be on a secured computer terminal maintained at the Sheriff's Department. To respect the right of privacy of LASD employees, OIG agrees to limit such requests to information that the Inspector General has determined is necessary for the OIG to accomplish its purpose, but shall include executive level access when deemed necessary by the Inspector General. Printed copies of PPI material may be obtained, consistent with the terms of this MOA, by making a request to the Captain of Risk Management Bureau or his/her designee.

COMPLAINTS RECEIVED BY OFFICE OF INSPECTOR GENERAL

In the event the OIG receives a complaint from the public regarding the conduct of Sheriff's personnel, and assuming the complainant agrees to the sharing of the complaint with LASD, the complaint will be turned over for investigation to the Sheriff's Department, and the OIG may monitor the investigation consistent with the terms of this MOA. OIG shall not provide any personnel or confidential information to the complainant. In those instances where the complainant does not give OIG permission to share the complaint with LASD, OIG will take reasonable steps to ensure the complaint is addressed to the extent legally possible.

IN-PROGRESS INVESTIGATIONS

The parties agree that the Inspector General can monitor in-progress investigations involving potential bias, deputy force, or misconduct by LASD personnel, including, but not limited to complaint inquiries, deputy-involved shootings, claims review and administrative investigations. The Inspector General can also monitor processes and investigations which implicate constitutional policing, best policing practices, risk avoidance and management and community confidence in Department policies, practices and tactics. The Inspector General will not monitor processes or investigations when not necessary to accomplish the OIG's purpose. The Inspector General will not interfere with the Sheriff's investigative authority or obstruct any investigation, and the Sheriff may limit the manner of such monitoring to protect an investigation, although, except in unusual circumstances, investigators, records, reports, video, or other evidence shall be made accessible in some form, unless the prosecutorial agency responsible for making a filing decision and prosecuting the case objects. Without specific authorization from the Sheriff, OIG personnel will not interview any of the involved parties or independently collect evidence while there is an active LASD criminal or administrative investigation. The incidental gathering of information for an unrelated purpose, such as taking a complaint from a complainant or general information gathered in the course of an audit or inquiry, shall be permitted if it is done in a manner that does not interfere with or obstruct the pending investigation. If, through the monitoring of an investigation, OIG personnel come into possession of any materials or information relevant to that investigation which the OIG has reason to believe is not already known to or in the possession of the LASD, such information/materials will be promptly provided to the appropriate LASD personnel. In the case of investigations that have already been submitted to a prosecuting agency, OIG will ensure that

the information/materials are provided to that prosecuting agency as well as to the LASD.

PRESENCE AT MEETINGS, REVIEWS, DISCUSSIONS

The parties agree that OIG personnel's presence at certain meetings, reviews, and other proceedings where discussions are had with the Sheriff's legal counsel regarding incidents, investigations, and/or disciplinary matters, is necessary in furtherance of the common purpose of improving LASD operations by identifying deficiencies in tactics, training and policies, working on solutions to those deficiencies, monitoring the implementation and effectiveness of corrective actions, and promoting public confidence in law enforcement by reporting on this process (although not the specific content) and the quality of such internal procedures. The parties specifically intend that the presence of OIG personnel will not waive the Department's attorney/client privilege in those instances. The Inspector General agrees to maintain and safeguard the confidentiality of all such discussions. The parties agree that OIG personnel, as part of their oversight function, will be permitted to be present at certain meetings, reviews and proceedings regarding LASD incidents, operations, investigations, disciplinary matters and corrective actions, but not at meetings, reviews and proceedings at which the subjects of the investigation are counseled or compelled to provide statements, nor at meetings in which the Sheriff determines such presence would interfere with or obstruct an ongoing investigation. The Sheriff at all times maintains the ability to obtain legal advice without monitoring by the OIG.

Subject to the above restriction, in order to monitor the integrity of investigations, OIG personnel shall be given the greatest and earliest access to crime scenes that does not interfere with or obstruct an investigation or compromise evidence collection. This access shall be at the sole discretion of the handling detective and the assigned Sheriff's Department command staff.

Subject to the above-described restrictions, the Inspector General, or his designees, shall be provided timely notice of and access to meetings and proceedings that occur on a regular basis, including but not limited to:

- Periodic meetings regarding critical incidents, such as the Critical Incident Review Panel;
- Periodic meetings and internal evaluations regarding uses of force, such as Executive Force Review and Custody Force Review;
- Periodic internal evaluations of significant disciplinary matters, such as Case Review;
- Periodic evaluations of unit operations, such as divisional Risk Management Forum or SCIF; and
- Reviews of inmate deaths, such as Inmate Death Review.

OIG personnel will be notified of, and are welcome to attend, the Sheriff's quarterly Management Conferences.

INMATE MEDICAL RECORDS

The parties agree that the OIG's access to individually identifiable inmate medical and/or mental health records will be in compliance with existing state and federal law.

REVIEW OF CONFIDENTIAL MATERIALS

The Office of Inspector General shall be permitted to make or receive copies of confidential documents from the Sheriff's Department, with the exception of files maintained by the Personnel Administration Bureau or records of pending investigations. Files and records maintained by the Personnel Administration Bureau and records of pending investigations will be viewed by OIG personnel at Sheriff's Department premises except in unusual circumstances. No files, records or copies thereof shall be made or removed from Sheriff's Department premises without the express permission of the Sheriff's Department. Note-taking by OIG personnel shall not violate this provision.

The Sheriff's Department will provide copies of investigations of deputy-involved shootings completed by the Homicide Bureau and investigations completed by the Internal Criminal Investigations Bureau at the same time that it refers those investigations to the Office of the District Attorney or other prosecuting agency unless the prosecutorial agency objects to providing copies of the investigation in a particular case.

Notwithstanding the foregoing, the Sheriff retains the discretion, in unusual circumstances, to require that records be reviewed by OIG personnel on LASD premises.

MAINTENANCE OF CONFIDENTIALITY

The Office of Inspector General will safeguard and maintain the confidentiality of peace officer personnel records and all other privileged or confidential information, materials and records obtained by OIG personnel through the monitoring process or provided by the Sheriff to the OIG and will communicate such information outside of that office only in a manner as provided in this MOA and as currently set forth in subdivision G of County Code § 6.44.190.

The Office of Inspector General will not disclose publicly, including in any open session of the Board of Supervisors or the Civilian Oversight Commission, the contents of peace officer personnel records, as defined by Penal Code § 832.8, or other privileged or confidential information maintained by the Sheriff's Department.

The Inspector General agrees that should the Inspector General receive a formal request from the Board of Supervisors for personnel, investigative, or disciplinary information pursuant to subdivision G of § 6.44.190, the Inspector General will not turn over the requested information until the Sheriff has been advised of the request and the Sheriff has been given an opportunity to make a formal objection to the Board of Supervisors regarding the disclosure. The Inspector General shall at all times comply with the provisions currently set forth in County Code § 6.44.190.

The Inspector General agrees that all requests for privileged or confidential information from the Board of Supervisors, the Civilian Oversight Commission, or any member thereof, shall be handled by the Inspector General, or in his or her absence, the Chief Deputy Inspector General, personally, and not by OIG staff members. With respect to privileged and/or confidential information that does not fall within the parameters of subdivision G of § 6.44.190, unless the Sheriff articulates a specific reason not to do so, the Inspector General may provide the Board of Supervisors, the Civilian Oversight Commission, or any individual member thereof, with (1) a brief description of the allegations of the incident (without including the names of any individual employees, and provided the disclosure will not interfere with or obstruct the investigation), (2) a

statement as to whether there is an investigation pending and the unit/entity responsible for conducting the investigation, (3) identification of what material the OIG reviewed, and (4) an update as to the status of the investigation. The specific contents of the material reviewed by the Inspector General will not be disclosed. The parties recognize that the Sheriff desires to be as transparent as possible, and may, within the parameters of all applicable laws, choose to allow additional information to be conveyed when the parties deem it appropriate. The Inspector General will at all times exercise discretion to ensure that information is provided in a manner which minimizes any risk to the privacy of any LASD employee, avoids interference with the independent operation of the Sheriff's Department, and maintains public safety. Such information shall be provided in a manner which will not result in public disclosure and the OIG will take steps to ensure that re-disclosure by the Civilian Oversight Commission and others does not occur. Such steps shall include the requirement that all OIG personnel and Civilian Oversight Commission members and personnel be provided a written advisement of their duty to maintain the confidentiality of all privileged and/or confidential information they access, and that those individuals also sign a nondisclosure agreement.

PENALTIES FOR IMPROPER DISCLOSURE

The parties intend that all disclosures contemplated by this MOA comply with all applicable laws. Any County officer, agent or employee who improperly discloses confidential and/or privileged information is subject to discipline, up to and including termination, and may further be subject to criminal and/or civil penalties where applicable. The parties agree to cooperate fully with any investigation of an alleged improper disclosure of confidential and/or privileged information.

SHERIFF'S REVIEW OF OIG REPORTS

The parties agree that the Inspector General shall make available for review by the Sheriff's Department any reports intended for public dissemination prior to their release, at such a time as affords the Sheriff's Department a reasonable opportunity to verify that no confidential or erroneous information is included within.

WITHDRAWAL

Either party can withdraw from this agreement upon written notice to the other party. Any information provided prior to such notice, and within 24 hours following such notice, remains subject to the terms of the agreement.

TERMINATION

This MOA will be terminated upon the withdrawal of either party as set forth above.

NO WAIVER

This MOA is not intended and shall not be construed to waive, or in any manner preclude by estoppel or prior agreement, the right of any party hereto to subsequently challenge: (1) any and

all of the terms of this MOA, and/or (2) the right of any person or entity to obtain or review deputy personnel file information that is deemed confidential by the California Government Code or Penal Code.

NOTICES

Formal notices under this agreement shall be made as follows:

For the **Sheriff:** By email to: jmcdonne@lasd.org

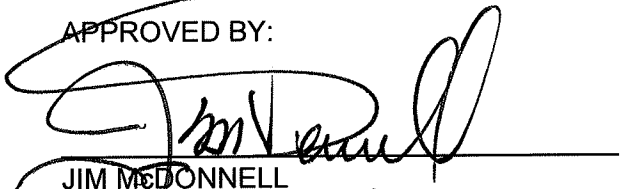
For the **Inspector General:** By email to: mhuntsman@oig.lacounty.gov

The email shall specifically state that it is intended as formal notification pursuant to this MOA.


MODIFICATION

This agreement may be modified upon the mutual written consent of the parties.

APPROVED BY:



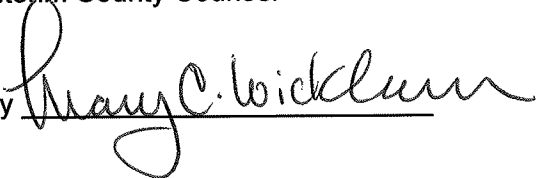
JIM McDONNELL
SHERIFF



Max Huntsman
Inspector General

APPROVED AS TO FORM:

MARY C. WICKHAM
Interim County Counsel

By 



90541

DATE: April 3, 2018

TO: Board of Supervisors

FROM: James R. Williams, County Counsel

SUBJECT: Ordinance relating to Correction and Law Enforcement Monitoring

RECOMMENDED ACTION

Under advisement from January 23, 2018 (Item No. 22): Adoption of Ordinance No. NS-300.923 adding Chapter V of Division A20 and Chapter XXV of Division A6 of the Santa Clara County Ordinance Code relating to correction and law enforcement monitoring. (County Counsel)

- Action to Introduce and Preliminarily adopt on March 20, 2018; Roll Call Vote to waive reading, Roll Call Vote to adopt.
- Action for Final Adoption on April 3, 2018; Roll Call Vote to adopt.

FISCAL IMPLICATIONS

There are no direct fiscal implications associated with the recommended action. However, the proposed ordinance contemplates that the Board of Supervisors (“Board”) will contract with an entity to perform the functions of the Office of Correction and Law Enforcement Monitoring. If the Board adopts the proposed ordinance, further analysis will be required to determine the costs of contracting for monitoring services.

REASONS FOR RECOMMENDATION

On January 23, 2018, the Board considered a proposal to establish an Office of Law Enforcement Monitoring (“Office”) to provide independent monitoring of jail and law enforcement operations, and a Community Correction and Law Enforcement Monitoring Committee to improve public transparency and accountability regarding jail and law enforcement operations. The proposal presented to the Board included a possible Charter amendment to provide for a Board-appointed Director of the Office and a proposed ordinance reflecting that appointment structure. The proposal also noted, however, that the Board could engage an independent contractor to perform the Office’s functions, in which case a Charter amendment would not be required.

Following discussion at the January 23, 2018 meeting, the Board voted not to pursue a Charter amendment and instead to engage an independent contractor to perform the functions

of the Office. With that modification, the Board approved the proposal to establish an Office of Correction and Law Enforcement Monitoring. The Board also approved the proposal to establish a Community Correction and Law Enforcement Monitoring Committee, with the direction that its members should be appointed approximately 6-12 months after the independent contractor is engaged. The proposed ordinance amendments considered by the Board on January 23, 2018, are now before the Board for adoption, with conforming changes made by County Counsel to reflect the Board's direction to engage an independent contractor to perform the functions of the Office and to appoint Committee members on the requested timeline.

On January 23, 2018, the Board also voted to move forward with a Board Policy to provide additional policy direction relating to the Office. The proposed Board Policy requires more substantial modifications to accommodate the Board's decision to engage an independent contractor to provide monitoring services. County Counsel intends to return to the Board with a revised proposed Board Policy on April 17, 2018.

CHILD IMPACT

The recommended action will have a positive impact on children and youth who interact with County jail and law enforcement operations or whose families or caretakers have such interactions.

SENIOR IMPACT

The recommended action will have a positive impact on seniors who interact with County jail and law enforcement operations or whose families or caretakers have such interactions.

SUSTAINABILITY IMPLICATIONS

The recommended action will have no/neutral sustainability implications.

BACKGROUND

Since the spring of 2016, the Finance and Government Operations Committee ("FGOC") has held special meetings to consider the recommendations of the Blue Ribbon Commission on Improving Custody Operations. On September 7, 2016, and March 29, 2017, FGOC also held panel discussions among local and national experts on the subject of jail and law enforcement oversight.

At the Board's September 12, 2017 meeting, Supervisor Simitian brought forward a draft proposal to establish what was then called an Office of Correction and Law Enforcement Oversight. After discussing the proposal, the Board voted unanimously to refer it to FGOC for further consideration.

FGOC considered the proposal at public meetings held on October 5, October 24, and December 14, 2017. In addition, the proposal was agendaized for FGOC's November 20, 2017 meeting, and although Supervisor Chavez was unable to attend and no action was taken, she offered her thoughts and recommendations in a public letter. Throughout this process, County Counsel incorporated FGOC's recommendations into revised versions of the proposal. On December 14, 2017, FGOC considered the revised proposal, provided further feedback for incorporation by County Counsel, and voted to forward the proposal to the

Board with a favorable recommendation.

On January 23, 2018, the Board considered a 4-part correction and law enforcement monitoring proposal: (1) a possible Charter amendment providing for a Board-appointed Director of the Office of Correction and Law Enforcement Monitoring; (2) an Ordinance Code amendment establishing an Office of Correction and Law Enforcement Monitoring; (3) a possible Ordinance Code amendment establishing a Community Correction and Law Enforcement Monitoring Committee; and (4) a Board Policy providing additional direction regarding the Office of Correction and Law Enforcement Monitoring. This item effectuates the Board's direction with respect to the Ordinance Code amendments.

CONSEQUENCES OF NEGATIVE ACTION

The proposed ordinance would not be adopted, and the Board would not establish an Office of Correction and Law Enforcement Monitoring or a Community Correction and Law Enforcement Monitoring Committee.

STEPS FOLLOWING APPROVAL

The Clerk of the Board shall process the update to the Ordinance Code.

ATTACHMENTS:

- Ordinance NS-300.923 relating to Correction and Law Enforcement Monitoring (PDF)
- Item 16 public comment (PDF)

HISTORY:

03/20/18 Board of Supervisors ADOPTED (PRELIM.)

Next: 04/03/18

ORDINANCE NO. NS-300.923

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CLARA
ADDING CHAPTER V OF DIVISION A20 AND CHAPTER XXV OF DIVISION
A6 OF THE COUNTY OF SANTA CLARA ORDINANCE CODE RELATING TO
CORRECTION AND LAW ENFORCEMENT MONITORING**

Summary

This Ordinance establishes an Office of Correction and Law Enforcement Monitoring to provide independent monitoring of jail and law enforcement operations, and a Community Correction and Law Enforcement Monitoring Committee to improve public transparency and accountability regarding jail and law enforcement operations.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA
ORDAINS AS FOLLOWS:**

SECTION 1. Division A20 of the Ordinance Code of the County of Santa Clara relating to Law Enforcement and Sheriff's Department is hereby amended by adding a new Chapter to be numbered and titled and to read as follows:

**CHAPTER V. OFFICE OF CORRECTION AND LAW ENFORCEMENT
MONITORING**

Sec. A20-61. Establishment; Purpose.

There is in the County an Office of Correction and Law Enforcement Monitoring, hereinafter referred to in this Chapter as the Office.

This Office is established, in part, in response to the findings of the 2015 Blue Ribbon Commission on Improving Custody Operations, which identified a lack of accountability in the County jails and recommended independent monitoring as a means of increasing fairness and transparency. The establishment of the Office also reflects extensive efforts by the Board of Supervisors and County departments to reform the County's law enforcement and jail operations, reduce recidivism, and enhance public safety. It is the intent of the Board that the Office will assist in the County's efforts to reimagine the culture and operations of the jails, as well as the Sheriff's law enforcement

operations, to better align those services with the County's ongoing public safety reform efforts.

The ultimate outcomes the County seeks to achieve are increased public safety and reduced recidivism rates, and respect for the dignity of all people, including staff and inmates. These outcomes require a jail and law enforcement system that is transparent and accountable; that is committed to continuous improvement of custody conditions, reentry and diversion programs, and policing practices; that promotes the health and safety of inmates, community members, and law enforcement/corrections personnel; and that protects the rights of inmates and others in a manner that exceeds the requirements of state and federal law.

Through its monitoring and reporting functions, the Office will help foster transparency and accountability; identify unmet needs and service gaps; encourage timely and serious consideration of complaints; and provide independent review of serious incidents involving County personnel. Through its research and policy recommendation functions, the Office will continuously and proactively recommend improvements in custody and law enforcement practices, policies, and services; update the Sheriff's Office, Department of Correction, and other relevant departments on developments in best practices; and identify trends that require changes in policy or practice. It is the intent of the Board that these functions will assist the Sheriff's Office, Department of Correction, and all other relevant County departments in achieving and maintaining a culture and level of services that align with County values and will further the County's commitment to increasing public safety, facilitating diversion and reentry, and reducing recidivism.

The establishment of the Office does not change any reporting structures, and the Office shall not exercise administrative oversight or authority, or otherwise manage or direct operations of any department or entity subject to its monitoring.

Sec. A20-62. Monitor; Independent Contractor.

- (a) The Board shall contract with an independent entity, referred to herein as the Monitor, who shall perform the functions of the Office as an independent contractor. The relationship between the Monitor and the County shall be solely contractual; under no circumstances shall the Monitor be treated as an employee of the County.
- (b) The Board shall set the terms and conditions of the Monitor's engagement, including duration and termination, by contract.

- (c) The contract shall set terms and conditions for the sharing of confidential County information with the Monitor and its staff and for the preservation of confidentiality.

Sec. A20-63. Duties.

- (a) Consistent with the Board of Supervisors' authority to supervise the official conduct of the Sheriff and Chief of Correction under Government Code section 25303, the Office is created to promote the common interest of the Board of Supervisors and the Sheriff in efficient, lawful, and effective policing, and to facilitate the Board of Supervisors' responsibility without interfering with the Sheriff's investigative functions. The Office shall focus on matters relevant to Sheriff's Office policies and procedures and shall not interfere with criminal, personnel, and other investigations by the Sheriff.
- (b) The Office shall provide independent monitoring of, and reporting about, the Sheriff's Office, the Department of Correction, and other agencies/departments related to law enforcement, jail operations, jail facilities, and the employees and contractors involved with law enforcement and jail operations, including the provision of health services in the jails, as set forth in this Chapter.
- (c) To the maximum extent allowed by law, the Office shall be responsible for:
 - (1) Monitoring the Sheriff's Office and Department of Correction's jail and law enforcement operations, the conditions of confinement in the jails, the provision of health services in the jails, the use of force in the jails and in law enforcement operations, compliance with civil rights laws, and the Sheriff's Office and Department of Correction's response to inmate and public complaints related to law enforcement, jail operations, or conditions of confinement, including the provision of services to inmates and the conduct of employees, contractors, volunteers, and others who provide such services.
 - (2) Monitoring that includes matters relevant to Custody Health Services policies and procedures, as well as policies of the Santa Clara Valley Medical Center and Behavioral Health Services Department, that directly affect the medical and behavioral assessment and treatment of inmates. Such monitoring may also include examination of the timeliness of all business operations that have a direct impact on the operations of the jails provided by other County departments.

- (3) Consistent with Government Code section 25303, reviewing and making recommendations regarding policies and best practices of the Office of the District Attorney and the Office of the Public Defender that have an impact on jail or law enforcement operations. Such monitoring may include, but is not limited to, the effect of District Attorney and Public Defender policies and practices on the timeliness of criminal proceedings and the population of the jails. At no time shall the Office interfere with the independent investigatory or prosecutorial authority of the District Attorney or the duties of the Public Defender imposed by the rules of professional conduct.
- (4) Regularly conducting research and making policy recommendations to the Board of Supervisors, the Sheriff, and the County Executive as determined by a Board-approved work plan.
- (5) Periodically reviewing the Sheriff's Office and Department of Correction's use of force patterns, trends, and statistics, the Sheriff's investigations of use of force incidents and allegations of misconduct, and the Sheriff's Office and Department of Correction's disciplinary decisions. As it pertains to uniformed personnel, the Office shall monitor and review investigations of incidents involving, but not limited to: any shooting involving uniformed personnel, whether duty-related or not; any in-custody death; any duty-related incident during which, or as a result of which, a person dies or suffers serious bodily injury; any incident, whether or not duty-related, in which uniformed personnel are under investigation for, or charged with, homicide, assault, kidnapping, or unlawful sexual behavior; or any incident, whether duty-related or not, in which uniformed personnel are under investigation for, or are charged by any jurisdiction with, a crime or violation in which a use of force or threatened use of force is an element of the offense.
- (6) As it pertains to Custody Health Services, the Office shall monitor and review investigations of incidents involving: any in-custody death; any duty-related incident during which, or as a result of which, anyone dies or suffers serious bodily injury; or any serious neglect of inmates as it pertains to their mental and physical health.
- (7) Reviewing the quality of audits and inspections conducted by the Sheriff's Office and the Department of Correction, and conducting its own periodic audits and inspections of the Sheriff's Office and the Department of Correction consistent with professional guidelines for the conduct of such audits. It is the intent of the Board that the Office should supplement, not

supplant, internal auditing and monitoring conducted by the Sheriff's Office and Department of Correction.

- (8) Regularly communicating with the public, the Board of Supervisors, the Sheriff's Office, the Department of Correction, the District Attorney, the Public Defender, and the County Executive regarding the operations of the Sheriff's Office and the Department of Correction. The Office shall make regular, public reports to each of these entities.
- (9) Investigating specific incidents involving Sheriff's Office and Department of Correction personnel when requested by, or with the authorization of, the Sheriff or the Chief of Correction.
- (10) Investigating specific incidents involving Custody Health Services consistent with the Board-approved work plan when requested by the Board or the County Executive.

Sec. A20-64. Cooperation; Access to Information.

- (a) The Sheriff's Office, the Department of Correction, Custody Health Services, and all other County agencies/departments shall cooperate with the Office and promptly supply information or records requested by the Office, including, to the extent permitted by law, confidential peace officer personnel records, inmate medical and mental health records, and related records as necessary for the Office to carry out its duties.
- (b) The Office shall establish written protocols with the Sheriff's Office, the Department of Correction, and the County Executive to maintain, access, and disclose confidential information under this Chapter. The written protocols shall be reviewed and approved by County Counsel.
- (c) It is the intent of the Board of Supervisors that the Office shall have access to information and cooperation from County departments under this section to the greatest extent permitted by law. The Office may request assistance in the performance of its duties from other County agencies/departments or functions, including but not limited to the Board's contract management auditor, the County's Internal Audit Division, the Whistleblower Program, and the Jail Observer Program.

Sec. A20-65. Confidentiality of Information.

- (a) The confidentiality of peace officer personnel records, inmate medical and mental health records, other protected health information of inmates, and all other privileged or confidential information received by the Office in connection with the discharge of its duties shall be safeguarded and maintained by the Office as required by law, including the Public Safety Officers Procedural Bill of Rights Act (Government Code § 3300 *et seq.*), and as necessary to maintain any applicable privileges or the confidentiality of the information.
- (b) The County Counsel shall work with the Office to establish a process that enables the sharing of confidential information with appropriate County officials and entities in accordance with applicable law, when it is determined by the Office that there is a need to share such information. Except as otherwise required by law or provided in the contract with the Monitor, the Office shall not disclose to any non-County entity any confidential information.

Sec. A20-66. Conformity with Applicable Law; Severability.

- (a) The Office shall not have any supervisory, administrative, managerial, operational, or other authority over the functions or personnel in any of the departments or entities that are the subject of its monitoring. In addition, at no time shall the Office interfere with the independent constitutional and statutory authority of the Sheriff, including the Sheriff's investigative functions. Notwithstanding any provision of this Chapter to the contrary, all provisions of this Chapter shall be interpreted to be consistent with this subsection and all applicable federal, state, and local laws, including the Charter, governing such conduct, including provisions regarding the confidentiality of peace officer and health records.
- (b) Complaints received by the Office relating to specific conduct of peace officers shall be referred, with the permission of the complainant (unless such complaint is anonymous), to the Sheriff's Office and/or Department of Correction for action pursuant to Penal Code section 832.5. Complaints received by the Office relating to specific conduct of Custody Health Services staff shall be referred, with permission of the complainant (unless such complaint is anonymous), to Custody Health Services for action.
- (c) The Office shall accept anonymous complaints and shall consider all such complaints in evaluating policies and practices, developing recommendations, and making reports under this Chapter. The Office shall clearly inform the public of its policies and procedures regarding anonymous complaints.

- (d) This Chapter and all of its provisions are severable. Should any section, subsection, sentence, clause, phrase, or word of this Chapter be declared by a court to be unconstitutional or invalid, such decision shall not affect the validity of the Chapter as a whole, or any portion thereof, other than the portion declared to be unconstitutional or invalid.

SECTION 2. Division A6 of the Ordinance Code of the County of Santa Clara relating to Boards and Commissions is hereby amended by adding a new Chapter to be numbered and titled and to read as follows:

CHAPTER XXV. COMMUNITY CORRECTION AND LAW ENFORCEMENT MONITORING COMMITTEE

Sec. A6-281. Establishment.

The Community Correction and Law Enforcement Monitoring Committee (“Committee”) is hereby established to improve public transparency and accountability with respect to the Sheriff’s Office and Department of Correction. The Committee shall provide opportunities for community engagement and advice to the Board of Supervisors, the Sheriff’s Office, the Department of Correction, and the Office of Correction and Law Enforcement Monitoring.

Sec. A6-282. Membership; Term.

- (a) The Committee shall consist of nine voting members, each of whom shall be appointed by the Board of Supervisors, as follows:
- (1) One member nominated by each Supervisor, for a total of five members nominated by members of the Board of Supervisors.
 - (2) Four members nominated by the Monitor performing the functions of the Office of Correction and Law Enforcement Monitoring.
 - (3) In accordance with Section 506 of the Charter, all members shall be residents of the County.
- (b) The first appointment of Committee members shall occur approximately six to twelve months after the effective date of the Board’s initial contract with the Monitor.

- (c) The term of each member shall be three years, except three of the initial members shall serve two-year terms, and three of the initial members shall serve one-year terms to provide staggering of terms. Such initial terms shall be determined by lot. Each member shall continue to serve on the Committee until the appointment of his or her successor. No member shall be eligible to serve for more than three consecutive terms in addition to any portion of any unexpired term which may have been served. A member's failure to attend three consecutive regular meetings without good cause as determined by the Chairperson will result in notification to the nominating authority, which may result in removal of the member from the Committee. All new Committee members shall receive a comprehensive orientation and training.
- (d) No member shall be a current employee of the County. Only the appointed member shall serve on the Committee, and alternates shall not be permitted.
- (e) The Sheriff, Chief of Correction, County Executive, County Counsel, and Monitor, or any one of their designees, shall be entitled to attend and participate in all meetings of the Committee, but shall have no vote and shall not be deemed members of the Committee.

Sec. A6-283. Responsibilities; Authorized Activities.

- (a) The Committee shall serve as an advisory body to the Office of Correction and Law Enforcement Monitoring and the Board of Supervisors, and through the Board of Supervisors to the public, and shall have the following responsibilities:
 - (1) Review policy recommendations made by County or non-County entities at the request of the Board of Supervisors, the Sheriff, the Chief of Correction, the County Executive, or the Monitor, and report to any such entity whether or not the recommendation(s) should be implemented or, if the recommendation(s) is being implemented, the status of implementation. The Committee's reports shall contain an analysis supporting its recommendations, and the Committee shall seek the input of all affected departments or agencies before publishing its reports.
 - (2) Obtain community input and feedback regarding the use of force, detention conditions, or other civil rights concerns in the Sheriff's Office or the Department of Correction; convey to the Board of Supervisors, the Sheriff, the Chief of Correction and any other affected entities the community

complaints, concerns, or positive feedback received by the Committee; and, where appropriate, make recommendations.

- (3) Work with and provide advice to the Office of Correction and Law Enforcement Monitoring in soliciting community input and feedback on issues being examined by the Office.
- (4) Function as a bridge between the Sheriff's Office, the Department of Correction, and the community by: providing the community an additional means of giving input to the Sheriff and the Chief of Correction; obtaining answers from the Sheriff and the Chief of Correction to community concerns about operations, practices, and activities; bringing an additional perspective to the Sheriff's Office and the Department of Correction's decision making relating to the balance between the sometimes competing factors of public safety and constitutional, civil, and human rights; and communicating ongoing community concerns that otherwise might go unnoticed.
- (5) Seek the input of the Sheriff, Chief of Correction, County Executive, County Counsel, and Monitor prior to making any recommendations pursuant to the duties defined in this section.
- (6) Perform its duties in an advisory capacity, and without the authority to manage or operate any department or agency, or direct the activities of County employees or contractors, including the imposition of discipline.
- (7) Conduct its activities in a manner that does not interfere with the investigative or constitutional functions of the Sheriff.

Sec. A6-284. Meetings and Records.

- (a) The Committee shall approve the calendar year's schedule of regular meetings prior to the first meeting in January of that year.
- (b) The Clerk of the Board shall be the ex-officio secretary of the Committee and provide clerk assistance to the Committee in furtherance of its purpose. The Office of Correction and Law Enforcement Monitoring shall provide staff assistance to the Committee.
- (c) All Committee meetings shall be subject to the Brown Act, and all Committee records shall be subject to the California Public Records Act. Minutes of the

Sec. A6-285. Bylaws.

The Committee shall organize itself in accordance with Section 506 of the Charter. Procedures for the conduct of business not otherwise specified herein shall be contained in the bylaws of the Committee. The initial bylaws, and any amendments to the bylaws, following approval as to form and legality by County Counsel, shall be approved by the Board of Supervisors.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, on _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

S. JOSEPH SIMITIAN, President
Board of Supervisors

ATTEST:

MEGAN DOYLE
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:



JAMES R. WILLIAMS
County Counsel

1733369



Contra Costa County Board of Supervisors

Subcommittee Report

PUBLIC PROTECTION COMMITTEE

6.

Meeting Date: 08/06/2018

Subject: COUNTY LAW ENFORCEMENT PARTICIPATION AND INTERACTION WITH FEDERAL IMMIGRATION AUTHORITIES

Submitted For: PUBLIC PROTECTION COMMITTEE,

Department: County Administrator

Referral No.: N/A

Referral Name: COUNTY LAW ENFORCEMENT PARTICIPATION AND INTERACTION WITH FEDERAL IMMIGRATION AUTHORITIES

Presenter: Timothy Ewell, 925-335-1036 **Contact:** Timothy Ewell, 925-335-1036

Referral History:

On February 7, 2017, the Board of Supervisors referral to the Public Protection Committee the topic of law enforcement participation and interaction with Federal immigration authorities. A copy of the Board's referral is attached for reference.

Subsequently, the PPC introduced this referral at its March 2017 meeting, primarily to discuss Senate Bill 54 (De Leon), which at the time was newly introduced in the Legislature. The Committee directed the County Probation Department to have County Counsel review the current policy on immigration (including cooperation with the federal government and serving clients that are undocumented residents of the County) and return to the Committee with an update. In addition, the Committee requested a review of the Sheriff's Office contract with the US Marshal service, which is also used by the Department of Homeland Security - Immigration and Customs Enforcement (ICE) to house undocumented individuals who are in the custody of the federal government.

The Committee had not heard an update on this issue, pending the outcome of SB 54, which ultimately was passed by the Legislature and signed into law by Governor Brown earlier this year. Following its passage and enrollment, the Probation Department and Sheriff's Office have worked with County Counsel proactively to ensure that the County is in compliance with the requirements of the new law.

Federal Grant Requirements and Related Legal Challenges

Following the March 2017 meeting of the Committee, the US Department of Justice began conditioning certain federal grant awards to state and local governments on the cooperation with federal immigration authorities. This has been rolled out in the form of 1) requesting the jurisdictions receiving grants to self certify (under penalty of perjury by the Chief Legal Officer, in our case County Counsel) that the jurisdiction is in compliance with the conditions of 8 USC

1373, and 2) that the jurisdiction would honor 48-hour detainer requests for undocumented individuals already in local custody for separate criminal law violations. Neither the Probation Department nor the Sheriff's Office honor detainer requests from the federal government and have not done so for several years.

There have been several legal challenges to the Administration's various actions on immigration. Most notably with regard to the withholding of funding from state and local governments is *City of Chicago vs. Sessions III*, where a nationwide injunction has been ordered against the new regulations sought to be imposed by the USDOJ. An article from the Chicago Tribune has been included in today's packet for additional information.

Also, a coalition of local jurisdictions nationwide, including cities and counties, filed an *amicus* brief in *City of Philadelphia vs. Sessions III* on October 19th of this year in support of the City's motion for preliminary injunction. In this case, the City is largely requesting an injunction very similar to that ordered in the Chicago case. A copy of the brief is included in today's packet for reference.

Potential for Financial Impact to the County

As the legal challenges described above progress, the County will continue to be mindful of the potential impacts to County programs. At first glance, it may be easy to determine that any financial impact from the change in federal policy would only impact law enforcement activities; however, several County departments receive funding from USDOJ and DHS. The summary below illustrates a worst case scenario to the County - that is, that all grant funds from both federal agencies are discontinued.

Potential Impacts of Executive Order 13768			
Contra Costa County			
Sheriff's Office	\$	19,836,390	
Employment and Human Services	\$	1,984,787	
Probation	\$	1,143,496	
County Administrator	\$	983,971	
District Attorney	\$	563,848	
Public Defender	\$	180,412	
		Total	\$ 24,692,904

The federal government has been choosing certain grants to apply the new regulations to, but there generally does not seem to be a specific criteria used to determine what grants the regulations may be applied to. For this reason, it is highly unlikely that the entire \$24.7 million could be impacted, but in the interest of proactively understanding the portfolio of grants maintained by the County, staff prepared this chart as a tool for discussion purposes.

On November 6, 2017, the Committee received an update on this referral and directed staff to schedule a special meeting in December for followup. Specifically, staff presented a report on how the County is working proactively to ensure smooth implementation of the requirements of SB 54, to the extent that the County does not already meet those requirements. This included an analysis by County Counsel of the current policies for each department against the new

requirements of SB 54 for easy reference. The Committee asked for an updated version of the analysis for the December meeting, which is included in today's packet. Also, the actual policies from both the Sheriff's Office and the Probation Department (draft) were included for reference. In addition, Committee staff provided a brief overview on the issues related to the potential financial impacts from US DOJ and DHS grant conditions on certain federal grant awards. The Committee also discussed the Sheriff's Office contract with the US Marshal services, which is used by ICE to house detainees currently in the custody of the federal government and requested a copy of the contract be included in the December packet for reference.

On December 7, 2017, the Committee received an update on various, ongoing litigation items across the country and the status of updates to the immigration policies of the Sheriff's Office and Probation Department. In addition, County Counsel prepared an updated analysis of existing policies and Committee staff included a copy of the interagency agreement between the US Marshal Service and the Sheriff's Office for review. The US Marshal contract is used by the Immigration and Customs Enforcement (ICE) Agency to house undocumented detainees that are already in the custody of the federal government in County jail facilities. The Committee requested that the issue return at the February 5, 2018 Committee meeting for an update.

On February 5, 2018, staff updated the Committee on various litigation related to immigration across the nation and reported on the County's compliance with SB 54 following the January 1, 2018 effective date. In addition, staff reported that the U.S. Department of Justice appears to be satisfied with the County's revised immigration policy in the Sheriff's Office, which strikes a balance with complying with both federal and state law. Also, the Public Defender's Office provided an update on efforts to launch the County's Stand Together Contra Costa program, which provide various services to undocumented residents in the County seeking assistance. Following discussion, the Committee directed staff to return to the next meeting with information related to the public forum required under the TRUTH Act and a litigation update.

On April 12, 2018, staff provided an update regarding the TRUTH Act community forum determination process. In addition, the Committee directed County Counsel to review a letter submitted by the Asian Law Caucus to Sheriff David Livingston on the evening prior to the meeting regarding the Sheriff's Immigration Status Policy.

On May 23, 2018, staff provided an update regarding the due diligence process undertaken to determine whether or not the County was required to hold a TRUTH Act community forum. Staff informed the Committee that, based on responses from County department heads, it is necessary to hold a community forum and the forum had been scheduled for Tuesday, July 24, 2018 at 2:00PM.

On June 25, 2018, staff provided an update on the TRUTH Act community forum, specifically with regard to the format. In addition, County Counsel updated the Committee on the various litigation items still outstanding throughout the country related to immigration.

Referral Update:

Staff will be present to provide an update on the following items:

1. Various litigation items being tracked by the Committee related to immigration.
2. Follow up on the TRUTH Act community forum held on July 24, 2018. Specifically, the following:
 - a. The request of the Sheriff's Office to provide further details about the 63 individuals that ICE was provided information about; and
 - b. Additional detail about the types of exempt offenses that would allow local law enforcement to provide information about an individual to ICE. Staff has included a document assembled by the Immigrant Legal Resource Center (ILRC) that provides a reasonably clear description those exemptions with examples. It is important to note that the listing of exempt offenses is very nuanced and difficult to easily understand. The ILRC even points out that there were drafting errors in the 2015 TRUST Act specifically with regard to wobbler offenses. This document is provided as information for the Committee to supplement today's discussion.

Recommendation(s)/Next Step(s):

1. ACCEPT reports from staff related to various immigration related issues, including compliance with state and federal law, status of federal litigation and correspondence with the U.S. Department of Justice related to federal grants.
2. PROVIDE direction to staff on next steps.

Attachments

Board of Supervisors' Referral

Senate Bill 54 (De León), Chapter 495 Statutes of 2017

Senate Bill 54 (De León) - Redline of Existing Law

Senate Bill 54 Analysis - County Counsel

Chicago Tribune Article, October 13, 2017

Brief of Amici Curiae - City of Philadelphia vs Sessions III, filed October 19, 2017

Letter from USDOJ to Contra Costa re: 8 USC 1373 Compliance

Interagency Service Agreement ICE w/ Amendments

Probation Department Immigration Policy

Sheriff's Office Immigration Policy

Stand Together CoCo - Partner Advisory Letter

Letter from Asian Law Caucus to Sheriff David O. Livingston, April 12, 2018

County Counsel Response to Letter from Asian Law Caucus, May 23, 2018

Practice Advisory, SB 54 and the California Values Act: A Guide for Criminal Defenders, February 2018



Contra
Costa
County

To: Board of Supervisors
From: John Gioia, District I Supervisor
Date: February 7, 2017

Subject: REFERRAL TO PUBLIC PROTECTION COMMITTEE OF COUNTY LAW ENFORCEMENT
PARTICIPATION AND INTERACTION WITH FEDERAL IMMIGRATION AUTHORITIES

RECOMMENDATION(S):

REFER the issue of Contra Costa County law enforcement participation and interaction with federal immigration authorities to the Public Protection Committee.

FISCAL IMPACT:

None.

BACKGROUND:

There has been growing public concern around the county, especially among immigrant communities, about the nature of local law enforcement interaction with federal immigration authorities. This concern has been increasing due to the current political environment and has impacted the willingness of residents of immigrant communities to access certain health and social services provided by community-based organizations. For example, the Executive Director of Early Childhood Mental Health has reported that a number of Latino families have canceled mental health appointments for their children due to concerns over

APPROVE

OTHER

RECOMMENDATION OF CNTY
ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/07/2017** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 7, 2017

, County Administrator and Clerk of the Board of Supervisors

Contact: Supervisor John Gioia
(510) 231-8686

By: Stephanie Mello, Deputy

cc:

being deported. It is timely and in the public interest to refer this issue to the Public Protection Committee.

Senate Bill No. 54

CHAPTER 495

An act to amend Sections 7282 and 7282.5 of, and to add Chapter 17.25 (commencing with Section 7284) to Division 7 of Title 1 of, the Government Code, and to repeal Section 11369 of the Health and Safety Code, relating to law enforcement.

[Approved by Governor October 5, 2017. Filed with
Secretary of State October 5, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

SB 54, De León. Law enforcement: sharing data.

Existing law provides that when there is reason to believe that a person arrested for a violation of specified controlled substance provisions may not be a citizen of the United States, the arresting agency shall notify the appropriate agency of the United States having charge of deportation matters.

This bill would repeal those provisions.

Existing law provides that whenever an individual who is a victim of or witness to a hate crime, or who otherwise can give evidence in a hate crime investigation, is not charged with or convicted of committing any crime under state law, a peace officer may not detain the individual exclusively for any actual or suspected immigration violation or report or turn the individual over to federal immigration authorities.

This bill would, among other things and subject to exceptions, prohibit state and local law enforcement agencies, including school police and security departments, from using money or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, as specified, and would, subject to exceptions, proscribe other activities or conduct in connection with immigration enforcement by law enforcement agencies. The bill would apply those provisions to the circumstances in which a law enforcement official has discretion to cooperate with immigration authorities. The bill would require, by October 1, 2018, the Attorney General, in consultation with the appropriate stakeholders, to publish model policies limiting assistance with immigration enforcement to the fullest extent possible for use by public schools, public libraries, health facilities operated by the state or a political subdivision of the state, and courthouses, among others. The bill would require, among others, all public schools, health facilities operated by the state or a political subdivision of the state, and courthouses to implement the model policy, or an equivalent policy. The bill would state that, among others, all other organizations and entities that provide services related to physical or mental health and wellness, education, or access to justice, including the University of California, are encouraged to adopt the model policy. The bill would require

that a law enforcement agency that chooses to participate in a joint law enforcement task force, as defined, submit a report annually pertaining to task force operations to the Department of Justice, as specified. The bill would require the Attorney General, by March 1, 2019, and annually thereafter, to report on the types and frequency of joint law enforcement task forces, and other information, as specified, and to post those reports on the Attorney General's Internet Web site. The bill would require law enforcement agencies to report to the department annually regarding transfers of persons to immigration authorities. The bill would require the Attorney General to publish guidance, audit criteria, and training recommendations regarding state and local law enforcement databases, for purposes of limiting the availability of information for immigration enforcement, as specified. The bill would require the Department of Corrections and Rehabilitation to provide a specified written consent form in advance of any interview between a person in department custody and the United States Immigration and Customs Enforcement regarding civil immigration violations.

This bill would state findings and declarations of the Legislature relating to these provisions.

By imposing additional duties on public schools and local law enforcement agencies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

The people of the State of California do enact as follows:

SECTION 1. Section 7282 of the Government Code is amended to read:

7282. For purposes of this chapter, the following terms have the following meanings:

(a) "Conviction" shall have the same meaning as subdivision (d) of Section 667 of the Penal Code.

(b) "Eligible for release from custody" means that the individual may be released from custody because one of the following conditions has occurred:

(1) All criminal charges against the individual have been dropped or dismissed.

(2) The individual has been acquitted of all criminal charges filed against him or her.

(3) The individual has served all the time required for his or her sentence.

(4) The individual has posted a bond.

(5) The individual is otherwise eligible for release under state or local law, or local policy.

(c) “Hold request,” “notification request,” and “transfer request” have the same meanings as provided in Section 7283. Hold, notification, and transfer requests include requests issued by the United States Immigration and Customs Enforcement or the United States Customs and Border Protection as well as any other immigration authorities.

(d) “Law enforcement official” means any local agency or officer of a local agency authorized to enforce criminal statutes, regulations, or local ordinances or to operate jails or to maintain custody of individuals in jails, and any person or local agency authorized to operate juvenile detention facilities or to maintain custody of individuals in juvenile detention facilities.

(e) “Local agency” means any city, county, city and county, special district, or other political subdivision of the state.

(f) “Serious felony” means any of the offenses listed in subdivision (c) of Section 1192.7 of the Penal Code and any offense committed in another state which, if committed in California, would be punishable as a serious felony as defined by subdivision (c) of Section 1192.7 of the Penal Code.

(g) “Violent felony” means any of the offenses listed in subdivision (c) of Section 667.5 of the Penal Code and any offense committed in another state which, if committed in California, would be punishable as a violent felony as defined by subdivision (c) of Section 667.5 of the Penal Code.

SEC. 2. Section 7282.5 of the Government Code is amended to read:

7282.5. (a) A law enforcement official shall have discretion to cooperate with immigration authorities only if doing so would not violate any federal, state, or local law, or local policy, and where permitted by the California Values Act (Chapter 17.25 (commencing with Section 7284)). Additionally, the specific activities described in subparagraph (C) of paragraph (1) of subdivision (a) of, and in paragraph (4) of subdivision (a) of, Section 7284.6 shall only occur under the following circumstances:

(1) The individual has been convicted of a serious or violent felony identified in subdivision (c) of Section 1192.7 of, or subdivision (c) of Section 667.5 of, the Penal Code.

(2) The individual has been convicted of a felony punishable by imprisonment in the state prison.

(3) The individual has been convicted within the past five years of a misdemeanor for a crime that is punishable as either a misdemeanor or a felony for, or has been convicted within the last 15 years of a felony for, any of the following offenses:

(A) Assault, as specified in, but not limited to, Sections 217.1, 220, 240, 241.1, 241.4, 241.7, 244, 244.5, 245, 245.2, 245.3, 245.5, 4500, and 4501 of the Penal Code.

(B) Battery, as specified in, but not limited to, Sections 242, 243.1, 243.3, 243.4, 243.6, 243.7, 243.9, 273.5, 347, 4501.1, and 4501.5 of the Penal Code.

(C) Use of threats, as specified in, but not limited to, Sections 71, 76, 139, 140, 422, 601, and 11418.5 of the Penal Code.

(D) Sexual abuse, sexual exploitation, or crimes endangering children, as specified in, but not limited to, Sections 266, 266a, 266b, 266c, 266d,

266f, 266g, 266h, 266i, 266j, 267, 269, 288, 288.5, 311.1, 311.3, 311.4, 311.10, 311.11, and 647.6 of the Penal Code.

(E) Child abuse or endangerment, as specified in, but not limited to, Sections 270, 271, 271a, 273a, 273ab, 273d, 273.4, and 278 of the Penal Code.

(F) Burglary, robbery, theft, fraud, forgery, or embezzlement, as specified in, but not limited to, Sections 211, 215, 459, 463, 470, 476, 487, 496, 503, 518, 530.5, 532, and 550 of the Penal Code.

(G) Driving under the influence of alcohol or drugs, but only for a conviction that is a felony.

(H) Obstruction of justice, as specified in, but not limited to, Sections 69, 95, 95.1, 136.1, and 148.10 of the Penal Code.

(I) Bribery, as specified in, but not limited to, Sections 67, 67.5, 68, 74, 85, 86, 92, 93, 137, 138, and 165 of the Penal Code.

(J) Escape, as specified in, but not limited to, Sections 107, 109, 110, 4530, 4530.5, 4532, 4533, 4534, 4535, and 4536 of the Penal Code.

(K) Unlawful possession or use of a weapon, firearm, explosive device, or weapon of mass destruction, as specified in, but not limited to, Sections 171b, 171c, 171d, 246, 246.3, 247, 417, 417.3, 417.6, 417.8, 4574, 11418, 11418.1, 12021.5, 12022, 12022.2, 12022.3, 12022.4, 12022.5, 12022.53, 12022.55, 18745, 18750, and 18755 of, and subdivisions (c) and (d) of Section 26100 of, the Penal Code.

(L) Possession of an unlawful deadly weapon, under the Deadly Weapons Recodification Act of 2010 (Part 6 (commencing with Section 16000) of the Penal Code).

(M) An offense involving the felony possession, sale, distribution, manufacture, or trafficking of controlled substances.

(N) Vandalism with prior convictions, as specified in, but not limited to, Section 594.7 of the Penal Code.

(O) Gang-related offenses, as specified in, but not limited to, Sections 186.22, 186.26, and 186.28 of the Penal Code.

(P) An attempt, as defined in Section 664 of, or a conspiracy, as defined in Section 182 of, the Penal Code, to commit an offense specified in this section.

(Q) A crime resulting in death, or involving the personal infliction of great bodily injury, as specified in, but not limited to, subdivision (d) of Section 245.6 of, and Sections 187, 191.5, 192, 192.5, 12022.7, 12022.8, and 12022.9 of, the Penal Code.

(R) Possession or use of a firearm in the commission of an offense.

(S) An offense that would require the individual to register as a sex offender pursuant to Section 290, 290.002, or 290.006 of the Penal Code.

(T) False imprisonment, slavery, and human trafficking, as specified in, but not limited to, Sections 181, 210.5, 236, 236.1, and 4503 of the Penal Code.

(U) Criminal profiteering and money laundering, as specified in, but not limited to, Sections 186.2, 186.9, and 186.10 of the Penal Code.

(V) Torture and mayhem, as specified in, but not limited to, Section 203 of the Penal Code.

(W) A crime threatening the public safety, as specified in, but not limited to, Sections 219, 219.1, 219.2, 247.5, 404, 404.6, 405a, 451, and 11413 of the Penal Code.

(X) Elder and dependent adult abuse, as specified in, but not limited to, Section 368 of the Penal Code.

(Y) A hate crime, as specified in, but not limited to, Section 422.55 of the Penal Code.

(Z) Stalking, as specified in, but not limited to, Section 646.9 of the Penal Code.

(AA) Soliciting the commission of a crime, as specified in, but not limited to, subdivision (c) of Section 286 of, and Sections 653j and 653.23 of, the Penal Code.

(AB) An offense committed while on bail or released on his or her own recognizance, as specified in, but not limited to, Section 12022.1 of the Penal Code.

(AC) Rape, sodomy, oral copulation, or sexual penetration, as specified in, but not limited to, paragraphs (2) and (6) of subdivision (a) of Section 261 of, paragraphs (1) and (4) of subdivision (a) of Section 262 of, Section 264.1 of, subdivisions (c) and (d) of Section 286 of, subdivisions (c) and (d) of Section 288a of, and subdivisions (a) and (j) of Section 289 of, the Penal Code.

(AD) Kidnapping, as specified in, but not limited to, Sections 207, 209, and 209.5 of the Penal Code.

(AE) A violation of subdivision (c) of Section 20001 of the Vehicle Code.

(4) The individual is a current registrant on the California Sex and Arson Registry.

(5) The individual has been convicted of a federal crime that meets the definition of an aggravated felony as set forth in subparagraphs (A) to (P), inclusive, of paragraph (43) of subsection (a) of Section 101 of the federal Immigration and Nationality Act (8 U.S.C. Sec. 1101), or is identified by the United States Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

(6) In no case shall cooperation occur pursuant to this section for individuals arrested, detained, or convicted of misdemeanors that were previously felonies, or were previously crimes punishable as either misdemeanors or felonies, prior to passage of the Safe Neighborhoods and Schools Act of 2014 as it amended the Penal Code.

(b) In cases in which the individual is arrested and taken before a magistrate on a charge involving a serious or violent felony, as identified in subdivision (c) of Section 1192.7 or subdivision (c) of Section 667.5 of the Penal Code, respectively, or a felony that is punishable by imprisonment in state prison, and the magistrate makes a finding of probable cause as to that charge pursuant to Section 872 of the Penal Code, a law enforcement official shall additionally have discretion to cooperate with immigration

officials pursuant to subparagraph (C) of paragraph (1) of subdivision (a) of Section 7284.6.

SEC. 3. Chapter 17.25 (commencing with Section 7284) is added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 17.25. COOPERATION WITH IMMIGRATION AUTHORITIES

7284. This chapter shall be known, and may be cited, as the California Values Act.

7284.2. The Legislature finds and declares the following:

(a) Immigrants are valuable and essential members of the California community. Almost one in three Californians is foreign born and one in two children in California has at least one immigrant parent.

(b) A relationship of trust between California's immigrant community and state and local agencies is central to the public safety of the people of California.

(c) This trust is threatened when state and local agencies are entangled with federal immigration enforcement, with the result that immigrant community members fear approaching police when they are victims of, and witnesses to, crimes, seeking basic health services, or attending school, to the detriment of public safety and the well-being of all Californians.

(d) Entangling state and local agencies with federal immigration enforcement programs diverts already limited resources and blurs the lines of accountability between local, state, and federal governments.

(e) State and local participation in federal immigration enforcement programs also raises constitutional concerns, including the prospect that California residents could be detained in violation of the Fourth Amendment to the United States Constitution, targeted on the basis of race or ethnicity in violation of the Equal Protection Clause, or denied access to education based on immigration status. See *Sanchez Ochoa v. Campbell, et al.* (E.D. Wash. 2017) 2017 WL 3476777; *Trujillo Santoya v. United States, et al.* (W.D. Tex. 2017) 2017 WL 2896021; *Moreno v. Napolitano* (N.D. Ill. 2016) 213 F. Supp. 3d 999; *Morales v. Chadbourne* (1st Cir. 2015) 793 F.3d 208; *Miranda-Olivares v. Clackamas County* (D. Or. 2014) 2014 WL 1414305; *Galarza v. Szalczyk* (3d Cir. 2014) 745 F.3d 634.

(f) This chapter seeks to ensure effective policing, to protect the safety, well-being, and constitutional rights of the people of California, and to direct the state's limited resources to matters of greatest concern to state and local governments.

(g) It is the intent of the Legislature that this chapter shall not be construed as providing, expanding, or ratifying any legal authority for any state or local law enforcement agency to participate in immigration enforcement.

7284.4. For purposes of this chapter, the following terms have the following meanings:

(a) "California law enforcement agency" means a state or local law enforcement agency, including school police or security departments.

“California law enforcement agency” does not include the Department of Corrections and Rehabilitation.

(b) “Civil immigration warrant” means any warrant for a violation of federal civil immigration law, and includes civil immigration warrants entered in the National Crime Information Center database.

(c) “Immigration authority” means any federal, state, or local officer, employee, or person performing immigration enforcement functions.

(d) “Health facility” includes health facilities as defined in Section 1250 of the Health and Safety Code, clinics as defined in Sections 1200 and 1200.1 of the Health and Safety Code, and substance abuse treatment facilities.

(e) “Hold request,” “notification request,” “transfer request,” and “local law enforcement agency” have the same meaning as provided in Section 7283. Hold, notification, and transfer requests include requests issued by United States Immigration and Customs Enforcement or United States Customs and Border Protection as well as any other immigration authorities.

(f) “Immigration enforcement” includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and also includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person’s presence in, entry, or reentry to, or employment in, the United States.

(g) “Joint law enforcement task force” means at least one California law enforcement agency collaborating, engaging, or partnering with at least one federal law enforcement agency in investigating federal or state crimes.

(h) “Judicial probable cause determination” means a determination made by a federal judge or federal magistrate judge that probable cause exists that an individual has violated federal criminal immigration law and that authorizes a law enforcement officer to arrest and take into custody the individual.

(i) “Judicial warrant” means a warrant based on probable cause for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge that authorizes a law enforcement officer to arrest and take into custody the person who is the subject of the warrant.

(j) “Public schools” means all public elementary and secondary schools under the jurisdiction of local governing boards or a charter school board, the California State University, and the California Community Colleges.

(k) “School police and security departments” includes police and security departments of the California State University, the California Community Colleges, charter schools, county offices of education, schools, and school districts.

7284.6. (a) California law enforcement agencies shall not:

(1) Use agency or department moneys or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, including any of the following:

(A) Inquiring into an individual’s immigration status.

(B) Detaining an individual on the basis of a hold request.

(C) Providing information regarding a person's release date or responding to requests for notification by providing release dates or other information unless that information is available to the public, or is in response to a notification request from immigration authorities in accordance with Section 7282.5. Responses are never required, but are permitted under this subdivision, provided that they do not violate any local law or policy.

(D) Providing personal information, as defined in Section 1798.3 of the Civil Code, about an individual, including, but not limited to, the individual's home address or work address unless that information is available to the public.

(E) Making or intentionally participating in arrests based on civil immigration warrants.

(F) Assisting immigration authorities in the activities described in Section 1357(a)(3) of Title 8 of the United States Code.

(G) Performing the functions of an immigration officer, whether pursuant to Section 1357(g) of Title 8 of the United States Code or any other law, regulation, or policy, whether formal or informal.

(2) Place peace officers under the supervision of federal agencies or employ peace officers deputized as special federal officers or special federal deputies for purposes of immigration enforcement. All peace officers remain subject to California law governing conduct of peace officers and the policies of the employing agency.

(3) Use immigration authorities as interpreters for law enforcement matters relating to individuals in agency or department custody.

(4) Transfer an individual to immigration authorities unless authorized by a judicial warrant or judicial probable cause determination, or in accordance with Section 7282.5.

(5) Provide office space exclusively dedicated for immigration authorities for use within a city or county law enforcement facility.

(6) Contract with the federal government for use of California law enforcement agency facilities to house individuals as federal detainees, except pursuant to Chapter 17.8 (commencing with Section 7310).

(b) Notwithstanding the limitations in subdivision (a), this section does not prevent any California law enforcement agency from doing any of the following that does not violate any policy of the law enforcement agency or any local law or policy of the jurisdiction in which the agency is operating:

(1) Investigating, enforcing, or detaining upon reasonable suspicion of, or arresting for a violation of, Section 1326(a) of Title 8 of the United States Code that may be subject to the enhancement specified in Section 1326(b)(2) of Title 8 of the United States Code and that is detected during an unrelated law enforcement activity. Transfers to immigration authorities are permitted under this subsection only in accordance with paragraph (4) of subdivision (a).

(2) Responding to a request from immigration authorities for information about a specific person's criminal history, including previous criminal arrests, convictions, or similar criminal history information accessed through

the California Law Enforcement Telecommunications System (CLETS), where otherwise permitted by state law.

(3) Conducting enforcement or investigative duties associated with a joint law enforcement task force, including the sharing of confidential information with other law enforcement agencies for purposes of task force investigations, so long as the following conditions are met:

(A) The primary purpose of the joint law enforcement task force is not immigration enforcement, as defined in subdivision (f) of Section 7284.4.

(B) The enforcement or investigative duties are primarily related to a violation of state or federal law unrelated to immigration enforcement.

(C) Participation in the task force by a California law enforcement agency does not violate any local law or policy to which it is otherwise subject.

(4) Making inquiries into information necessary to certify an individual who has been identified as a potential crime or trafficking victim for a T or U Visa pursuant to Section 1101(a)(15)(T) or 1101(a)(15)(U) of Title 8 of the United States Code or to comply with Section 922(d)(5) of Title 18 of the United States Code.

(5) Giving immigration authorities access to interview an individual in agency or department custody. All interview access shall comply with requirements of the TRUTH Act (Chapter 17.2 (commencing with Section 7283)).

(c) (1) If a California law enforcement agency chooses to participate in a joint law enforcement task force, for which a California law enforcement agency has agreed to dedicate personnel or resources on an ongoing basis, it shall submit a report annually to the Department of Justice, as specified by the Attorney General. The law enforcement agency shall report the following information, if known, for each task force of which it is a member:

(A) The purpose of the task force.

(B) The federal, state, and local law enforcement agencies involved.

(C) The total number of arrests made during the reporting period.

(D) The number of people arrested for immigration enforcement purposes.

(2) All law enforcement agencies shall report annually to the Department of Justice, in a manner specified by the Attorney General, the number of transfers pursuant to paragraph (4) of subdivision (a), and the offense that allowed for the transfer, pursuant to paragraph (4) of subdivision (a).

(3) All records described in this subdivision shall be public records for purposes of the California Public Records Act (Chapter 3.5 (commencing with Section 6250)), including the exemptions provided by that act and, as permitted under that act, personal identifying information may be redacted prior to public disclosure. To the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation, or would endanger the successful completion of the investigation or a related investigation, that information shall not be disclosed.

(4) If more than one California law enforcement agency is participating in a joint task force that meets the reporting requirement pursuant to this

section, the joint task force shall designate a local or state agency responsible for completing the reporting requirement.

(d) The Attorney General, by March 1, 2019, and annually thereafter, shall report on the total number of arrests made by joint law enforcement task forces, and the total number of arrests made for the purpose of immigration enforcement by all task force participants, including federal law enforcement agencies. To the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation, or would endanger the successful completion of the investigation or a related investigation, that information shall not be included in the Attorney General's report. The Attorney General shall post the reports required by this subdivision on the Attorney General's Internet Web site.

(e) This section does not prohibit or restrict any government entity or official from sending to, or receiving from, federal immigration authorities, information regarding the citizenship or immigration status, lawful or unlawful, of an individual, or from requesting from federal immigration authorities immigration status information, lawful or unlawful, of any individual, or maintaining or exchanging that information with any other federal, state, or local government entity, pursuant to Sections 1373 and 1644 of Title 8 of the United States Code.

(f) Nothing in this section shall prohibit a California law enforcement agency from asserting its own jurisdiction over criminal law enforcement matters.

7284.8. (a) The Attorney General, by October 1, 2018, in consultation with the appropriate stakeholders, shall publish model policies limiting assistance with immigration enforcement to the fullest extent possible consistent with federal and state law at public schools, public libraries, health facilities operated by the state or a political subdivision of the state, courthouses, Division of Labor Standards Enforcement facilities, the Agricultural Labor Relations Board, the Division of Workers Compensation, and shelters, and ensuring that they remain safe and accessible to all California residents, regardless of immigration status. All public schools, health facilities operated by the state or a political subdivision of the state, and courthouses shall implement the model policy, or an equivalent policy. The Agricultural Labor Relations Board, the Division of Workers' Compensation, the Division of Labor Standards Enforcement, shelters, libraries, and all other organizations and entities that provide services related to physical or mental health and wellness, education, or access to justice, including the University of California, are encouraged to adopt the model policy.

(b) For any databases operated by state and local law enforcement agencies, including databases maintained for the agency by private vendors, the Attorney General shall, by October 1, 2018, in consultation with appropriate stakeholders, publish guidance, audit criteria, and training recommendations aimed at ensuring that those databases are governed in a manner that limits the availability of information therein to the fullest extent practicable and consistent with federal and state law, to anyone or any entity

for the purpose of immigration enforcement. All state and local law enforcement agencies are encouraged to adopt necessary changes to database governance policies consistent with that guidance.

(c) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2), the Department of Justice may implement, interpret, or make specific this chapter without taking any regulatory action.

7284.10. (a) The Department of Corrections and Rehabilitation shall:

(1) In advance of any interview between the United States Immigration and Customs Enforcement (ICE) and an individual in department custody regarding civil immigration violations, provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary, and that he or she may decline to be interviewed or may choose to be interviewed only with his or her attorney present. The written consent form shall be available in English, Spanish, Chinese, Tagalog, Vietnamese, and Korean.

(2) Upon receiving any ICE hold, notification, or transfer request, provide a copy of the request to the individual and inform him or her whether the department intends to comply with the request.

(b) The Department of Corrections and Rehabilitation shall not:

(1) Restrict access to any in-prison educational or rehabilitative programming, or credit-earning opportunity on the sole basis of citizenship or immigration status, including, but not limited to, whether the person is in removal proceedings, or immigration authorities have issued a hold request, transfer request, notification request, or civil immigration warrant against the individual.

(2) Consider citizenship and immigration status as a factor in determining a person's custodial classification level, including, but not limited to, whether the person is in removal proceedings, or whether immigration authorities have issued a hold request, transfer request, notification request, or civil immigration warrant against the individual.

7284.12. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 4. Section 11369 of the Health and Safety Code is repealed.

SEC. 5. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

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SB-54 Law enforcement: sharing data. (2017-2018)

SECTION 1. Section 7282 of the Government Code is amended to read:

7282. For purposes of this chapter, the following terms have the following meanings:

- (a) "Conviction" shall have the same meaning as subdivision (d) of Section 667 of the Penal Code.
- (b) "Eligible for release from custody" means that the individual may be released from custody because one of the following conditions has occurred:
 - (1) All criminal charges against the individual have been dropped or dismissed.
 - (2) The individual has been acquitted of all criminal charges filed against him or her.
 - (3) The individual has served all the time required for his or her sentence.
 - (4) The individual has posted a bond.
 - (5) The individual is otherwise eligible for release under state or local law, or local policy.
- (c) ~~"Immigration hold" means an immigration detainer issued by an authorized immigration officer, pursuant to Section 287.7 of Title 8 of the Code of Federal Regulations, that requests that the law enforcement official to maintain custody of the individual for a period not to exceed 48 hours, excluding Saturdays, Sundays, and holidays, and to advise the authorized immigration officer prior to the release of that individual. "Hold request," "notification request," and "transfer request" have the same meanings as provided in Section 7283. Hold, notification, and transfer requests include requests issued by the United States Immigration and Customs Enforcement or the United States Customs and Border Protection as well as any other immigration authorities.~~ *"Hold request," "notification request," and "transfer request" have the same meanings as provided in Section 7283. Hold, notification, and transfer requests include requests issued by the United States Immigration and Customs Enforcement or the United States Customs and Border Protection as well as any other immigration authorities.*
- (d) "Law enforcement official" means any local agency or officer of a local agency authorized to enforce criminal statutes, regulations, or local ordinances or to operate jails or to maintain custody of individuals in jails, and any person or local agency authorized to operate juvenile detention facilities or to maintain custody of individuals in juvenile detention facilities.
- (e) "Local agency" means any city, county, city and county, special district, or other political subdivision of the state.
- (f) "Serious felony" means any of the offenses listed in subdivision (c) of Section 1192.7 of the Penal Code and any offense committed in another state which, if committed in California, would be punishable as a serious felony as defined by subdivision (c) of Section 1192.7 of the Penal Code.
- (g) "Violent felony" means any of the offenses listed in subdivision (c) of Section 667.5 of the Penal Code and any offense committed in another state which, if committed in California, would be punishable as a violent felony as defined by subdivision (c) of Section 667.5 of the Penal Code.

SEC. 2. Section 7282.5 of the Government Code is amended to read:

7282.5. (a) A law enforcement official shall have discretion to cooperate with ~~federal immigration officials by detaining an individual on the basis of an immigration hold after that individual becomes eligible for release from custody only if the continued detention of the individual on the basis of the immigration hold immigration authorities only if doing so~~ would not violate any federal, state, or local law, or ~~any~~ local policy, and ~~only under any of~~ where permitted by the California Values Act (Chapter 17.25 (commencing with Section 7284)). *Additionally, the specific activities described in subparagraph (C) of paragraph (1) of subdivision (a) of, and in paragraph (4) of subdivision (a) of, Section 7284.6 shall only occur under* the following circumstances:

- (1) The individual has been convicted of a serious or violent felony identified in subdivision (c) of Section 1192.7 of, or subdivision (c) of Section 667.5 of, the Penal Code.
- (2) The individual has been convicted of a felony punishable by imprisonment in the state prison.
- (3) The individual has been convicted within the past five years of a misdemeanor for a crime that is punishable as either a misdemeanor or a felony for, or has been convicted ~~at any time~~ *within the last 15 years* of a felony for, any of the following offenses:
 - (A) Assault, as specified in, but not limited to, Sections 217.1, 220, 240, 241.1, 241.4, 241.7, 244, 244.5, 245, 245.2, 245.3, 245.5, 4500, and 4501 of the Penal Code.
 - (B) Battery, as specified in, but not limited to, Sections 242, 243.1, 243.3, 243.4, 243.6, 243.7, 243.9, 273.5, 347, 4501.1, and 4501.5 of the Penal Code.
 - (C) Use of threats, as specified in, but not limited to, Sections 71, 76, 139, 140, 422, 601, and 11418.5 of the Penal Code.
 - (D) Sexual abuse, sexual exploitation, or crimes endangering children, as specified in, but not limited to, Sections 266, 266a, 266b, 266c, 266d, 266f, 266g, 266h, 266i, 266j, 267, 269, 288, 288.5, 311.1, 311.3, 311.4, 311.10, 311.11, and 647.6 of the Penal Code.
 - (E) Child abuse or endangerment, as specified in, but not limited to, Sections 270, 271, 271a, 273a, 273ab, 273d, 273.4, and 278 of the Penal Code.
 - (F) Burglary, robbery, theft, fraud, forgery, or embezzlement, as specified in, but not limited to, Sections 211, 215, 459, 463, 470, 476, 487, 496, 503, 518, 530.5, 532, and 550 of the Penal Code.
 - (G) Driving under the influence of alcohol or drugs, but only for a conviction that is a felony.
 - (H) Obstruction of justice, as specified in, but not limited to, Sections 69, 95, 95.1, 136.1, and 148.10 of the Penal Code.
 - (I) Bribery, as specified in, but not limited to, Sections 67, 67.5, 68, 74, 85, 86, 92, 93, 137, 138, and 165 of the Penal Code.
 - (J) Escape, as specified in, but not limited to, Sections 107, 109, 110, 4530, 4530.5, 4532, 4533, 4534, 4535, and 4536 of the Penal Code.
 - (K) Unlawful possession or use of a weapon, firearm, explosive device, or weapon of mass destruction, as specified in, but not limited to, Sections 171b, 171c, 171d, 246, 246.3, 247, 417, 417.3, 417.6, 417.8, 4574, 11418, 11418.1, 12021.5, 12022, 12022.2, 12022.3, 12022.4, 12022.5, 12022.53, 12022.55, 18745, 18750, and 18755 of, and subdivisions (c) and (d) of Section 26100 of, the Penal Code.
 - (L) Possession of an unlawful deadly weapon, under the Deadly Weapons Recodification Act of 2010 (Part 6 (commencing with Section 16000) of the Penal Code).
 - (M) An offense involving the felony possession, sale, distribution, manufacture, or trafficking of controlled substances.
 - (N) Vandalism with prior convictions, as specified in, but not limited to, Section 594.7 of the Penal Code.
 - (O) Gang-related offenses, as specified in, but not limited to, Sections 186.22, 186.26, and 186.28 of the Penal Code.
 - (P) An attempt, as defined in Section 664 of, or a conspiracy, as defined in Section 182 of, the Penal Code, to commit an offense specified in this section.
 - (Q) A crime resulting in death, or involving the personal infliction of great bodily injury, as specified in, but not limited to, subdivision (d) of Section 245.6 of, and Sections 187, 191.5, 192, 192.5, 12022.7, 12022.8, and 12022.9 of, the Penal Code.
 - (R) Possession or use of a firearm in the commission of an offense.
 - (S) An offense that would require the individual to register as a sex offender pursuant to Section 290, 290.002, or 290.006 of the Penal Code.

(T) False imprisonment, slavery, and human trafficking, as specified in, but not limited to, Sections 181, 210.5, 236, 236.1, and 4503 of the Penal Code.

(U) Criminal profiteering and money laundering, as specified in, but not limited to, Sections 186.2, 186.9, and 186.10 of the Penal Code.

(V) Torture and mayhem, as specified in, but not limited to, Section 203 of the Penal Code.

(W) A crime threatening the public safety, as specified in, but not limited to, Sections 219, 219.1, 219.2, 247.5, 404, 404.6, 405a, 451, and 11413 of the Penal Code.

(X) Elder and dependent adult abuse, as specified in, but not limited to, Section 368 of the Penal Code.

(Y) A hate crime, as specified in, but not limited to, Section 422.55 of the Penal Code.

(Z) Stalking, as specified in, but not limited to, Section 646.9 of the Penal Code.

(AA) Soliciting the commission of a crime, as specified in, but not limited to, subdivision (c) of Section 286 of, and Sections 653j and 653.23 of, the Penal Code.

(AB) An offense committed while on bail or released on his or her own recognizance, as specified in, but not limited to, Section 12022.1 of the Penal Code.

(AC) Rape, sodomy, oral copulation, or sexual penetration, as specified in, but not limited to, paragraphs (2) and (6) of subdivision (a) of Section 261 of, paragraphs (1) and (4) of subdivision (a) of Section 262 of, Section 264.1 of, subdivisions (c) and (d) of Section 286 of, subdivisions (c) and (d) of Section 288a of, and subdivisions (a) and (j) of Section 289 of, the Penal Code.

(AD) Kidnapping, as specified in, but not limited to, Sections 207, 209, and 209.5 of the Penal Code.

(AE) A violation of subdivision (c) of Section 20001 of the Vehicle Code.

(4) The individual is a current registrant on the California Sex and Arson Registry.

~~(5) The individual is arrested and taken before a magistrate on a charge involving a serious or violent felony, as identified in subdivision (c) of Section 1192.7 or subdivision (c) of Section 667.5 of the Penal Code, a felony punishable by imprisonment in state prison, or any felony listed in paragraph (2) or (3) other than domestic violence, and the magistrate makes a finding of probable cause as to that charge pursuant to Section 872 of the Penal Code.~~

~~(6)~~ (5) The individual has been convicted of a federal crime that meets the definition of an aggravated felony as set forth in subparagraphs (A) to (P), inclusive, of paragraph (43) of subsection (a) of Section 101 of the federal Immigration and Nationality Act (8 U.S.C. Sec. 1101), or is identified by the United States Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

(6) In no case shall cooperation occur pursuant to this section for individuals arrested, detained, or convicted of misdemeanors that were previously felonies, or were previously crimes punishable as either misdemeanors or felonies, prior to passage of the Safe Neighborhoods and Schools Act of 2014 as it amended the Penal Code.

~~(b) If none of the conditions listed in subdivision (a) is satisfied, an individual shall not be detained on the basis of an immigration hold after the individual becomes eligible for release from custody. In cases in which the individual is arrested and taken before a magistrate on a charge involving a serious or violent felony, as identified in subdivision (c) of Section 1192.7 or subdivision (c) of Section 667.5 of the Penal Code, respectively, or a felony that is punishable by imprisonment in state prison, and the magistrate makes a finding of probable cause as to that charge pursuant to Section 872 of the Penal Code, a law enforcement official shall additionally have discretion to cooperate with immigration officials pursuant to subparagraph (C) of paragraph (1) of subdivision (a) of Section 7284.6.~~

SEC. 3. Chapter 17.25 (commencing with Section 7284) is added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 17.25. Cooperation with Immigration Authorities

7284. This chapter shall be known, and may be cited, as the California Values Act.

7284.2. The Legislature finds and declares the following:

(a) *Immigrants are valuable and essential members of the California community. Almost one in three Californians is foreign born and one in two children in California has at least one immigrant parent.*

(b) *A relationship of trust between California's immigrant community and state and local agencies is central to the public safety of the people of California.*

(c) *This trust is threatened when state and local agencies are entangled with federal immigration enforcement, with the result that immigrant community members fear approaching police when they are victims of, and witnesses to, crimes, seeking basic health services, or attending school, to the detriment of public safety and the well-being of all Californians.*

(d) *Entangling state and local agencies with federal immigration enforcement programs diverts already limited resources and blurs the lines of accountability between local, state, and federal governments.*

(e) *State and local participation in federal immigration enforcement programs also raises constitutional concerns, including the prospect that California residents could be detained in violation of the Fourth Amendment to the United States Constitution, targeted on the basis of race or ethnicity in violation of the Equal Protection Clause, or denied access to education based on immigration status. See *Sanchez Ochoa v. Campbell, et al.* (E.D. Wash. 2017) 2017 WL 3476777; *Trujillo Santoya v. United States, et al.* (W.D. Tex. 2017) 2017 WL 2896021; *Moreno v. Napolitano* (N.D. Ill. 2016) 213 F. Supp. 3d 999; *Morales v. Chadbourne* (1st Cir. 2015) 793 F.3d 208; *Miranda-Olivares v. Clackamas County* (D. Or. 2014) 2014 WL 1414305; *Galarza v. Szalczyk* (3d Cir. 2014) 745 F.3d 634.*

(f) *This chapter seeks to ensure effective policing, to protect the safety, well-being, and constitutional rights of the people of California, and to direct the state's limited resources to matters of greatest concern to state and local governments.*

(g) *It is the intent of the Legislature that this chapter shall not be construed as providing, expanding, or ratifying any legal authority for any state or local law enforcement agency to participate in immigration enforcement.*

7284.4. *For purposes of this chapter, the following terms have the following meanings:*

(a) *"California law enforcement agency" means a state or local law enforcement agency, including school police or security departments. "California law enforcement agency" does not include the Department of Corrections and Rehabilitation.*

(b) *"Civil immigration warrant" means any warrant for a violation of federal civil immigration law, and includes civil immigration warrants entered in the National Crime Information Center database.*

(c) *"Immigration authority" means any federal, state, or local officer, employee, or person performing immigration enforcement functions.*

(d) *"Health facility" includes health facilities as defined in Section 1250 of the Health and Safety Code, clinics as defined in Sections 1200 and 1200.1 of the Health and Safety Code, and substance abuse treatment facilities.*

(e) *"Hold request," "notification request," "transfer request," and "local law enforcement agency" have the same meaning as provided in Section 7283. Hold, notification, and transfer requests include requests issued by United States Immigration and Customs Enforcement or United States Customs and Border Protection as well as any other immigration authorities.*

(f) *"Immigration enforcement" includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and also includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry, or reentry to, or employment in, the United States.*

(g) *"Joint law enforcement task force" means at least one California law enforcement agency collaborating, engaging, or partnering with at least one federal law enforcement agency in investigating federal or state crimes.*

(h) *"Judicial probable cause determination" means a determination made by a federal judge or federal magistrate judge that probable cause exists that an individual has violated federal criminal immigration law and that authorizes a law enforcement officer to arrest and take into custody the individual.*

(i) *"Judicial warrant" means a warrant based on probable cause for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge that authorizes a law enforcement officer to arrest and take into custody the person who is the subject of the warrant.*

(j) *"Public schools" means all public elementary and secondary schools under the jurisdiction of local governing boards or a charter school board, the California State University, and the California Community Colleges.*

(k) "School police and security departments" includes police and security departments of the California State University, the California Community Colleges, charter schools, county offices of education, schools, and school districts.

7284.6. (a) California law enforcement agencies shall not:

(1) Use agency or department moneys or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, including any of the following:

(A) Inquiring into an individual's immigration status.

(B) Detaining an individual on the basis of a hold request.

(C) Providing information regarding a person's release date or responding to requests for notification by providing release dates or other information unless that information is available to the public, or is in response to a notification request from immigration authorities in accordance with Section 7282.5. Responses are never required, but are permitted under this subdivision, provided that they do not violate any local law or policy.

(D) Providing personal information, as defined in Section 1798.3 of the Civil Code, about an individual, including, but not limited to, the individual's home address or work address unless that information is available to the public.

(E) Making or intentionally participating in arrests based on civil immigration warrants.

(F) Assisting immigration authorities in the activities described in Section 1357(a)(3) of Title 8 of the United States Code.

(G) Performing the functions of an immigration officer, whether pursuant to Section 1357(g) of Title 8 of the United States Code or any other law, regulation, or policy, whether formal or informal.

(2) Place peace officers under the supervision of federal agencies or employ peace officers deputized as special federal officers or special federal deputies for purposes of immigration enforcement. All peace officers remain subject to California law governing conduct of peace officers and the policies of the employing agency.

(3) Use immigration authorities as interpreters for law enforcement matters relating to individuals in agency or department custody.

(4) Transfer an individual to immigration authorities unless authorized by a judicial warrant or judicial probable cause determination, or in accordance with Section 7282.5.

(5) Provide office space exclusively dedicated for immigration authorities for use within a city or county law enforcement facility.

(6) Contract with the federal government for use of California law enforcement agency facilities to house individuals as federal detainees, except pursuant to Chapter 17.8 (commencing with Section 7310).

(b) Notwithstanding the limitations in subdivision (a), this section does not prevent any California law enforcement agency from doing any of the following that does not violate any policy of the law enforcement agency or any local law or policy of the jurisdiction in which the agency is operating:

(1) Investigating, enforcing, or detaining upon reasonable suspicion of, or arresting for a violation of, Section 1326(a) of Title 8 of the United States Code that may be subject to the enhancement specified in Section 1326(b) (2) of Title 8 of the United States Code and that is detected during an unrelated law enforcement activity. Transfers to immigration authorities are permitted under this subsection only in accordance with paragraph (4) of subdivision (a).

(2) Responding to a request from immigration authorities for information about a specific person's criminal history, including previous criminal arrests, convictions, or similar criminal history information accessed through the California Law Enforcement Telecommunications System (CLETS), where otherwise permitted by state law.

(3) Conducting enforcement or investigative duties associated with a joint law enforcement task force, including the sharing of confidential information with other law enforcement agencies for purposes of task force investigations, so long as the following conditions are met:

(A) The primary purpose of the joint law enforcement task force is not immigration enforcement, as defined in subdivision (f) of Section 7284.4.

(B) The enforcement or investigative duties are primarily related to a violation of state or federal law unrelated to immigration enforcement.

(C) Participation in the task force by a California law enforcement agency does not violate any local law or policy to which it is otherwise subject.

(4) Making inquiries into information necessary to certify an individual who has been identified as a potential crime or trafficking victim for a T or U Visa pursuant to Section 1101(a)(15)(T) or 1101(a)(15)(U) of Title 8 of the United States Code or to comply with Section 922(d)(5) of Title 18 of the United States Code.

(5) Giving immigration authorities access to interview an individual in agency or department custody. All interview access shall comply with requirements of the TRUTH Act (Chapter 17.2 (commencing with Section 7283)).

(c) (1) If a California law enforcement agency chooses to participate in a joint law enforcement task force, for which a California law enforcement agency has agreed to dedicate personnel or resources on an ongoing basis, it shall submit a report annually to the Department of Justice, as specified by the Attorney General. The law enforcement agency shall report the following information, if known, for each task force of which it is a member:

(A) The purpose of the task force.

(B) The federal, state, and local law enforcement agencies involved.

(C) The total number of arrests made during the reporting period.

(D) The number of people arrested for immigration enforcement purposes.

(2) All law enforcement agencies shall report annually to the Department of Justice, in a manner specified by the Attorney General, the number of transfers pursuant to paragraph (4) of subdivision (a), and the offense that allowed for the transfer, pursuant to paragraph (4) of subdivision (a).

(3) All records described in this subdivision shall be public records for purposes of the California Public Records Act (Chapter 3.5 (commencing with Section 6250)), including the exemptions provided by that act and, as permitted under that act, personal identifying information may be redacted prior to public disclosure. To the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation, or would endanger the successful completion of the investigation or a related investigation, that information shall not be disclosed.

(4) If more than one California law enforcement agency is participating in a joint task force that meets the reporting requirement pursuant to this section, the joint task force shall designate a local or state agency responsible for completing the reporting requirement.

(d) The Attorney General, by March 1, 2019, and annually thereafter, shall report on the total number of arrests made by joint law enforcement task forces, and the total number of arrests made for the purpose of immigration enforcement by all task force participants, including federal law enforcement agencies. To the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation, or would endanger the successful completion of the investigation or a related investigation, that information shall not be included in the Attorney General's report. The Attorney General shall post the reports required by this subdivision on the Attorney General's Internet Web site.

(e) This section does not prohibit or restrict any government entity or official from sending to, or receiving from, federal immigration authorities, information regarding the citizenship or immigration status, lawful or unlawful, of an individual, or from requesting from federal immigration authorities immigration status information, lawful or unlawful, of any individual, or maintaining or exchanging that information with any other federal, state, or local government entity, pursuant to Sections 1373 and 1644 of Title 8 of the United States Code.

(f) Nothing in this section shall prohibit a California law enforcement agency from asserting its own jurisdiction over criminal law enforcement matters.

7284.8. *(a) The Attorney General, by October 1, 2018, in consultation with the appropriate stakeholders, shall publish model policies limiting assistance with immigration enforcement to the fullest extent possible consistent with federal and state law at public schools, public libraries, health facilities operated by the state or a political subdivision of the state, courthouses, Division of Labor Standards Enforcement facilities, the Agricultural Labor Relations Board, the Division of Workers Compensation, and shelters, and ensuring that they remain safe and accessible to all California residents, regardless of immigration status. All public schools, health facilities operated by the state or a political subdivision of the state, and courthouses shall implement the model policy, or an*

equivalent policy. The Agricultural Labor Relations Board, the Division of Workers' Compensation, the Division of Labor Standards Enforcement, shelters, libraries, and all other organizations and entities that provide services related to physical or mental health and wellness, education, or access to justice, including the University of California, are encouraged to adopt the model policy.

(b) For any databases operated by state and local law enforcement agencies, including databases maintained for the agency by private vendors, the Attorney General shall, by October 1, 2018, in consultation with appropriate stakeholders, publish guidance, audit criteria, and training recommendations aimed at ensuring that those databases are governed in a manner that limits the availability of information therein to the fullest extent practicable and consistent with federal and state law, to anyone or any entity for the purpose of immigration enforcement. All state and local law enforcement agencies are encouraged to adopt necessary changes to database governance policies consistent with that guidance.

(c) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2), the Department of Justice may implement, interpret, or make specific this chapter without taking any regulatory action.

7284.10. *(a) The Department of Corrections and Rehabilitation shall:*

(1) In advance of any interview between the United States Immigration and Customs Enforcement (ICE) and an individual in department custody regarding civil immigration violations, provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary, and that he or she may decline to be interviewed or may choose to be interviewed only with his or her attorney present. The written consent form shall be available in English, Spanish, Chinese, Tagalog, Vietnamese, and Korean.

(2) Upon receiving any ICE hold, notification, or transfer request, provide a copy of the request to the individual and inform him or her whether the department intends to comply with the request.

(b) The Department of Corrections and Rehabilitation shall not:

(1) Restrict access to any in-prison educational or rehabilitative programming, or credit-earning opportunity on the sole basis of citizenship or immigration status, including, but not limited to, whether the person is in removal proceedings, or immigration authorities have issued a hold request, transfer request, notification request, or civil immigration warrant against the individual.

(2) Consider citizenship and immigration status as a factor in determining a person's custodial classification level, including, but not limited to, whether the person is in removal proceedings, or whether immigration authorities have issued a hold request, transfer request, notification request, or civil immigration warrant against the individual.

7284.12. *The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.*

SEC. 4. Section 11369 of the Health and Safety Code is repealed.

~~11369. When there is reason to believe that any person arrested for a violation of Section 11350, 11351, 11351.5, 11352, 11353, 11355, 11357, 11359, 11360, 11361, 11363, 11366, 11368 or 11550, may not be a citizen of the United States, the arresting agency shall notify the appropriate agency of the United States having charge of deportation matters.~~

SEC. 5. *If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.*

Senate Bill 54 Review- Updated
Public Protection Committee- December 7, 2017

	<p>SB 54 (Chapter 495, October 5, 2017) Effective Jan. 1, 2018¹ Amends Gov. Code §§ 7282, 7282.5², adds Gov. Code §§ 7284-7284.12; Repeals Health & Safety Code § 11369</p>	<p>Sheriff Immigration Policy No. 1.02.28 (Rev. May 2017)</p>	<p>Draft Probation Immigration Policy 428 (Rev. Oct. 2017)</p>
<p>1.</p>	<p>Law enforcement officials may cooperate with immigration authorities in response to a notification request for persons convicted of specified felonies “within the last 15 years” - changed from convicted “anytime” in the past. § 7282.5(a)(3)</p>	<p>Amendment suggested to reflect change in the law. <u>Current policy:</u> IV.F.3. c. Notification requests will be honored for any <u>conviction or prior conviction</u> for which the person is required to register on the California Sex and Arson Registry (CSAR) as a sex offender pursuant to PC 290 or as an arson offender pursuant to PC 457.1 d. Notification requests will be honored for (i) any felony conviction (at any time)...</p>	<p>Complies. <u>Draft policy:</u> 428.6- The Probation Department shall not... C) Providing information regarding a person’s release dates or responding to requests for notification by providing release dates or other information unless that information is available to the public or is in response to a notification request from immigration authorities in accordance with Section 7282.5 of the Government Code.</p>
<p>2. 3.</p>	<p>Law enforcement officials may cooperate with immigration authorities only if information is public or in response to a notification request for release date (such as I-247N³) if person arrested and taken before a magistrate for a serious or violent felony described in PC 667.5(c) or 1192.7(c), or a felony punishable by imprisonment in state prison. §7282.5(b); §7284.6(a)(1)(C)</p>	<p>Complies. <u>Current policy:</u> IV.F.3. The Office of the Sheriff will provide information in response to ICE requests for notification (forms I-247A and I-247N) in conjunction with the conditions set forth in subparagraphs a-e below. ICE requests for notification will be honored for inmates who have convicted of certain offenses or felonies, or convicted... a. As used in PC 1192.7(c), “serious felony” means... b. As used in PC 667.5(c), “violent felony” means...</p>	<p>Complies. <u>Draft policy:</u> 428.6- The Probation Department shall not... C) Providing information regarding a person’s release dates or responding to requests for notification by providing release dates or other information unless that information is available to the public or is in response to a notification request from immigration authorities in accordance with Section 7282.5 of the Government Code.</p>

¹ Effective date delayed until January 4, 2018, due a potential statewide referendum on SB 54 that is in the signature-gathering phase.
² Also known as the Trust Act- CA Gov. Code §§ 7282-7282.5 [Amended by SB 54 (2017)]
³ Forms I-247N, I-247D, I-247X were rescinded by I.C.E. on April 2, 2017, and replaced with Form I-247A- Immigration Detainer- Notice of Action.

Senate Bill 54 Review- Updated
Public Protection Committee- December 7, 2017

	<p>SB 54 (Chapter 495, October 5, 2017) Effective Jan. 1, 2018¹ Amends Gov. Code §§ 7282, 7282.5², adds Gov. Code §§ 7284-7284.12; Repeals Health & Safety Code § 11369</p>	<p>Sheriff Immigration Policy No. 1.02.28 (Rev. May 2017)</p>	<p>Draft Probation Immigration Policy 428 (Rev. Oct. 2017)</p>
3.	<p>Law enforcement agencies shall not use agency money or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes</p> <p>§7284.6(a)(1)</p>	<p>Requires further information from Sheriff's Office on interpretation and current practice.</p> <p><u>Current policy:</u> III. A. ICE has primary responsibility to investigate and enforce federal immigration laws. Office of the Sheriff personnel may assist ICE in the enforcement of federal immigration laws upon its specific request and in those situations where ICE-initiated investigations have led to the discovery of criminal violations of California law...</p>	<p>Complies.</p> <p><u>Draft policy:</u> 428.6- The Probation Department shall not use Department resources or personnel to investigate, interrogate, detain, detect or arrest persons for immigration enforcement purposes, including any of the following :... G) Performing the functions of an immigration officer, whether pursuant to Section 1357(g) of title 8 of the United States Code or any other law, regulation, or policy whether formal or informal.</p>
4.	<p>Law enforcement agencies shall not inquire into an individual's immigration status.</p> <p>§7284.6(a)(1)(A)</p>	<p>Complies.</p> <p><u>Current policy:</u> III.B. Contacts (whether consensual or not), detentions, and arrests shall be based on reasonable suspicion or probable cause. A Deputy may never initiate any law enforcement action based on observations relating to immigration status... IV.B.1. A Deputy's suspicion about any person's immigration status shall not be used as a sole basis to initiate contact, detain, or arrest that person...</p>	<p>Complies.</p> <p><u>Draft policy:</u> 428.6- The Probation Department shall not... A) Inquiring into an individual's immigration status</p>
5.	<p>Law enforcement agencies shall not detain on basis</p>	<p>Complies.</p>	<p>Complies.</p>

**Senate Bill 54 Review- Updated
Public Protection Committee- December 7, 2017**

	<p>SB 54 (Chapter 495, October 5, 2017) Effective Jan. 1, 2018¹ Amends Gov. Code §§ 7282, 7282.5², adds Gov. Code §§ 7284-7284.12; Repeals Health & Safety Code § 11369</p>	<p>Sheriff Immigration Policy No. 1.02.28 (Rev. May 2017)</p>	<p>Draft Probation Immigration Policy 428 (Rev. Oct. 2017)</p>
<p>of a hold request- as defined in § 7283(b)⁴. §7284.6(a)(1)(B)</p>	<p>Current policy: IV.F. 2. Inmates who are eligible for release from custody shall <i>not</i> be held, pursuant to an immigration hold, beyond the time he or she would otherwise be released. Requires further information from Sheriff's Office on interpretation and current practice. Current policy: IV.F. The Office of the Sheriff regularly receives... However, I-247N notification requests will be honored under the following circumstances: 1. TRUST ACT. The Trust Act (AB4) provides that a person may not be held in custody solely on the basis of an immigration detainer if he or she is otherwise eligible for release from custody, unless at the time the individual becomes eligible for release from custody certain conditions are met....</p>	<p>Current policy: IV.F. 2. Inmates who are eligible for release from custody shall <i>not</i> be held, pursuant to an immigration hold, beyond the time he or she would otherwise be released. Requires further information from Sheriff's Office on interpretation and current practice. Current policy: IV.F. The Office of the Sheriff regularly receives... However, I-247N notification requests will be honored under the following circumstances: 1. TRUST ACT. The Trust Act (AB4) provides that a person may not be held in custody solely on the basis of an immigration detainer if he or she is otherwise eligible for release from custody, unless at the time the individual becomes eligible for release from custody certain conditions are met....</p>	<p><u>Draft policy:</u> 428.6- The Probation Department shall not... B) Detaining of an individual on the basis of a hold request.</p>
<p>6. Law enforcement agencies shall not provide information on a release date or other information unless the information is available to the public or in response to a notification request per 7282.5. §7284.6(a)(1)(C)</p>	<p>Not covered by policy.</p>	<p>Complies. <u>Draft policy:</u> 428.6- The Probation Department shall not... C) Providing information regarding a person's release dates or responding to requests for notification by providing release dates or other information unless that information is available to the public or is in response to a notification request from immigration authorities in accordance with Section 7282.5 of the Government Code.</p>	<p>Complies. <u>Draft policy:</u> 428.6- The Probation Department shall not... D) Providing personal information as defined in Section 1798.3 of the Civil Code, about an individual... unless the information is available to the public. Complies.</p>
<p>7. Law enforcement agencies shall not provide personal information, as defined in CC 1798.3, including home address or work unless the information is available to the public. §7284.6(a)(1)(D)</p>	<p>Requires further information from Sheriff's Office on</p>	<p>Requires further information from Sheriff's Office on</p>	<p>Complies.</p>
<p>8. Law enforcement agencies shall not make or</p>	<p>Requires further information from Sheriff's Office on</p>	<p>Requires further information from Sheriff's Office on</p>	<p>Complies.</p>

⁴ Also known as the Truth Act- CA Gov. Code §§ 7283-7283.2 [Not Amended by SB 54 (2017)]
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**Senate Bill 54 Review- Updated
Public Protection Committee- December 7, 2017**

<p>SB 54 (Chapter 495, October 5, 2017) Effective Jan. 1, 2018¹ Amends Gov. Code §§ 7282, 7282.5², adds Gov. Code §§ 7284-7284.12; Repeals Health & Safety Code § 11369</p>	<p>intentionally participate in arrests based on civil immigration warrants.</p> <p>§7284.6(a)(1)(E)</p>	<p>Sheriff Immigration Policy No. 1.02.28 (Rev. May 2017)</p> <p>interpretation and current practice.</p> <p><u>Current policy:</u></p> <p>III. A. ICE has primary responsibility to investigate and enforce federal immigration laws. Office of the Sheriff personnel may assist ICE in the enforcement of federal immigration laws upon its specific request and in those situations where ICE-initiated investigations have led to the discovery of criminal violations of California law...</p> <p>Requires further information from Sheriff's Office on interpretation and current practice.</p> <p><u>Current policy:</u></p> <p>III.A. ICE has primary responsibility to investigate and enforce federal immigration laws. Office of the Sheriff personnel may assist ICE in the enforcement of federal immigration laws upon its specific request and in those situations where ICE-initiated investigations have led to the discovery of criminal violations of California law...</p> <p>IV.B.2. Sweeps intended solely to locate and detain undocumented immigrants are not permitted. Deputies will not participate in ICE-organized sweepsOffice of the Sheriff personnel may, however, provide support services, including traffic control, during an ICE operation, upon the specific request of ICE for assistance.</p>	<p>Draft Probation Immigration Policy 428 (Rev. Oct. 2017)</p> <p><u>Draft policy:</u> 428.6- The Probation Department shall not... E) Making or intentionally participating in arrests based on civil immigration warrants.</p> <p>Complies. <u>Draft policy:</u> 428.6- The Probation Department shall not... F) Assisting immigration authorities in the activities described in Section 1375(a)(3) of title 8 of the United States Code.</p>
<p>Page 133 of 343</p>	<p>Law enforcement agencies shall not assist immigration in activities described in 8 U.S.C. 1357(a)(3), perform immigration officer functions, or place peace officers under supervision of federal agencies for purposes of immigration enforcement.</p> <p>§7284.6(a)(1)(F), (G), & (a)(2)</p>	<p>Complies. <u>Current policy:</u></p>	<p>Complies. <u>Draft policy:</u></p>
<p>10.</p>	<p>Law enforcement agencies shall not transfer to immigration authorities unless authorized by a</p>	<p>Complies. <u>Current policy:</u></p>	<p>Complies. <u>Draft policy:</u></p>

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		<p>IV.F. 2. Inmates who are eligible for release from custody shall <i>not</i> be held, pursuant to an immigration hold, beyond the time he or she would otherwise be released. 6. Court orders and warrants are entirely separate and should not be confused with I-247A, I-247N, I-247D, and I-247X requests. Duly issued warrants will, in all cases, be honored.</p>	<p>428.7- ICE detainees and transfer requests for individuals involved in juvenile cases will not be honored at the John A. Davis Juvenile Hall or the Orin Allen Youth Rehabilitation Facility.</p>	
<p>11.</p>	<p>Law enforcement agencies shall not contract with the federal government for use of California law enforcement agency facilities to house individuals as federal detainees, except per 7310 (June 15, 2017 cutoff for new contracts or renewal or modification of an existing contract.) §7284.6(a)(6)</p>	<p>Not covered by policy.</p>	<p>Not covered by policy.</p>	<p>Not covered by policy.</p>
<p>12.</p>	<p>Repeals H&S Code 11369. SB 54, Sec. 4</p>	<p>Amendment suggested to reflect repeal of this law. <u>Current policy:</u> IV.D.2.(f) If a Deputy has cause to believe that a person arrested for any violation listed in H&S section 11369...</p>	<p>Complies. Draft policy does not reference Health and Safety Code section 11369.</p>	

Judge in Chicago refuses to change ruling on sanctuary cities



U.S. Attorney General Jeff Sessions speaks about the asylum system at the Executive Office for Immigration Review in Falls Church, Va., on Oct. 12, 2017. (Jim Lo Scalzo/EPA-EFE)

By **Jason Meisner**
Chicago Tribune

OCTOBER 13, 2017, 5:00 PM

A federal judge in Chicago on Friday refused to alter his previous ruling barring Attorney General **Jeff Sessions** from requiring sanctuary cities nationwide to cooperate with immigration agents in exchange for receiving public safety grant money.

In granting the preliminary injunction last month, U.S. District Judge Harry Leinenweber said Mayor Rahm Emanuel's administration could suffer "irreparable harm" in its relationship with the immigrant community if it were to comply with the U.S. Department of Justice's new rules. **The judge also said the attorney general overstepped his authority by imposing the special conditions, agreeing with the city's argument that it was an attempt to usurp power from Congress over the country's**

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In a motion filed Sept. 26, Sessions asked Leinenweber to narrow the ruling to apply only to Chicago, arguing it would unfairly punish smaller cities that depend on the Edward Byrne Memorial Justice Assistance Grants.

But Leinenweber wrote in his decision Friday that the “rule of law is undermined” if he allowed Sessions to continue what is likely unconstitutional conduct in other cities while the lawsuit here is pending.

“An injunction more restricted in scope would leave the Attorney General free to continue enforcing the likely invalid conditions against all other Byrne JAG applicants,” wrote Leinenweber, who was appointed to the bench by President Ronald Reagan in 1985.

A separate appeal of Leinenweber’s preliminary injunction is pending before the 7th U.S. Circuit Court of Appeals in Chicago.

President Donald Trump’s administration wants to require cities applying for the annual grants for public safety technology to give notice when immigrants in the country illegally are about to be released from custody and allow immigration agents access to local jails.

The new regulations, announced by Sessions in July, also would require local authorities to give 48 hours’ notice “where practicable” before releasing from custody people whom federal immigration agents suspect of being in the country illegally.

The Byrne grants have become a high-profile battlefield between local governments and the Trump administration over the president’s immigration policies.

This week, the [Justice Department](#) announced it had sent letters contending that Chicago and Cook County violated federal immigration laws last year when they were awarded public safety grants.

The letters to Chicago police Superintendent Eddie Johnson and Cook County Board President Toni Preckwinkle, along with a handful of other so-called sanctuary cities around the country, do not specify why the city and county are in violation, but it gives them until Oct. 27 to prove otherwise before the Justice Department reaches “its final determination” on the matter.

In a statement Friday, Emanuel claimed victory but said the “battle is not over.”

“This ruling is a victory for both Chicago and cities nationwide, because no city in America should be forced to abandon its values in order to get public safety funding from the federal government,” the

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jmeisner@chicagotribune.com

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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

THE CITY OF PHILADELPHIA,

Plaintiff,

v.

JEFFERSON BEAUREGARD SESSIONS III,
in his official capacity as Attorney General of
the United States,

Defendant.

Case No. 2:17-cv-03894-MMB

**BRIEF OF AMICI CURIAE COUNTY OF SANTA CLARA,
24 ADDITIONAL CITIES, COUNTIES AND MUNICIPAL AGENCIES,
THE U.S. CONFERENCE OF MAYORS, THE NATIONAL LEAGUE OF CITIES,
THE INTERNATIONAL MUNICIPAL LAWYERS ASSOCIATION, AND
THE INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION**

IN SUPPORT OF

THE CITY OF PHILADELPHIA'S MOTION FOR PRELIMINARY INJUNCTION

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I.

INTRODUCTION

Amici are 24 cities, counties, and municipal agencies,¹ and four major associations of local governments and their officials: The United States Conference of Mayors, the National League of Cities, the International Municipal Lawyers Association, and the International City/County Management Association.² Local governments bear responsibility for protecting the safety and welfare of our communities. Our law enforcement officials patrol our streets, operate our jails, investigate and prosecute crimes, and secure justice for victims. To fulfill these responsibilities, amici cities and counties must build and maintain the trust of our residents, regardless of their immigration status, and we must be able to adopt policies which foster that trust and meet our communities' unique needs.

Since January, President Trump and his Administration have targeted local jurisdictions, like the amici cities and counties, that have determined the needs of their communities are best met, and public safety is best secured, by limiting local involvement with the enforcement of federal immigration law. In one of his first acts upon taking office, President Trump issued an Executive Order (“Order”) directing his Administration to deny federal funds to so-called

¹ The Metropolitan Area Planning Council is the Regional Planning Agency serving the people who live and work in the 101 cities and towns of Metropolitan Boston. *See* Massachusetts General Laws Ch. 40B Section 24. The agency provides extensive technical assistance to cities and towns in the Greater Boston region, and supports the ability of cities and towns to adopt and implement best practices for maintaining a productive relationship with all residents of their communities, regardless of their immigration status.

² The United States Conference of Mayors is the official non-partisan organization of cities with populations of 30,000 or more. There are 1,408 such cities in the country today. Each city is represented in the Conference by its chief elected official, the mayor. The National League of Cities (“NLC”) is dedicated to helping city leaders build better communities. NLC is a resource and advocate for 19,000 cities, towns and villages, representing more than 218 million Americans. The International Municipal Lawyers Association (“IMLA”) is owned by its more than 2,500 members and serves as an international clearinghouse for legal information and cooperation on municipal legal matters. IMLA’s mission is to advance the responsible development of municipal law through education and advocacy by providing the collective viewpoint of local governments around the country on legal issues before courts nationwide. The International City/County Management Association (“ICMA”) is a non-profit professional and educational organization with more than 11,000 members, the appointed chief executives and professionals who serve local governments throughout the world.

“sanctuary” jurisdictions. Executive Order 13768, §§ 2(c), 9(a). Three months later, Judge William H. Orrick of the United States District Court for the Northern District of California granted a nationwide preliminary injunction barring enforcement of Section 9(a) of the Order. *Cty. of Santa Clara v. Trump*, No. 17-CV-00574, *City & Cty. of San Francisco v. Trump*, No. 17-CV-00485, 2017 WL 1459081 (N.D. Cal. Apr. 25, 2017) (hereinafter *Santa Clara*). Despite that injunction, the Department of Justice (“DOJ”) is attempting yet again to deny federal funds to jurisdictions that choose to limit their participation in enforcing federal immigration law.

The DOJ’s new conditions on the Edward Byrne Memorial Justice Assistance Grant (“Byrne JAG”) program violate federal law, usurp local control over public safety policy, erode the community trust on which local law enforcement depends, and create uncertainty for local governments like amici. A district court in Chicago has already recognized this and preliminarily enjoined the enforcement of two of these conditions on a nationwide basis. *City of Chicago v. Sessions*, No. 17-CV-5720, 2017 WL 4081821, at *14 (N.D. Ill. Sept. 15, 2017). But the federal government continues to dispute the nationwide scope of this injunction, and a preliminary injunction is required from this Court to protect Philadelphia and prevent irreparable harm to its law enforcement efforts and its local residents.

II.

BACKGROUND

Hundreds of local jurisdictions nationwide have concluded they can best promote the safety and well-being of their communities by limiting their involvement in immigration enforcement. *See, e.g.*, Jasmine C. Lee, Rudy Omri, and Julia Preston, “What Are Sanctuary Cities,” *New York Times* (Feb. 6, 2017), <https://www.nytimes.com/interactive/2016/09/02/us/sanctuary-cities.html?mcubz=1>. Although these jurisdictions are just as safe as – if not safer than, *see infra* at 9-11 – those that devote local resources to enforcing federal immigration law, President Trump has blamed them for “needless deaths” and promised to “end . . . [s]anctuary” jurisdictions by cutting off their federal funding. Transcript of Donald Trump’s Immigration Speech, *The New York Times* (Sept. 1, 2016), <https://www.nytimes.com/2016/09/02/us/>

politics/transcript-trump-immigration-speech.html.

On January 25, 2017, President Trump issued Executive Order 13768, which directed the Attorney General and the Secretary of Homeland Security to ensure that “sanctuary jurisdictions” do not receive any “[f]ederal funds.” Executive Order 13768, §§ 2(c), 9(a). The White House made clear that the Order aimed to “end[] sanctuary cities” by stripping them of *all* federal funding. *See, e.g.*, Press Release, The White House, Office of the Press Secretary, *Press Briefing by Press Secretary Sean Spicer, 2/1/2017, #6* (Feb. 1, 2017), <https://www.whitehouse.gov/the-press-office/2017/02/01/press-briefing-press-secretary-sean-spicer-212017-6>.

Shortly thereafter, the County of Santa Clara and the City and County of San Francisco filed related lawsuits challenging the Order and moved for a preliminary injunction barring its enforcement. At oral argument on the motions, DOJ attempted to walk back the Order’s sweeping language by arguing the Order was merely an “exercise of the President’s ‘bully pulpit’” to exert political pressure on local government entities, and only applied narrowly to three specific federal grants (including Byrne JAG). *Santa Clara*, 2017 WL 1459081, at *1. The district court rejected this interpretation, finding it irreconcilable with the plain language of the Order, and issued a preliminary injunction in April prohibiting enforcement of Section 9(a)’s broad funding ban.³ *Id.* at *9. The Executive Order remains preliminary enjoined, and Santa Clara and San Francisco have moved for a permanent injunction.

Meanwhile, the Attorney General has shifted to a grant-by-grant approach. In April 2017, as it became increasingly likely that the Executive Order would be enjoined, DOJ took action to enforce a condition on Byrne JAG funding initially imposed in 2016. *See* Compl. ¶¶ 69-74 (Dkt. No.1). This condition (the “certification condition”) requires recipients of Byrne JAG program funds to certify compliance with 8 U.S.C. section 1373, which prohibits

³ DOJ relied on an Attorney General memorandum purporting to reinterpret the Executive Order to seek reconsideration of the preliminary injunction, but the district court rejected that attempt. *See Cty. of Santa Clara v. Trump*, No. 17-CV-00574, *City & Cty. of San Francisco v. Trump*, No. 17-CV-00485, 2017 WL 3086064 (N.D. Cal. July 20, 2017).

restrictions on the sharing of citizenship and immigration status information. On April 21, 2017, the DOJ sent letters to nine jurisdictions, including Philadelphia, suggesting they did not comply with section 1373 and requiring them to submit an “official legal opinion” and supporting documentation to demonstrate their compliance by June 30, 2017. Compl. ¶ 78.

Then, on July 25, 2017, the Attorney General officially announced three conditions applicable to the Byrne JAG program, including the existing certification condition and two new conditions that require recipients to (1) “permit personnel of [DHS] to access any detention facility in order to meet with an alien and inquire as to his or her right to be or remain in the United States” (“access condition”), and (2) “provide at least 48 hours advance notice to DHS regarding the scheduled release date and time of an alien in the jurisdiction’s custody when DHS requests such notice in order to take custody of the alien” (“notice condition”). Compl. ¶ 5 & Exs. 1, 15. The DOJ has indicated that these conditions may be applied to other grants, *see* U.S. Dep’t of Justice, Office of Justice Programs, *Certifications of Compliance with 8 U.S.C. § 1373*, <https://ojp.gov/funding/Explore/SampleCertifications-8USC1373.htm>, and has made local immigration enforcement a selection criterion for other federal grant programs.⁴

Several jurisdictions filed suit to challenge the Byrne JAG conditions.⁵ After the City of

⁴ On August 3, 2017, the DOJ announced that to be selected for the Public Safety Partnership program, local jurisdictions must “show a commitment to reducing crime stemming from illegal immigration.” U.S. Dep’t of Justice, Office of Public Affairs, *Justice Department Announces that Commitment to Reducing Violent Crime Stemming from Illegal Immigration will be Required for Participation in Public Safety Partnership Program* (Aug. 3, 2017), <https://www.justice.gov/opa/pr/justice-department-announces-commitment-reducing-violent-crime-stemming-illegal-immigration>. Applicants are now required to report whether they have access and notice policies that mirror the access and notice conditions of the JAG grants and whether they honor ICE detainees. *Id.* On September 7, 2017, the DOJ announced that applicants for competitive Office of Community Oriented Policing Services (COPS Office) grants will receive priority consideration if they certify that they provide DHS access to their detention facilities and advance notice to DHS of “an illegal alien’s release date and time.” U.S. Dep’t of Justice, Office of Public Affairs, *COPS Office: Immigration Cooperation Certification Process Background*, <https://www.justice.gov/opa/press-release/file/995376/download> (last accessed Oct. 12, 2017); *see also* U.S. Dep’t of Justice, Office of Public Affairs, *Department of Justice Announces Priority Consideration Criteria for COPS Office Grants* (Sept. 7, 2017), <https://www.justice.gov/opa/pr/department-justice-announces-priority-consideration-criteria-cops-office-grants>.

⁵ *See City of Chicago v. Sessions*, No. 17-CV-05720 (N.D. Ill., filed Aug. 7, 2017); *City & Cnty. of San Francisco v. Sessions*, No. 17-CV-04642-WHO (N.D. Cal., filed Aug. 11, 2017); *State of*

Chicago moved for a preliminary injunction in its case, the DOJ again changed course and represented that the conditions announced on July 25 – and subsequently included in the Fiscal Year 2017 Byrne JAG solicitations – were not “actual” conditions, but “only advised prospective applicants regarding the *general tenor* of the conditions.” Def.’s Opp. To Pl.’s Mot. to Expedite Briefing Schedule, at 3 n.2, *Chicago v. Sessions*, No. 17-CV-05720 (N.D. Ill. Aug. 14, 2017), ECF No. 28 (emphasis added). DOJ then submitted a pair of award letters, dated August 23, 2017, that set forth what are purportedly the “actual” conditions. In these letters, the DOJ modified the condition requiring 48 hours’ notice to DHS before an inmate is released from local custody to require notice “as early as practicable.” Declaration of Alan R. Hanson (“Hanson Decl.”), Exs. A & B, ¶¶55-56, *Chicago v. Sessions*, No. 17-CV-5720 (N.D. Ill. Aug. 14, 2017), ECF No. 32. And DOJ modified the access condition to require a local policy or practice designed to ensure that federal agents “in fact” are given access to correctional facilities for the purpose of meeting with individuals believed to be aliens and inquiring into their right to remain in the country. *Id.*

On September 15, 2017, Judge Harry D. Leinenweber, of the Northern District of Illinois, issued a nationwide preliminary injunction prohibiting enforcement of the notice and access conditions, but leaving in place the certification condition.⁶ *Chicago*, 2017 WL 4081821, at *14. Chicago has moved for reconsideration of the portion of the order allowing enforcement of the certification condition, and the DOJ has appealed.⁷

California v. Sessions No. 17-CV-4701-WHO (filed Aug. 14, 2017 N.D. Cal.); *City of Philadelphia v. Sessions*, No. 17-CV-03894-MMB (E.D.Pa., filed Aug. 30, 2017); *City of Los Angeles v. Sessions*, No. 17-CV-07215-R-JC (C.D.Cal., filed Sept. 29, 2017).

⁶ The DOJ moved to stay the nationwide application of the preliminary injunction, but the district court denied its motion. See Mem. Op. & Order, *Chicago v. Sessions*, No. 17-CV-5720 (N.D. Ill. Oct. 13, 2017), ECF No. 98. The DOJ has also moved to stay the nationwide application of the preliminary injunction in the Seventh Circuit.

⁷ Chicago moved for reconsideration based on a letter from DOJ, discussed *infra* at pages 15-16, that found Chicago to be in violation of 1373 and contradicted representations DOJ made to the district court. Chicago has moved to hold DOJ’s appeal in abeyance pending resolution of this motion.

III. ARGUMENT

A. **Local Officials Must Be Allowed to Adopt Law Enforcement Policies Tailored to the Needs and Unique Characteristics of Their Communities.**

Our nation’s constitutional structure is premised on the notion that states and localities, as the governments closest to the people, bear responsibility for protecting the health and safety of their residents. *See Medtronic, Inc. v. Lohr*, 518 U.S. 470, 475 (1996) (“health and safety . . . are primarily, and historically, matters of local concern”) (internal quotation marks and alterations omitted). Within the “structure and limitations of federalism,” state and local governments possess “great latitude under their police powers to legislate as to the protection of the lives, limbs, health, comfort, and quiet of all persons.” *Gonzales v. Oregon*, 546 U.S. 243, 270 (2006) (internal quotation marks omitted). This local control ensures that matters which “concern the lives, liberties, and properties of the people” are determined “by governments more local and more accountable than a distant federal bureaucracy.” *Nat’l Fed’n of Indep. Bus. v. Sebelius*, 567 U.S. 519, 536 (2012).

The duty to protect local residents from crime lies at the heart of the police power vested in state and local jurisdictions. *See United States v. Morrison*, 529 U.S. 598, 618 (2000) (there is “no better example of the police power, which the Founders denied the National Government and reposed in the States, than the suppression of violent crime and vindication of its victims”). In carrying out this duty, cities and counties possess – and must be allowed to exercise – broad discretion to develop and implement law enforcement and public safety policies tailored to the needs of their communities. *See United States v. Lopez*, 514 U.S. 549, 561 (1995).

This is a matter not only of constitutional law, but of sound law enforcement policy. Police chiefs and sheriffs nationwide have stated that “decisions related to how local law enforcement agencies allocate their resources, direct their workforce and define the duties of their employees to best serve and protect their communities must be left in the control of local governments.” Major Cities Chiefs Ass’n, *Immigration Policy* (2013),

https://www.majorcitieschiefs.com/pdf/news/2013_immigration_policy.pdf. Local control is no less critical when policy decisions concern enforcement of federal immigration law. *See id.* (“The decision to have local police officers perform the function and duties of immigration agents should be left to the local government[.]”).

Amici share the judgment that local participation in federal immigration enforcement can be detrimental to community safety. But one need not agree with Philadelphia’s specific policy decisions – or those of the city and county amici – to agree these decisions should rest with the local entities tasked with keeping our communities safe. The International Association of Chiefs of Police (“IACP”) has taken no position on whether local law enforcement agencies should engage in immigration enforcement. IACP, *Enforcing Immigration Law: The Role of State, Tribal and Local Law Enforcement*, 1, <http://www.theiacp.org/portals/0/pdfs/publications/immigrationenforcementconf.pdf> (hereinafter *Enforcing Immigration Law*). But the IACP is not neutral on *who* should decide whether local police do so. In its view, “local law enforcement’s participation in immigration enforcement is an *inherently local* decision that *must* be made by a police chief, working with their elected officials, community leaders and citizens.” *Id.* at 1 (emphasis added). Attempts to coerce participation by withholding federal funds are “unacceptable.” *Id.* at 5.

In creating the Byrne JAG program, Congress recognized the need for local control over law enforcement policy and structured the program to maximize local discretion. As Philadelphia has explained, the Byrne JAG program is a formula grant,⁸ available for use in eight broad areas, including law enforcement; prosecution and courts; prevention and education; corrections and community corrections; drug treatment and enforcement; planning, evaluation, and technology improvement; crime victim and witness programs; and mental health. *See* 42 U.S.C. § 3751(a)(1). Congress designed the program in this manner to “give State and local governments

⁸ A formula grant is a non-competitive grant in which funds are allocated based upon a statutory formula, without a competitive process. Department of Justice Programs, Grants 101, Overview of OJP Grants and Funding, Types of Funding, <https://ojp.gov/grants101/typesoffunding.htm>.

more flexibility to spend money for programs that work for them rather than to impose a ‘one size fits all’ solution.” H.R. Rep. No. 109-233, at 89 (2005). Empowering states and localities to make their own policy choices is thus a central purpose of the program. Local jurisdictions, including many of the amici, put these funds to diverse uses, reflecting both the varied law enforcement needs of different communities and Congress’s intent to preserve local discretion and flexibility in Byrne JAG-funded law enforcement programs. For example:

- Iowa City, Iowa (population 74,398) uses Byrne JAG funds to promote traffic safety, to establish a search and rescue program aimed at individuals at risk for wandering, to partially fund a drug task force, and to purchase equipment.
- Portland, Oregon (population 639,863) has used Byrne JAG funds to support its New Options for Women (NOW) program, which provides services to women who have experienced sexual exploitation while working in the commercial sex industry.
- Sacramento, California (population 493,025) uses Byrne JAG funds to support the ongoing maintenance and operation of its Police Department’s helicopter program.
- San Francisco, California (population 870,887) uses Byrne JAG funds to operate a Youth Adult Court aimed at reducing recidivism for youth ages 18-25 by providing case management and other services that account for young adults’ unique developmental needs.

If the Byrne JAG conditions are allowed to stand, local governments will be forced to choose between losing critical funding for these diverse programs or giving up control over inherently local law enforcement policies. Such a result would not only undermine the ability of local entities to enact policies reflecting the needs and unique characteristics of their communities – thus subverting a central purpose of the funding – but also allow the executive branch to wield powers vested exclusively in Congress. Under the Spending Clause, only Congress – whose members are elected by and accountable to local communities – can place substantive conditions on federal funds. *S. Dakota v. Dole*, 483 U.S. 203, 206 (1987) (“Incident to [its Article I spending] power, *Congress* may attach conditions on the receipt of federal funds[.]”) (emphasis added). And any conditions must be germane to the purpose of the funding. *Sebelius*, 567 U.S. at 632. In the case of Byrne JAG funding, Congress chose to preserve local discretion, and DOJ has no authority to upend that decision.

B. Policies Restricting Local Immigration Enforcement Promote Public Safety.

In exercising its discretion over local law enforcement policy, Philadelphia has made the considered judgment that devoting local resources to immigration enforcement would be detrimental to community safety. Compl., ¶¶ 2-3, 27-30. Philadelphia is not alone in this judgment. More than 600 counties and numerous cities – including many of the amici – have opted to limit their engagement in federal immigration enforcement efforts. Tom K. Wong, Center for American Progress, *The Effects of Sanctuary Policies on Crime and the Economy*, ¶ 12 (2017) (hereinafter “*Effects of Sanctuary Policies*”) (identifying 608 counties coded by Immigration and Customs Enforcement (“ICE”) as limiting involvement with immigration enforcement), <https://www.americanprogress.org/issues/immigration/reports/2017/01/26/297366/the-effects-of-sanctuary-policies-on-crime-and-the-economy/>; Immigrant Legal Resource Center, *Detainer Policies*, <https://www.ilrc.org/detainer-policies> (listing city and county policies to decline detainer requests). The policies of these counties and cities are themselves diverse, reflecting the varied needs and judgments of each jurisdiction.⁹

Policies that restrict local entanglement with ICE reflect the judgment of local governments and law enforcement agencies that community trust in local law enforcement is vital to the work of public safety. Local law enforcement agencies rely upon all community members – regardless of immigration status – to report crimes, serve as witnesses, and assist in investigations and prosecutions. *See, e.g.*, Chuck Wexler, “Police chiefs across the country support sanctuary cities because they keep crime down,” *Los Angeles Times* (Mar. 6, 2017), <http://www.latimes.com/opinion/op-ed/la-oe-wexler-sanctuary-cities-immigration-crime-20170306-story.html>. Immigrants – again, regardless of immigration status – are less likely to commit crimes than native U.S. citizens. *See, e.g.*, Cato Institute, *Criminal Immigrants: Their*

⁹ *See, e.g.*, County of Santa Clara, Bd. of Supervisors Policy No. 3.54, <https://www.sccgov.org/sites/bos/Legislation/BOS-Policy-Manual/Documents/BOSPolicyCHAP3.pdf>; Houston Police Dep’t, Immigration Policy Questions and Answers, http://www.houstontx.gov/police/pdfs/immigration_facts.pdf; King County Code § 2.15.010-2.15.020, http://aqua.kingcounty.gov/council/clerk/code/05_Title_2.pdf; Tucson Police Dep’t Gen. Orders, Gen. Order 2300, <https://www.tucsonaz.gov/files/police/general-orders/2300IMMIGRATION.pdf>.

Numbers, Demographics, and Countries of Origin, 1 & n.4, 2 (Mar. 15, 2017), https://object.cato.org/sites/cato.org/files/pubs/pdf/immigration_brief-1.pdf. But “[t]he moment [immigrant] victims and witnesses begin to fear that their local police will deport them, cooperation with their police then ceases.” *Border Insecurity: The Rise of MS-13 and Other Transnational Criminal Organizations*, Hearing before the Committee on Homeland Security and Governmental Affairs of the United States Senate (May 24, 2017) (statement of J. Thomas Manger, Chief of Police, Montgomery County, Maryland). Indeed, in the experience of amici, even the *perception* that local law enforcement is assisting in immigration enforcement can erode trust, disrupt lines of communication, and make law enforcement’s job much more difficult.

Recent data bear this out. Since President Trump took office and promised to ramp up deportations, Latinos have reported fewer crimes relative to reports by non-Latinos. Rob Arthur, *Latinos In Three Cities Are Reporting Fewer Crimes Since Trump Took Office* (May 18, 2017) (analyzing data from Dallas, Denver, and Philadelphia), <https://fivethirtyeight.com/features/latinos-report-fewer-crimes-in-three-cities-amid-fears-of-deportation/>. Disturbingly, some jurisdictions have identified declines specifically in reports of sexual assault and domestic violence. *Id.*¹⁰ Local police chiefs have attributed these declines to community members’ increased fear that interactions with law enforcement could lead to their deportation, or the deportation of a family member. *Id.*; *see also supra* at 10 n.10. Indeed, 50% of foreign-born individuals and 67% of undocumented individuals surveyed reported being less likely to offer information about crimes to law enforcement for fear that officers will inquire about their or others’ immigration status. Nik Theodore, Dep’t of Urban Planning and Policy, University of Chicago, *Insecure Communities: Latino Perceptions of Police Involvement in Immigration*

¹⁰ *See also* Brooke A. Lewis, “HPD chief announces decrease in Hispanics reporting rape and violent crimes compared to last year,” *Houston Chronicle* (Apr. 6, 2017), <http://www.chron.com/news/houston-texas/houston/article/HPD-chief-announces-decrease-in-Hispanics-11053829.php>; James Queally, “Latinos are reporting fewer sexual assaults amid a climate of fear in immigrant communities, LAPD says,” *Los Angeles Times* (Mar. 21, 2017), <http://www.latimes.com/local/lanow/la-me-ln-immigrant-crime-reporting-drops-20170321-story.html>.

Enforcement, 5-6 (2013), http://www.policylink.org/sites/default/files/INSECURE_COMMUNITIES_REPORT_FINAL.PDF.

Local policies that limit entanglement with ICE help mitigate these fears, facilitate engagement with immigrant communities, and ultimately improve public safety by ensuring that those who commit crimes are brought to justice. Contrary to President Trump and Attorney General Sessions' unsupported rhetoric, research has shown that policies limiting cooperation with federal immigration authorities are associated with *lower* crime rates – on average, 35.5 fewer crimes per 10,000 people. *Effects of Sanctuary Policies*, ¶ 16. The association is even stronger in large metropolitan areas: counties with large, urban centers that limit local involvement with ICE experience 65.4 fewer crimes per 10,000 people than similar counties that do not limit such involvement. *Id.*, ¶ 15. Indeed, Philadelphia has experienced these effects first-hand. *See* Compl. ¶¶ 28, 37 (describing decrease in crime in Philadelphia following adoption of policies to limit cooperation with federal immigration enforcement efforts).

Even localities that previously engaged in extensive cooperation with ICE enforcement efforts, such as the City of Louisville, Kentucky, have since determined that having local police assist with immigration enforcement undermines community trust to the detriment of local public safety, and have discontinued the practice except in limited circumstances. *See* Kate Howard, “Louisville Police Don’t Enforce Immigration – But Help the Feds Do It,” *Ky. Ctr. for Investigative Reporting* (Sept. 17, 2017), http://kycir.org/2017/09/07/louisville-police-dont-enforce-immigration-but-they-help-ice-do-it/?_ga=2.181999650.449997577.1505784164-179920009.1505784164; Darcy Costello, “New LMPD policy: No working with immigration officials to enforce federal laws,” *The Courier-Journal* (Sept. 22, 2017).

If the new Byrne JAG conditions are not enjoined, jurisdictions like Philadelphia and some of the amici will be compelled to make choices that undermine public safety: either abandon non-entanglement policies that increase community trust and lower crime rates, or lose funding for critical law enforcement programs. This is not a choice that cities and counties should have to make; it is not a choice that can be imposed consistent with the purpose of the

Byrne JAG program; and, as Philadelphia has demonstrated, it is not a choice that DOJ has the legal authority to require.

C. The Byrne JAG Conditions Have Created Uncertainty and Operational Challenges.

Since President Trump’s Executive Order punishing sanctuary jurisdictions was issued, the DOJ’s position on immigration-related funding conditions has become a constantly moving target. *See supra* at 3-5. The new Byrne JAG conditions are surrounded by an untenable level of uncertainty and pose operational challenges for jurisdictions that rely on this funding.

Notice Condition. As announced by the Attorney General and described in the FY 2017 solicitations, the new notice condition required Byrne JAG recipients to “provide *at least* 48 hours’ advance notice to DHS regarding the scheduled release date and time of an alien in the jurisdiction’s custody.” Compl., Ex. 1 (emphasis added). This created significant uncertainty and operational concerns for local jurisdictions, including some amici, that operate detention facilities whose populations are primarily – or exclusively – *unsentenced* individuals held in custody pending resolution of criminal charges or transfer to another facility. *See* Bureau of Justice Statistics, *Jail Inmates in 2015*, at 5 tbl. 4 (2016), <https://www.bjs.gov/content/pub/pdf/ji15.pdf> (63% of jail inmates nationwide are unsentenced).

Unsentenced inmates typically do not have a “scheduled release date and time” that can be determined 48 hours in advance, and many are in custody for less than 48 hours before they post bail or are ordered released. For this reason, the Attorney General’s announcement and the FY 2017 solicitation created confusion and concern that the notice condition may have been intended to require local jurisdictions to continue to detain unsentenced inmates after they would otherwise be released in order to provide sufficient notice to DHS.¹¹ DOJ now represents that this condition requires notice only “as early as practicable,” and does not require any locality to hold an inmate beyond the time he or she would otherwise be released. Def.’s Opp. to Pl.’s Mot.

¹¹ In its response to Philadelphia’s motion for preliminary injunction, the DOJ represents that the access condition applies to *any* immigrant detained in local custody for whom ICE requests notification, regardless of whether the immigrant is sentenced or unsentenced or has a scheduled release date. *See* Mem. in Opp. to Pl.’s Mot. for Prelim. Inj. (“Opp.”) at 31-32, ECF No. 28.

for Preliminary Injunction, 20, *Chicago*, No. 17-CV-5720 (N.D. Ill., Aug. 24, 2017), ECF No. 32; Hanson Decl., Exs. A & B, ¶¶55-56, *Chicago*, No. 17-CV-5720 (N.D. Ill., Aug. 24, 2017), ECF No. 32. Even assuming DOJ adheres to this latest articulation of the condition, it nonetheless presents operational concerns: for agencies that detain arrestees and unsentenced individuals, there are likely to be many instances in which giving *any* advance notice is impracticable. It also conflicts with the local laws or policies of some amici, which have limited their responses to ICE notification requests for the reasons discussed in Section II, *supra*. Moreover, given DOJ's inconsistent position, amici remain concerned about how this condition will be enforced in practice.

Access Condition. The award letters submitted by DOJ with its opposition to Chicago's preliminary injunction motion require Byrne JAG recipients to have a policy or practice in place to ensure that federal agents "in fact are given access" to a local "correctional facility for the purpose of permitting such agents to meet with individuals who are (or are believed by such agents to be) aliens and to inquire as to such individuals' right to be or remain in the United States." Hanson Decl., Exs. A & B, ¶ 56(1)(A), *Chicago*, No. 17-CV-5720 (N.D. Ill., Aug. 24, 2017), ECF No. 32. The award letter does not explain what "access" "in fact" means, leaving jurisdictions to guess at what they must do to comply and, in some cases, whether compliance is consistent with state law. In California, state law requires local agencies to provide a consent form prior to any interview with ICE that explains the purpose of the interview, that the interview is voluntary, and that the inmate may decline to be interviewed or choose to be interviewed only with his or her attorney present. Cal. Gov't Code § 7283.1(a). Other jurisdictions require an inmate's written consent prior to allowing any interview with ICE, *see* Compl. ¶¶ 50-51 (describing Philadelphia policy), or provide that inmates must be permitted to have an attorney present during ICE interviews, *see* D.C. Code § 24-211.07(d)(1). The DOJ has represented in this litigation that the access condition requires Byrne JAG recipients to permit ICE interviews even if the inmate does not consent to the interview or declines to answer questions. (Opp. at 32.) If DOJ in fact maintains that position, some jurisdictions may be forced

to forego Byrne JAG funds to comply with state or local laws. For other jurisdictions, ambiguity surrounding how DOJ will ultimately enforce the condition continues to cause confusion and concern.

Whether to allow ICE to operate inside city and county detention facilities is an inherently local decision that should be left to local governments and local law enforcement officials. *See Enforcing Immigration Law* at 1. Local agencies are responsible for maintaining order and security within jails and other detention facilities, and they must retain the discretion to decide how that responsibility is best fulfilled. Some jurisdictions have made the judgment that permitting ICE to operate in local detention facilities interferes with correctional operations – for example, by increasing fear among inmates and decreasing their trust of correctional staff – and is not in the best interests of staff, inmates, or the broader community. *See, e.g.*, Cook County Code § 46-37(b); County of Santa Clara, Bd. of Supervisors Policy No. 3.54, <https://www.sccgov.org/sites/bos/Legislation/BOS-Policy-Manual/Documents/BOSPolicyCHAP3.pdf>; Revised Municipal Code of the City and County of Denver, § 28-252.

Moreover, local officials have already expressed concern that ICE’s practice of arresting immigrants at courthouses – including crime victims – deters immigrants both from pursuing justice for crimes committed against them, and from appearing in court to answer any charges they may be facing, thereby endangering local prosecutions. *See, e.g.*, Katie Mettler, “‘This is really unprecedented’: ICE detains woman seeking domestic abuse protection at Texas courthouse,” *Wash. Post* (Feb. 16, 2017), https://www.washingtonpost.com/news/morning-mix/wp/2017/02/16/this-is-really-unprecedented-ice-detains-woman-seeking-domestic-abuse-protection-at-texas-courthouse/?utm_term=.b1c3c0902b1b; James Queally, “ICE agents make arrests at courthouses, sparking backlash from attorneys and state supreme court,” *Los Angeles Times* (Mar. 16, 2017), <http://www.latimes.com/local/lanow/la-me-ln-ice-courthouse-arrests-20170315-story.html>. Immigrant inmates who see ICE operating in local jails or detention facilities may assume that ICE is permitted in other government buildings, such as courthouses, and may be more likely to abscond, denying victims the opportunity for justice.

Certification Condition. Finally, the Trump Administration has created significant uncertainty and concern over how it intends to enforce requirements that federal grant recipients comply with 8 U.S.C. § 1373. On its face, section 1373 addresses only state and local restrictions on the sharing of information on citizenship or immigration status with ICE or other governmental entities; the statute does not mandate that state and local governments collect this information, nor does it impose any additional requirements. *See* 8 U.S.C. § 1373. Nonetheless, the Administration has repeatedly suggested that a broad range of local policies – including policies limiting compliance with ICE detainer requests – violate section 1373. *See* U.S. Dep’t of Justice, Office of Public Affairs, *Attorney General Sessions Delivers Remarks on Sanctuary Policies* (Aug. 16, 2017), <https://www.justice.gov/opa/speech/attorney-general-sessions-delivers-remarks-sanctuary-policies> (suggesting that Miami-Dade County is “now in full compliance” following its decision to begin honoring detainer requests); Compl., Ex. 1 (section 1373 “generally bars restrictions on communications” between local agencies and DHS).

On October 12, 2017, the DOJ completed a preliminary review of the legal opinions and supporting documentation it demanded from nine jurisdictions, and sent letters to five jurisdictions – including Philadelphia and amici Chicago, Cook County, and New York City – stating that they “have preliminarily been found to have laws, policies, or practices that may violate 8 U.S.C. 1373.” *See* U.S. Dep’t of Justice, Office of Public Affairs, *Justice Department Provides Last Chance for Cities to Show 1373 Compliance*, <https://www.justice.gov/opa/pr/justice-department-provides-last-chance-cities-show-1373-compliance>.¹² These letters only add

¹² *See also* Letter from Alan Hanson, Acting Assistant Attorney General, U.S. Dep’t of Justice to the Honorable Jim Kenney, Mayor of Philadelphia (Oct. 11, 2017), <https://www.justice.gov/opa/press-release/file/1003046/download> (“Philadelphia Letter”); Letter from Alan Hanson, Acting Assistant Attorney General, U.S. Dep’t of Justice to Eddie T. Johnson, Chicago Superintendent of Police (Oct. 11, 2017), <https://www.justice.gov/opa/press-release/file/1003016/download> (“Chicago Letter”); Letter from Alan Hanson, Acting Assistant Attorney General, U.S. Dep’t of Justice to Toni Preckwinkle, President, Cook County Board of Commissioners (Oct. 11, 2017), <https://www.justice.gov/opa/press-release/file/1003026/download> (“Cook County Letter”); Letter from Alan Hanson, Acting Assistant Attorney General, U.S. Dep’t of Justice to the Honorable Mitchel Landieu, City of New Orleans Criminal Justice Coordination (Oct. 11, 2017), <https://www.justice.gov/opa/press-release/file/1003036/download> (“New Orleans Letter”); Letter from Alan Hanson, Acting

to the uncertainty surrounding the certification condition and confirm that DOJ intends to enforce an insupportably broad interpretation of the statute.

For example, several of the letters indicate that policies limiting sharing of information about *custody status* or *release dates* violate section 1373.¹³ See Philadelphia Letter at 1; Chicago Letter at 1; Cook County Letter at 1; New York Letter at 2-3. But DOJ provides no explanation of how such policies “prohibit, or in any way restrict” what section 1373 addresses: the sharing of information about *immigration status*.¹⁴ Some of the letters also state, without further explanation, that DOJ “is not relying on” policies limiting compliance with ICE detainer requests in its “preliminary assessment[s].” Philadelphia Letter at 1 n.1; New York Letter at 2 n.1. This cryptic language could suggest that DOJ is leaving open the possibility that such policies may violate section 1373 – leaving jurisdictions to wonder whether DOJ will “rely[] on” such policies in the future and, if so, what position it will take.

DOJ’s failure to provide a clear and lawful interpretation of section 1373 has created uncertainty and forces jurisdictions to guess at how DOJ will view their policies – or what policy changes DOJ would view as sufficient – when it begins enforcing this condition. Local jurisdictions may not lawfully be placed in this position. See *Pennhurst State Sch. & Hosp. v. Halderman*, 451 U.S. 1, 17 (1981) (even where Congress imposes conditions on receipt of

Assistant Attorney General, U.S. Dep’t of Justice to Elizabeth Glazer, Director, New York City Mayor’s Office of Criminal Justice (Oct. 11, 2017), <https://www.justice.gov/opa/press-release/file/1003041/download> (“New York Letter”).

¹³ New York City law permits Department of Correction personnel to provide federal immigration authorities with information related to a person’s citizenship or immigration status, but prohibits the sharing of information about incarceration status and release dates unless an enumerated exception applies. N.Y.C. Administrative Code 9-131(h)(1). The New York Letter states that to comply with section 1373, New York would need to certify that it interprets this ordinance to “not restrict New York officers from sharing information regarding immigration status with federal immigration officers, *including information regarding an alien’s incarceration status and release date and time.*” New York Letter at 2-3 (emphasis added).

¹⁴ In a footnote in its opposition brief, the DOJ takes the position that section 1373 covers “information that assists the federal government in carrying out its statutory responsibilities under the [Immigration and Nationality Act.]” Opp. at 39 n.11. This statement only increases confusion about the range of information DOJ believes local officials must be able to share with ICE in order to certify compliance and receive Byrne JAG funds.

federal funds, “it must do so unambiguously” and cannot leave a grant recipient “unable to ascertain what is expected of it”).

IV.

CONCLUSION

By structuring the Byrne JAG program as a broad formula grant, Congress recognized the need for local discretion over law enforcement programs, and created a (non-competitive) source of funding on which local jurisdictions should be able to rely. The new conditions imposed by Attorney General Sessions upend congressional intent. Instead of preserving flexibility for local operations, the new conditions constrain local choices and require localities to adopt federally mandated policies that will make their communities *less* safe. Instead of preserving a reliable stream of funding, DOJ’s shifting positions force localities to guess at whether DOJ will deem them eligible for funding – and whether they will be able to comply with the conditions on that funding if they accept it. An injunction is needed to halt DOJ’s unlawful effort to impose these conditions and to protect the safety of local communities.

Dated: October 19, 2017

Respectfully Submitted,

COUNTY OF SANTA CLARA
JAMES R. WILLIAMS,
County Counsel

By: /s Laura S. Trice
Laura S. Trice
Lead Deputy County Counsel

Laura S. Trice (*pro hac vice*)
Kavita Narayan (*pro hac vice*)
OFFICE OF THE COUNTY COUNSEL
70 West Hedding Street, East Wing, 9th Floor
San Jose, CA 95110-1770
(408) 299-5900

By: /s John C. Grugan
John C. Grugan
Associate Counsel for the County of Santa Clara

John C. Grugan (Attorney No. 83148)
Jason A. Leckerman (Attorney No. 87915)
Emilia McKee Vassallo (Attorney No. 318428)
BALLARD SPAHR LLP
1735 Market Street, 51st Floor
Philadelphia, PA 19103
(215) 665-8500

Attorneys for Amicus Curiae County of Santa Clara

*Full List of Amici Curiae and
Additional Counsel for Amici Curiae Provided Below*

List of Amici Curiae

The County of Santa Clara, California; the City of Austin, Texas; the City of Cambridge, Massachusetts; the City of Chelsea, Massachusetts; the City of Chicago, Illinois; Cook County, Illinois; the City and County of Denver, Colorado; the District of Columbia; the International City/County Management Association; the International Municipal Lawyers Association; the City of Iowa City, Iowa; King County, Washington; the City of Los Angeles, California; the City of Madison, Wisconsin; the Metropolitan Area Planning Council; the National League of Cities; the City of New York, New York; the City of Oakland, California; the City of Pittsburgh, Pennsylvania; the City of Portland, Oregon; the City of Providence, Rhode Island; the City of Rochester, New York; the City of Sacramento, California; the City and County of San Francisco, California; the County of Santa Cruz, California; the City of Seattle, Washington; the City of Somerville, Massachusetts; The United States Conference of Mayors; and the City of West Hollywood, California.

Additional Counsel for Amici Curiae

Anne L. Morgan
City Attorney, City of Austin
P.O. Box 1546
Austin, TX 78767-1546

Attorney for the City of Austin, Texas

Nancy E. Glowa
City Solicitor, City of Cambridge
City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

*Attorney for the City of Cambridge,
Massachusetts*

Cheryl Watson Fisher
City Solicitor
City of Chelsea Law Department
500 Broadway, Room 307
Chelsea, MA 02150

*Attorney for the City of Chelsea,
Massachusetts*

Edward N. Siskel
Corporation Counsel of the City of Chicago
30 N. LaSalle Street, Suite 800
Chicago, IL 60602

Attorney for the City of Chicago, Illinois

Kimberly M. Foxx
States Attorney for Cook County
69 W. Washington, 32nd Floor
Chicago, IL 60602

Attorney for Cook County

Kristin M. Bronson
City Attorney, City and County of Denver
1437 Bannock Street, Room 353
Denver, CO 80202

*Attorney for the City and County of Denver,
Colorado*

Karl A. Racine
Attorney General, District of Columbia
One Judiciary Square
441 4th Street NW, Suite 1100 South
Washington, DC 20001

Attorney for the District of Columbia

Charles W. Thompson, Jr.
Executive Director, General Counsel
International Municipal Lawyers Association
51 Monroe Street, Suite 404
Rockville, MD 20850

*Attorney for the International Municipal
Lawyers Association*

Eleanor M. Dilkes
City Attorney, City of Iowa City
410 E. Washington St.
Iowa City, IA 52240

Attorney for the City of Iowa City, Iowa

Dan Satterberg
King County Prosecuting Attorney
516 Third Avenue, W400
Seattle, WA 98104

Attorney for King County, Washington

Michael N. Feuer
City Attorney, City of Los Angeles
200 N. Main Street, 800 CHE
Los Angeles, CA 90012

*Attorney for the City of Los Angeles,
California*

Michael P. May
City Attorney, City of Madison
210 Martin Luther King Jr. Blvd, Room 401
Madison, WI 53703

Attorney for the City of Madison, Wisconsin

Jennifer R. García
General Counsel
60 Temple Place, 6th Floor
Boston, MA 02111

*Attorney for the Metropolitan Area Planning
Council*

Zachary W. Carter
Corporation Counsel of the City of New York
100 Church Street
New York, NY 10007

Attorney for the City of New York, New York

Barbara J. Parker
City Attorney, City of Oakland
One Frank H. Ogawa Plaza, Sixth Floor
Oakland, CA 94612

Attorney for the City of Oakland, California

Lourdes Sánchez Ridge
City Solicitor & Chief Legal Officer,
City of Pittsburgh
313 City-County Building
414 Grant Street
Pittsburgh, PA 15219

*Attorney for the City of Pittsburgh,
Pennsylvania*

Tracy Reeve
City Attorney, City of Portland
430 City Hall
1221 SW 4th Avenue
Portland, OR 97204

Attorney for the City of Portland, Oregon

Jeffrey Dana
City Solicitor, City of Providence
444 Westminster Street, Suite 220
Providence, RI 02903

*Attorney for the City of Providence, Rhode
Island*

Brian F. Curran
Corporation Counsel, City of Rochester
30 Church St., Room 400A
Rochester, NY 14614

Attorney for the City of Rochester, New York

Matthew Ruyak
Interim City Attorney, City of Sacramento
915 I Street, Fourth Floor
Sacramento, CA 95814

Attorney for the City of Sacramento, California

Dennis J. Herrera
City Attorney, City and County of San
Francisco
City Hall Room 234
One Dr. Carlton B. Goodlett Pl.
San Francisco, CA 94102

*Attorney for the City and County of San
Francisco, California*

Dana McRae
County Counsel, County of Santa Cruz
701 Ocean Street, Room 505
Santa Cruz, CA 95060

*Attorney for the County of Santa Cruz,
California*

Peter S. Holmes
City Attorney, City of Seattle
701 Fifth Avenue, Suite 2050
Seattle, WA 98104-7097

Attorney for the City of Seattle, Washington

Francis X. Wright, Jr.
City Solicitor, City of Somerville
93 Highland Avenue
Somerville, MA 02143

*Attorney for the City of Somerville,
Massachusetts*

Michael Jenkins
City Attorney, City of West Hollywood
JENKINS & HOGIN, LLP
Manhattan Towers
1230 Rosecrans Avenue, Suite 110
Manhattan Beach, CA 90266

*Attorney for the City of West Hollywood,
California*



U.S. Department of Justice

Office of Justice Programs

Washington, D.C 20531

November 15, 2017

Mary Jane Robb
Sheriff of Contra Costa County
651 Pine Street, 11th Floor
Martinez, CA 94553

Dear Sheriff Robb,

Your FY 2016 Byrne JAG grant award required you to comply with 8 U.S.C. § 1373. Section 1373 compliance is an ongoing requirement that the Department of Justice monitors. The Department is concerned that the following Contra Costa County laws, policies, or practices may violate section 1373:

- Contra Costa Sheriff's Office General Policy and Procedure No. 1.02.28. Part III.D.1 states that a custody deputy shall not "notify ICE of the immigration status of arrestees" except in limited circumstances. The Department is concerned that this appears to restrict the sending or requesting of information regarding immigration status, in violation of section 1373(a) and (b).
- Contra Costa Sheriff's Office General Policy and Procedure No. 1.02.28. Part III.D.2 states that a custody deputy shall not "notify ICE of the immigration status of inmates." The Department is concerned that this appears to restrict the sending or requesting of information regarding immigration status, in violation of section 1373(a) and (b).

By December 8, 2017, please submit a response to this letter that addresses whether Contra Costa County has laws, policies, or practices that violate section 1373, including those discussed above. In addition to your compliance in FY 2016, please address whether you would comply with section 1373 throughout the award period, should you receive an FY 2017 Byrne JAG grant award. To the extent Contra Costa County laws or policies contain so called "savings clauses," please explain in your submission the way these savings clauses are interpreted and applied, and whether these interpretations are communicated to Contra Costa County officers or employees.

The Department has not made a final determination regarding Contra Costa County's

compliance with section 1373. This letter does not constitute final agency action and nothing in this letter creates any right or benefit enforceable at law against the United States.

Sincerely,

A handwritten signature in black ink that reads "Alan R. Hanson". The signature is written in a cursive style with a large, stylized initial "A".

Alan Hanson
Acting Assistant Attorney General

1. AGREEMENT NUMBER 12-92-0024	2. EFFECTIVE DATE 4 / 1 / 92	REQUISITION/PURCHASER/REQUEST NO. 247-92	4. CONTROL NO.
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5. ISSUING OFFICE UNITED STATES MARSHALS SERVICE PROCUREMENT DIVISION IGA SECTION 600 ARMY NAVY DRIVE ARLINGTON, VA 22202-4210	6. GOVERNMENT ENTITY Contra Costa County West County Justice Center 1000 Ward Street Martinez, CA 94553	FACILITY CODE(S) ØCK
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7. APPROPRIATION DATA 15X1020	Contact Person Larry R. Ard, Chief Deputy Area Code & Telephone No. ▶ (510) 646-4497
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8. ITEM NO.	9. SUPPLIES/SERVICES	10. QUANTITY	11. UNIT	12. UNIT PRICE	13. AMOUNT
	This Agreement is for the housing, safekeeping and subsistence of adult male and female federal prisoners in accordance with the contents set forth herein.	ESTIMATED USMS PRISONER DAYS/YR. 1,000	PDS	FIXED RATE \$69.08	ESTIMATED ANNUAL PAYMENT \$69,080.00

14. **AGENCY CERTIFYING**

To the best of my knowledge and belief, data submitted in support of this agreement is true and correct, the document has been duly authorized by the governing body of the Department or Agency and the Department or Agency will comply with ALL PROVISIONS SET FORTH HEREIN.

15. NAME AND TITLE OF PERSON(S) AUTHORIZED TO SIGN OFFER

[Signature] Date _____
(Signature)
Richard K. Rainey Sheriff-Coroner
Name (Type or Print) Title

(Signature) Date _____
Name (Type or Print) Title

16. TYPE OF USE

Hold Over
 Regular Support
 Seasonal Support
 Other

18. LEVEL OF USE

Minimum
 Medium
 Major

17. PRISONER TYPE TO BE INCLUDED

UNSENTENCED	SENTENCED
<input checked="" type="checkbox"/> Adult Male	<input checked="" type="checkbox"/> Adult Male
<input checked="" type="checkbox"/> Adult Female	<input checked="" type="checkbox"/> Adult Female
<input type="checkbox"/> Juvenile Male	<input type="checkbox"/> Juvenile Male
<input type="checkbox"/> Juvenile Female	<input type="checkbox"/> Juvenile Female
<input type="checkbox"/> Aliens	<input type="checkbox"/> Work Release
	<input type="checkbox"/> YCA Male
	<input type="checkbox"/> YCA Female

19. This Negotiated Agreement is Hereby Approved and Accepted for

THE UNITED STATES OF AMERICA
BY DIRECTION OF THE DIRECTOR OF THE UNITED STATES MARSHALS SERVICE

BY *[Signature]*
(SIGNATURE OF CONTRACTING OFFICER)

20. ANTICIPATED ANNUAL USAGE

	UNSENTENCED	SENTENCED	ALIENS	TOTAL
No. of Prisoners				
Prisoner Days	1,000			1,000
Guard Hours				

21. NAME OF AUTHORIZING OFFICIAL
(Type or Print)
Vicki Lipov

22. DATE SIGNED
4, 2, 92

PRIOR EDITIONS ARE OBSOLETE AND ARE NOT TO BE USED

Intergovernmental Service Agreement Schedule

IGA No.
12-92-0024

Page No.
- 2 of - 6 -

ARTICLE I - PURPOSE

The purpose of this Intergovernmental Service Agreement (IGA) is to establish a formal binding relationship between the U.S. Marshals Service (USMS) and other federal user agencies (the Federal Government) and Contra Costa County (the Local Government) for the detention of persons charged with or convicted of violations of Federal law or held as material witnesses (federal prisoners) at the West County Justice Center (the facility).

ARTICLE II - SUPPORT AND MEDICAL SERVICES

1. The Local Government agrees to accept and provide for the secure custody, care and safekeeping of federal prisoners in accordance with state and local laws, standards, policies, procedures, or court orders applicable to the operations of the facility.

2. The Local Government agrees to provide federal prisoners with the same level of medical care and services provided local prisoners including the transportation and security for prisoners requiring removal from the facility for emergency medical services. All costs associated with hospital or health care services provided outside the facility will be paid directly by the Federal Government.

3. The Local Government agrees to notify the U.S. Marshal as soon as possible of all emergency medical cases requiring removal of a prisoner from the facility and to obtain prior authorization for removal for all other medical services required.

ARTICLE III - RECEIVING AND DISCHARGE

1. The Local Government agrees to accept as federal prisoners those persons committed by federal law enforcement officers for violations of federal laws only upon presentation by the officer of proper law enforcement credentials.

2. The Local Government agrees to release federal prisoners only to law enforcement officers of agencies initially committing the prisoner (i.e. DEA, INS, etc.) or to a Deputy United States Marshal. Those prisoners who are remanded to custody by a U.S. Marshal (USM) may only be released to a USM or an agent specified by the USM of the Judicial District.

3. The Federal Government agrees to maintain federal prisoner population levels at or below the level established by the facility administrator.

Intergovernmental Service Agreement Schedule	IGA No. 12-92-0024	Page No. 3 of 6
<p>4. Federal prisoners may not be released from the facility or placed in the custody of state or local officials for any reason except for medical emergency situations. Federal prisoners sought for a state or local court proceeding must be acquired through a Writ of Habeas Corpus or the Interstate Agreement of Detainers and then only with the concurrence of the District U.S. Marshal.</p> <p><u>ARTICLE IV - PERIOD OF PERFORMANCE</u></p> <p>This Agreement shall be in effect indefinitely until terminated in writing by either party. Should conditions of an unusual nature occur making it impractical or undesirable to continue to house prisoners, the Local Government may suspend or restrict the use of the facility by giving written notice to the U.S. Marshal. Such notice will be provided 30 days in advance of the effective date of formal termination and at least two weeks in advance of a suspension or restriction of use unless an emergency situation requires the immediate relocation of prisoners.</p> <p><u>ARTICLE V - PER DIEM RATE AND ECONOMIC PRICE ADJUSTMENT</u></p> <p>1. Per diem rates shall be established on the basis of actual and allowable costs associated with the operation of the facility during a recent annual accounting period or as provided for in an approved annual operating budget for detention facilities.</p> <p>2. The Federal Government shall reimburse the Local Government at the fixed day rate identified on page 1 of this Agreement. The rate may be renegotiated not more than once per year, after the agreement has been in effect for twelve months.</p> <p>3. The rate covers one (1) person per "prisoner day". The Federal Government may not be billed for two days when a prisoner is admitted one evening and removed the following morning. The Local Government may bill for the day of arrival but not for the day of departure.</p> <p>4. When a rate increase is desired, the Local Government shall submit a written request to the USM at least 60 days prior to the desired effective date of the rate adjustment. All such requests must contain a completed Cost and Pricing Data Sheet which can be obtained from the USM. The Local Government agrees to provide additional cost information to support the requested rate increase and to permit an audit of accounting records upon request of the USM.</p>		

Intergovernmental Service Agreement Schedule

IGA No.
12-92-0024

Page No.
4 of 6

5. Criteria used to evaluate the increase or decrease in the per-diem rate shall be those specified in the federal cost standards for contracts and grants with State and Local Governments issued by the Office of Management and Budget.

6. The effective date of the rate modification will be negotiated and specified on the IGA Modification form approved and signed by a USMS Contracting Officer. The effective date will be established on the first day of the month for accounting purposes. Payments at the modified rate will be paid upon the return of the signed modification by the authorized local official to the USM.

7. Unless other justifiable reasons can be documented by the Local Government, per-diem rate increases shall not exceed the National Inflation rate as established by the U.S. Department of Labor, Bureau of Labor Statistics.

ARTICLE VI - BILLING AND FINANCIAL PROVISIONS

1. The Local Government shall prepare and submit original and separate invoices each month to the Federal Agencies listed below for certification and payment.

United States Marshals Service
P.O. Box 36056
San Francisco, CA 94102

(215) 556-3930

Bureau of Prisons
Western Region
7950 Dublin Blvd. - 4th Floor
Dublin, CA 94568

(510) 803-4736

2. To constitute a proper monthly invoice, the name and address of the facility, the name of each Federal prisoner, their specific dates of confinement, the total days to be reimbursed, the appropriate per-diem rate as approved in the IGA, and the total amount billed (total days multiplied by the rate per day) shall be listed. The name, title, complete address and phone number of the local official responsible for invoice preparation should also be listed on the invoice.

3. The Prompt Payment Act, Public Law 97-177 (96 stat. 85, 31 USC 1801) is applicable to payments under this agreement and requires the payment to the Local Government of interest on overdue payments. Determinations of interest due will be made in accordance with the provisions of the Prompt Payment Act and the Office of Management and Budget Circular A-125.

Intergovernmental Service Agreement Schedule	IGA No. 12-92-0024	Page No. 5 of 6
<p>4. Payment under this agreement will be due on the thirtieth (30th) calendar day after receipt of a proper invoice, in the office designated to receive the invoice. If the due date falls on a nonworking day (e.g. Saturday, Federal holiday), then the due date will be the next working day. The date of the check issued in payment shall be considered to be the date payment is made.</p> <p><u>ARTICLE VII - GOVERNMENT FURNISHED PROPERTY</u></p> <p>1. It is the intention of the USMS to furnish excess Federal property to local governments for the specific purpose of improving jail conditions and services. Accountable excess property, such as furniture and equipment, remains titled to the USMS and shall be returned to the custody of the USMS upon termination of the agreement.</p> <p>2. The Local Government agrees to inventory, maintain, repair, assume liability for and manage all federally provided accountable as well as controlled excess property. Such property cannot be removed from the jail without the prior written approval of USMS Headquarters. The loss or destruction of any such excess property shall be immediately reported to the U.S. Marshal and USMS Headquarters. Accountable and controlled excess property includes any property with a unit acquisition value of \$1,000.00 or more, all furniture, as well as equipment used for security and control, communication, photography, food service, medical care, inmate recreation, etc.</p> <p>3. The suspension of use or restriction of bed space made available to the Marshals Service are agreed to be grounds for the recall and return of any or all government furnished property.</p> <p>4. The dollar value of property provided each year will not exceed the annual dollar payment made by the USMS for prisoner support unless a specific exemption is granted by the Chief, Prisoner Operations Division.</p> <p>5. It is understood and agreed that the Local Government shall fully defend, indemnify, and hold harmless the United States of America, its officers, employees, agents, and servants, individually and officially, for any and all liability caused by any act of any member of the Local Government or anyone else arising out of the use, operation or handling of any property (to include any vehicle, equipment, and supplies) furnished to the Local Government in which legal ownership is retained by the United States of America, and to pay all claims, damages, judgments, legal costs, adjuster fees, and attorney fees related thereto. The Local Government will be solely responsible for all maintenance, storage, and other expenses related to the care and responsibility for all property furnished to the Local Government.</p>		

ARTICLE VIII - MODIFICATIONS/DISPUTES

1. Either party may initiate a request for modification to this agreement in writing. All modifications negotiated will be written and approved by the USMS Chief, Prisoner Operations Division and submitted to the Local Government on form USM 241a for approval.

2. Questions or concerns pertaining to this agreement are to be directed to the U.S. Marshal. Disputes, space guarantee questions, and unresolved issues are to be directed to the Chief, Prisoner Operations Division, USMS Headquarters.

ARTICLE IX - INSPECTION AND TECHNICAL ASSISTANCE

1. The Local Government agrees to allow periodic inspections of the facility by USMS Inspectors. Findings of the inspection will be shared with the facility administrator in order to promote improvements to facility operations, conditions of confinement and levels of services.

2. The USMS will endeavor to provide or acquire technical training and management assistance from other federal, state or local agencies or national organizations upon the request of the facility administrator.

ARTICLE X - AVAILABILITY OF FUNDS

The Federal Government's obligation under this agreement is contingent upon the availability of appropriated funds from which payment can be made and no legal liability on the part of the Government for any payment may arise until such funds are available.

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT		1. CONTRACT ID CODE	PAGE OF PAGES 1 3
2 AMENDMENT/MODIFICATION NO. P00001	3 EFFECTIVE DATE 06/15/2010	4 REQUISITION/PURCHASE REQ NO 192110FSFSFRX0018.1	5 PROJECT NO (If applicable)
6 ISSUED BY ICE/Detent Mngt/Detent Contract-LAG Immigration and Customs Enforcement Office of Acquisition Management 24000 Avila Road, Room 3104 ATTN: Al Barclay, 949-425-7045 Laguna Niguel CA 92677	CODE ICE/DM/DC-LAGUNA	7 ADMINISTERED BY (If other than Item 6) ICE/Detent Mngt/Detent Contract-LAG Immigration and Customs Enforcement Office of Acquisition Management 24000 Avila Road, Room 3104 Attn: Al Barclay, 949-425-7045 Laguna Niguel CA 92677	CODE ICE/DM/DC-LAGUNA
8 NAME AND ADDRESS OF CONTRACTOR (No. street, county, State and ZIP Code) CONTRA COSTA COUNTY INC 651 PINE ST 7TH FLOOR MARTINEZ CA 945531229		9A AMENDMENT OF SOLICITATION NO. 9B DATED (SEE ITEM 11) X 10A MODIFICATION OF CONTRACT/ORDER NO. SEE SCHEDULE HSCEDM-10-F-IG085 10B DATED (SEE ITEM 13) 04/01/2010	
CODE 0076692160000	FACILITY CODE	11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS	

The above numbered solicitation is amended as set forth in item 14. The hour and date specified for receipt of Offers is extended, is not extended
 Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing items 8 and 15, and returning _____ copies of the amendment, (b) By acknowledging receipt of this amendment on each copy of the offer submitted, or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGEMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified

12. ACCOUNTING AND APPROPRIATION DATA (If required)
 See Schedule Net Increase: \$538,248.00

13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

CHECK ONE	A THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
X	B THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
	C THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:
	D OTHER (Specify type of modification and authority)

E. IMPORTANT: Contractor is not, is required to sign this document and return 0 copies to the issuing office.

14 DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible)

DUNS Number: 007669216


Program/Finance POC: Tom Weissmiller 415-844-5604

This modification is issued to provide additional funding for CLIN 0001 in the amount of \$538,248.00 for the period through September 28, 2010. The obligated amount for CLIN 0001 is increased from \$774,080.00 to \$1,312,328.00

The total obligated amount is increased from \$974,680.00 to \$1,512,928.00.

Continued ...

Except as provided herein, all terms and conditions of the document referenced in item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect

15A NAME AND TITLE OF SIGNER (Type or print)		16A NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Roberta J. Halls	
15B CONTRACTOR/OFFEROR (Signature of person authorized to sign)	15C DATE SIGNED	16B UNITED STATES OF AMERICA  (Signature of Contracting Officer)	16C DATE SIGNED 6-16-10

NSN 7540-01-152-8070
Previous edition unusable

STANDARD FORM 30 (REV. 10-83)
Prescribed by GSA
FAR (48 CFR) 53.243

CONTINUATION SHEET

REFERENCE NO. OF DOCUMENT BEING CONTINUED
SEE SCHEDULE/HSCEDM-10-F-IG085/P00001

PAGE 2 OF 3

NAME OF OFFEROR OR CONTRACTOR
CONTRA COSTA COUNTY INC

ITEM NO (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	<p>LIST OF CHANGES: Total Amount for this Modification: \$538,248.00 New Total Amount for this Version: \$1,312,328.00 New Total Amount for this Award: \$1,512,928.00 Obligated Amount for this Modification: \$538,248.00 New Total Obligated Amount for this Award: \$1,512,928.00 Incremental Funded Amount changed: from \$974,680.00 to \$1,512,928.00</p> <p>CHANGES FOR LINE ITEM NUMBER: 0001 Quantity changed from 9440 to 16004 Total Amount changed from \$774,080.00 to \$1,312,328.00 Obligated Amount for this modification: \$538,248.00 Incremental Funded Amount changed from \$774,080.00 to \$1,312,328.00</p> <p>CHANGES FOR DELIVERY LOCATION: ICE/DRO/SANFRANCISCO Quantity changed from 9440 to 16004 Amount changed from \$774,080.00 to \$1,312,328.00 Delivery Date changed from 04/05/2010 to 09/30/2010</p> <p>NEW ACCOUNTING CODE ADDED: Account code: BBFD00000BD3112000001863050005000000GE257200 Quantity: 6,564 Amount: \$538,248.00 6,564 EA X \$82.00 = \$538,248.00</p> <p>FOB: Destination</p> <p>Change Item 0001 to read as follows (amount shown is the obligated amount):</p>				
0001	<p>HOUSING FOR DETAINEES at the Contra Costa County West Detention Facility. Estimated through 9/30/2010. Fully Funded Obligation Amount \$1,312,328.00 Incrementally Funded Amount: \$1,312,328.00 Product/Service Code: S206 Product/Service Description: GUARD SERVICES</p> <p>Accounting Info: NONE00000BA3112000001863050005000000GE257200 Funded: \$0.00 Accounting Info: Continued ...</p>	6564	EA	82.00	538,248.00

CONTINUATION SHEET

REFERENCE NO. OF DOCUMENT BEING CONTINUED
SEE SCHEDULE/HSCEDM-10-F-IG085/P00001

PAGE OF
3 3

NAME OF OFFEROR OR CONTRACTOR
CONTRA COSTA COUNTY INC

ITEM NO (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	BBFD000000BD3112000001863050005000000GE257200 Funded: \$538,248.00				

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT		1. CONTRACT ID CODE	PAGE OF PAGES 1 3
2. AMENDMENT/MODIFICATION NO. P00007	3. EFFECTIVE DATE See Block 16C	4. REQUISITION/PURCHASE REQ. NO. 192116FSFCOCOWR02.11	5. PROJECT NO. (If applicable)
6. ISSUED BY ICE/Detent Mngt/Detent Contract-LAG Immigration and Customs Enforcement Office of Acquisition Management 24000 Avila Road, Room 3104 Laguna Niguel CA 92677	CODE ICE/DM/DC-LAGUNA	7. ADMINISTERED BY (If other than Item 6) ICE/Detent Mngt/Detent Contract-LAG Immigration and Customs Enforcement Office of Acquisition Management 24000 Avila Road, Room 3104 Attn: Jose R. Munoz Jr. Laguna Niguel CA 92677	CODE ICE/DM/DC-LAGUNA
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code) CONTRA COSTA COUNTY INC 651 PINE ST 7TH FLOOR MARTINEZ CA 945531229		9A. AMENDMENT OF SOLICITATION NO. 9B. DATED (SEE ITEM 11) 10A. MODIFICATION OF CONTRACT/ORDER NO. IGA 11-09-0034 HSCEDM-15-F-IG130 10B. DATED (SEE ITEM 13) 04/16/2015	
CODE 0076692160000	FACILITY CODE	11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS	

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers is extended. is not extended.
Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing Items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGEMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (If required)
See Schedule Net Decrease: -\$4,838.00

13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.
7

CHECK ONE	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:
	D. OTHER (Specify type of modification and authority)
X	Bilateral Modification / FAR 4.804 Closeout

E. IMPORTANT: Contractor is not. is required to sign this document and return 1 copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

DUNS Number: 007669216
COR: Nathan R. Lindsey
Email: Nathan.R.Lindsey@ice.dhs.gov, Phone Number: (661) 328-4503

Alternate COR: Donna Ore
Email: Donna.Ore@ice.dhs.gov, Phone Number: (916) 329-4326

Contract Specialist: Kimberlee Brown
Email: Kimberlee.Brown@ice.dhs.gov, Phone Number (202) 732-2675

The purpose of this modification is to de-obligate the amount of \$5,509,744.00, and to Continued ...

Except as provided herein, all terms and conditions of the document referenced in Item 9 A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print) BRIAN BONTHEON, LIEUTENANT	16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Virginia Collie <i>VC</i>
15B. CONTRACTOR/OFFEROR <i>B. Bontheon</i> (Signature of person authorized to sign)	15C. DATE SIGNED 7.29.16
16B. UNITED STATES OF AMERICA	16C. DATE SIGNED

NSN 7540-01-152-8070
Previous edition unusable

STANDARD FORM 30 (REV. 10-83)
Prescribed by GSA
FAR (48 CFR) 53.243

NAME OF OFFEROR OR CONTRACTOR
 CONTRA COSTA COUNTY INC

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	000000 Funded: \$0.00 Accounting Info: ERODETN-R02 BA 31-12-00-000 18-63-0500-05-00-00-00 GE-25-72-00 Funded: \$0.00 Accounting Info: ERODETN-R02 BA 31-12-00-000 18-63-0500-05-00-00-00 GE-25-72-00 Funded: \$0.00 Accounting Info: ERODETN-R02 BA 31-12-00-000 18-63-0500-05-00-00-00 GE-25-72-00 Funded: \$0.00 Accounting Info: ERODETN-R02 BA 31-12-00-000 18-63-0500-05-00-00-00 GE-25-72-00 Funded: -\$4,838.00 The Government hereby requests that the vendor execute, scan, and return this bilaterally signed modification. Failure of response from the vendor, the modification shall be considered concurrence and will be processed as an unilateral modification with the Government's signature only. All other terms and conditions referenced within the IGA remain the same.				

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT		1. CONTRACT ID CODE	PAGE OF PAGES 1 3
2 AMENDMENT/MODIFICATION NO P00005	3 EFFECTIVE DATE See Block 16C	4 REQUISITION/PURCHASE REQ NO 192116FSFCOCOWR02.05	5 PROJECT NO (If applicable)
6 ISSUED BY ICE/Detent Mngt/Detent Contract-LAG Immigration and Customs Enforcement Office of Acquisition Management 24000 Avila Road, Room 3104 Laguna Niguel CA 92677	CODE ICE/DM/DC-LAGUNA	7. ADMINISTERED BY (If other than Item 6) ICE/Detention Compliance & Removals Immigration and Customs Enforcement Office of Acquisition Management 801 I Street NW, suite 930 Attn: Kimberlee Brown Washington DC 20536	CODE ICE/DCR
8 NAME AND ADDRESS OF CONTRACTOR (No. street, county, State and ZIP Code) CONTRA COSTA COUNTY INC 651 PINE ST 7TH FLOOR MARTINEZ CA 945531229		(x) 9A. AMENDMENT OF SOLICITATION NO	
CODE 0076692160000 FACILITY CODE		x 10A. MODIFICATION OF CONTRACT/ORDER NO IGA 11-09-0034 HSCEM-15-F-IG130	
		10B DATED (SEE ITEM 13) 04/16/2015	

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers is extended. is not extended.
Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing Items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGEMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12 ACCOUNTING AND APPROPRIATION DATA (If required) See Schedule	Net Increase:	\$557,600.00
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13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

CHECK ONE	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO IN ITEM 10A
	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43 103(b)
	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF
X	D. OTHER (Specify type of modification and authority) Unilateral Modification / FAR 43.103(b)

E. IMPORTANT: Contractor is not is required to sign this document and return _____ copies to the issuing office

14 DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible)

DUNS Number: 007669216
COR: Nathan R. Lindsey
Email: Nathan.R.Lindsey@ice.dhs.gov, Phone Number: (661) 328-4503

Alternate COR: Donna Ore
Email: Donna.Ore@ice.dhs.gov, Phone Number: (916) 329-4326

Contract Specialist: Kimberlee Brown
Email: Kimberlee.Brown@ice.dhs.gov, Phone Number (202) 732-2675

The purpose of this modification is to add funding in the amount of \$557,600.00 to the task
Continued ...

Except as provided herein, all terms and conditions of the document referenced in Item 9 A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or prnt)	16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or prnt) Virginia L. Collie
15B. CONTRACTOR/OFFEROR (Signature of person authorized to sign)	15C. DATE SIGNED
16B. UNITED STATES OF AMERICA <i>Virginia L. Collie</i> (Signature of Contracting Officer)	16C. DATE SIGNED 2/23/16

NAME OF OFFEROR OR CONTRACTOR
CONTRA COSTA COUNTY INC

ITEM NO (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
0001	<p>order, and extend the period of performance through April 30, 2016. This modification also changes contract administration from Jose Munoz to Kimberlee Brown and incorporates contact information for the new specialist.</p> <p>The total amount of the task order is increased as follows:</p> <p>From: \$4,014,228.00 By: \$557,600.00 To: \$4,571,828.00</p> <p>Exempt Action: Y FOB: Destination Period of Performance: 07/01/2015 to 04/30/2016</p> <p>Change Item 0001 to read as follows (amount shown is the total amount):</p> <p>HOUSING FOR DETAINEES (WEST FACILITY)</p> <p>CLIN 0001 is increased as follows: From: \$4,014,228.00 By: \$557,600.00 To: \$4,571,828.00</p> <p>The total quantity is increased as follows: From: 48,954 By: 6,800 To: 55,754 Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD</p> <p>Accounting Info: ERODETN-R02 BA 31-12-00-000 18-63-0500-05-00-00-C0 GE-25-72-00 Funded: \$0.00</p> <p>Accounting Info: ERODETN-R02 UP 31-12-00-000 18-63-0500-05-00-00-C0 GE-25-72-00 Funded: \$0.00</p> <p>Accounting Info: ERODETN-R02 BA 31-12-00-000 18-63-0500-05-00-00-C0 GE-25-72-00 Funded: \$0.00</p> <p>Accounting Info: USP0000-R02 UP 31-12-00-000 18-63-0500-05-00-00-C0 GE-25-72-00- ----- 000000 Funded: \$0.00</p> <p>Accounting Info: ERODETN-R02 BA 31-12-00-000 18-63-0500-05-00-00-C0 GE-25-72-00 Continued ...</p>	55754	EA	82.00	4,571,828.00

CONTINUATION SHEET

REFERENCE NO OF DOCUMENT BEING CONTINUED
IGA 11-09-0034/HSCEDM-15-F-IG130/P00005

PAGE OF
3 3

NAME OF OFFEROR OR CONTRACTOR
CONTRA COSTA COUNTY INC

ITEM NO (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	Funded: \$0.00 Accounting Info: ERODETN-R02 BA 31-12-00-000 18-63-0500-05-00-00-00 GE-25-72-00 Funded: \$557,600.00 All other terms and conditions referenced within the IGA remain the same.				

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT		1 CONTRACT ID CODE		PAGE OF PAGES	
				1 3	
2 AMENDMENT/MODIFICATION NO P00008		3 EFFECTIVE DATE See Block 16C		4 REQUISITION/PURCHASE REQ NO 192117FSFCOCOMR08.08	
6 ISSUED BY ICE/DM/DC-LAGUNA		7 ADMINISTERED BY (If other than Item 6) ICE/DCR		5 PROJECT NO (If applicable)	
ICEDETENT MNGTDETTENT CONTRACT-LAG IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE OF ACQUISITION MANAGEMENT 24000 AVILA ROAD ROOM 3104 LAGUNA NIGUEL CA 92677		ICEDETENTION COMPLIANCE REMOVALS IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE OF ACQUISITION MANAGEMENT 801 I STREET NW SUITE 930 ATTN KIMBERLEE BROWN WASHINGTON DC 20536			
8 NAME AND ADDRESS OF CONTRACTOR (No. street, county, State and ZIP Code) CONTRA COSTA COUNTY INC ATTN CONTRA COSTA COUNTY INC 651 PINE ST 7TH FLOOR MARTINEZ CA 945531229		(x) 9A AMENDMENT OF SOLICITATION NO		9B DATED (SEE ITEM 11)	
CODE 0076692160000 FACILITY CODE		x 10A MODIFICATION OF CONTRACT/ORDER NO IGA-11-92-0024 HSCEDM-16-F-IG208		10B DATED (SEE ITEM 13) 04/28/2016	

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers is extended is not extended
Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing Items 8 and 15, and returning _____ copies of the amendment. (b) By acknowledging receipt of this amendment on each copy of the offer submitted, or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGEMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12 ACCOUNTING AND APPROPRIATION DATA (If required)
See Schedule Net Decrease: -\$2,040.00

13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

CHECK ONE	A THIS CHANGE ORDER IS ISSUED PURSUANT TO (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
	B THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14. PURSUANT TO THE AUTHORITY OF FAR 43 103(b)
	C THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:
	D OTHER (Specify type of modification and authority)
X	IAW 4.804 Closeout of Contract Files

E. IMPORTANT: Contractor is not is required to sign this document and return _____ copies to the issuing office.

14 DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible)

DUNS Number: 007669216

Contracting Officer Representative (COR): Nathan R. Lindsey Email: Nathan.R.Lindsey@ice.dhs.gov; Phone: (661) 328-4503

Alternate (COR): Donna Ore, Email: Donna.Ore@ice.dhs.gov; Phone: (916) 329-4326

The purpose of this modification is to deobligate funds in the amount of \$2,040.00 from task order HSCEDM-16-F-IG208 and close the order. In accordance with FAR 4.804 procedures this task order is modified as follows:

A. The program office certified on August 1, 2008 that all good and services provided under Continued ...

Except as provided herein, all terms and conditions of the document referenced in Item 9 A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A NAME AND TITLE OF SIGNER (Type or print) BRIAN BENTON, LIEUTENANT		16A NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Virginia L. Collie	
15B CONTRACTOR/OFFEROR B. Benton		16B UNITED STATES OF AMERICA	
15C DATE SIGNED 8/17/17		16C DATE SIGNED	

NSN 7540-01-152-8070
Previous edition unusable

STANDARD FORM 30 (REV 10-83)
Prescribed by GSA
FAR (48 CFR) 53.243

CONTINUATION SHEET

REFERENCE NO. OF DOCUMENT BEING CONTINUED
IGA-11-92-0024/HSCEDM-16-F-IG208/P00008

PAGE 2 OF 3

NAME OF OFFEROR OR CONTRACTOR
CONTRA COSTA COUNTY INC

ITEM NO (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
0001	<p>this task order have been delivered and funds in the amount of \$2,040.00 may be deobligated.</p> <p>B. CLIN 0001: Temporary Detainee Housing is decreased by \$2,040.00 from \$54,570.00 to \$52,530.00, therefore the total obligated value of this task order is decreased from \$54,570.00 to \$52,530.00.</p> <p>C. The total value of this task order is hereby decreased by \$2,040.00 from \$54,570.00 to \$52,530.00.</p> <p>D. With this closeout modification the Contractor hereby releases the Government from any and all liability und this task order.</p> <p>Exempt Action: Y Sensitive Award: NONE FOB: Destination Period of Performance: 07/01/2016 to 06/30/2017</p> <p>Change Item 0001 to read as follows (amount shown is the total amount):</p> <p>TEMPROARY DETAINEE HOUSING (MANDAYS) MAIN JAIL</p> <p>CLIN 0001 decreases as follows: From: \$54,570.00 By: \$-2,040.00 To: \$52,530.00</p> <p>The total quantity remains the same as follows: From: 642 By: -24 To: 618</p> <p>Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD</p> <p>Accounting Info: ERODETN-R08 BA 31-12-00-000 18-63-0500-00-00-00-00 GE-25-72-00 Funded: \$0.00</p> <p>Accounting Info: ERODETN-R08 BA 31-12-00-000 18-63-0500-00-00-00-00 GE-25-72-00 Funded: \$0.00</p> <p>Accounting Info: ERODETN-R08 E1 31-12-00-000 18-63-0500-00-00-00-00 GE-25-72-00 Funded: \$0.00</p> <p>Accounting Info: ERODETN-R08 E1 31-12-00-000 18-63-0500-00-00-00-00 GE-25-72-00 Continued ...</p>	618	EA	85.00	52,530.00

CONTINUATION SHEET

REFERENCE NO OF DOCUMENT BEING CONTINUED
 IGA-11-92-0024/HSCEDM-16-F-IG208/P00008

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NAME OF OFFEROR OR CONTRACTOR
 CONTRA COSTA COUNTY INC

ITEM NO (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	Funded: \$0.00 Accounting Info: ERODETN-R08 E1 31-12-00-000 18-63-0500-00-00-00-00 GE-25-72-00 Funded: \$0.00 Accounting Info: ERODETN-R08 E1 31-12-00-000 18-63-0500-00-00-00-00 GE-25-72-00- ----- 000000 Funded: \$0.00 Accounting Info: ERODETN-R08 E1 31-12-00-000 18-63-0500-00-00-00-00 GE-25-72-00 Funded: -\$765.00 Accounting Info: ERODETN-R08 E1 31-12-00-000 18-63-0500-00-00-00-00 GE-25-72-00 Funded: -\$1,275.00 All terms and conditions of the IGSA remain the same.				

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT		1. CONTRACT ID CODE	PAGE OF PAGES 1 2
2. AMENDMENT/MODIFICATION NO. P00003	3. EFFECTIVE DATE See Block 16C	4. REQUISITION/PURCHASE REQ. NO. 192117FSFCOCOMR08.02	5. PROJECT NO. (If applicable)
6. ISSUED BY ICEDETENT MNGTDEDET CONTRACT-LAG IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE OF ACQUISITION MANAGEMENT 24000 AVILA ROAD ROOM 3104 LAGUNA NIGUEL CA 92677	CODE ICE/DM/DC-LAGUNA	7. ADMINISTERED BY (If other than Item 6) ICEDETENT MNGTDEDET CONTRACT-LAG IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE OF ACQUISITION MANAGEMENT 24000 AVILA ROAD ROOM 3104 ATTN JOSE R MUNOZ JR LAGUNA NIGUEL CA 92677	CODE ICE/DM/DC-LAGUNA
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code) CONTRA COSTA COUNTY INC ATTN CONTRA COSTA COUNTY INC 651 PINE ST 7TH FLOOR MARTINEZ CA 945531229		(x) 9A. AMENDMENT OF SOLICITATION NO.	9B. DATED (SEE ITEM 11)
CODE 0076692160000		FACILITY CODE	X 10A. MODIFICATION OF CONTRACT/ORDER NO. IGA-11-92-0024 HSCEDM-16-F-IG208 10B. DATED (SEE ITEM 13) 04/28/2016

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers _____ is extended. is not extended. Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing Items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGEMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (If required)

See Schedule

13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

CHECK ONE	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:
X	D. OTHER (Specify type of modification and authority) Unilateral Modification / FAR 43.103(b)

E. IMPORTANT: Contractor is not, is required to sign this document and return _____ copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

DUNS Number: 007669216

Contracting Officer Representative (COR): Nathan R. Lindsey Email: Nathan.R.Lindsey@ice.dhs.gov; Phone: (661) 328-4503
Alternate (COR): Donna Ore, Email: Donna.Ore@ice.dhs.gov; Phone: (916) 329-4326


This modification is issued to change the period of performance end date from 11/15/2016 to 12/09/2016. It is estimated that the funds will cover the period through 12/09/2016.

The total amount of the task order remains the same as follows:

From: \$26,605.00 By: \$0.00 To: \$26,605.00

Continued ...

Except as provided herein, all terms and conditions of the document referenced in Item 9 A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print)		16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Virginia Collie	
15B. CONTRACTOR/OFFEROR (Signature of person authorized to sign)	15C. DATE SIGNED	16B. UNITED STATES OF AMERICA  (Signature of Contracting Officer)	16C. DATE SIGNED 04/28/16

CONTINUATION SHEET

REFERENCE NO. OF DOCUMENT BEING CONTINUED
 IGA-11-92-0024/HSCEDM-16-F-IG208/P00003

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NAME OF OFFEROR OR CONTRACTOR
 CONTRA COSTA COUNTY INC

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
0001	<p>Exempt Action: Y Discount Terms: Net 30 FOB: Destination Period of Performance: 07/01/2016 to 12/09/2016</p> <p>Change Item 0001 to read as follows (amount shown is the total amount):</p> <p>TEMPROARY DETAINEE HOUSING (MANDAYS) MAIN JAIL</p> <p>CLIN 0001 remains the same as follows: From: \$26,605.00 By: \$0.00 To: \$26,605.00</p> <p>The total quantity remains the same as follows: From: 313 By: 0 To: 313 Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD</p> <p>Accounting Info: ERODETN-R08 BA 31-12-00-000 18-63-0500-00-00-00-00 GE-25-72-00 Funded: \$0.00</p> <p>Accounting Info: ERODETN-R08 BA 31-12-00-000 18-63-0500-00-00-00-00 GE-25-72-00 Funded: \$0.00</p> <p>Accounting Info: ERODETN-R08 E1 31-12-00-000 18-63-0500-00-00-00-00 GE-25-72-00 Funded: \$0.00</p> <p>Accounting Info: ERODETN-R08 E1 31-12-00-000 18-63-0500-00-00-00-00 GE-25-72-00 Funded: \$0.00</p> <p>All terms and conditions of the IGA remain the same.</p>	313	EA	85.00	26,605.00

2. AMENDMENT/MODIFICATION NO. P00002	3. EFFECTIVE DATE See Block 16C	4. REQUISITION/PURCHASE REQ. NO. 192116FSFCOCOWR02.12	5. PROJECT NO (If applicable)
---	------------------------------------	--	-------------------------------

6. ISSUED BY ICE/DM/DC-LAGUNA	7. ADMINISTERED BY (If other than Item 6) ICE/DCR
ICEDETENT MNGTDETENT CONTRACT-LAG IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE OF ACQUISITION MANAGEMENT 24000 AVILA ROAD ROOM 3104 LAGUNA NIGUEL CA 92677	ICEDETENTION COMPLIANCE REMOVALS IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE OF ACQUISITION MANAGEMENT 801 I STREET NW SUITE 930 ATTN KIMBERLEE BROWN WASHINGTON DC 20536

8. NAME AND ADDRESS OF CONTRACTOR (No. , street, county, State and ZIP Code)	(x)	9A. AMENDMENT OF SOLICITATION NO
CONTRA COSTA COUNTY INC 651 PINE ST 7TH FLOOR MARTINEZ CA 945531229		9B. DATED (SEE ITEM 11)
	x	10A. MODIFICATION OF CONTRACT/ORDER NO 11-09-0034
		10B. DATED (SEE ITEM 13) 04/29/2016
CODE 0076692160000 FACILITY CODE		

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers is extended is not extended

Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing Items 8 and 15, and returning _____ copies of the amendment, (b) By acknowledging receipt of this amendment on each copy of the offer submitted, or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGEMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (If required)	Net Increase:	\$614,098.00
ERODETN-R02 BA 31-12-00-000 18-63-0500-05-00-00-00 GE-25-72-00		

13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

CHECK ONE	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b)
	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF _____
	D. OTHER (Specify type of modification and authority)
X	Funding Action Per FAR 32.307-1 (a) Fully Funding

E. IMPORTANT: Contractor is not. is required to sign this document and return _____ copies to the issuing office

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)
 DUNS Number: 007669216

Contracting Officer Representative (COR): Nathan R. Lindsey, Email: Nathan.R.Lindsey@ice.dhs.gov; Phone: (661)328-4503
 ALT COR: Donna Ore, Email: Donna.Ore@ice.dhs.gov; Phone: (916)329-4326

This modification is issued to add funding to CLIN 0001 for detention bed day and change performance end date from 08/31/2016 to 09/30/2016 in the amount of \$614,098.00. It is estimated that the funds obligated will cover the period through 09/30/2016.

Exempt Action: Y
 Continued ...

Except as provided herein, all terms and conditions of the document referenced in Item 9 A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print)	16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)		
	Virginia Collie		
15B. CONTRACTOR/OFFEROR	15C. DATE SIGNED	16B. UNITED STATES OF AMERICA	16C. DATE SIGNED
_____ <small>(Signature of person authorized to sign)</small>		<i>Virginia Collie</i> <small>(Signature of Contracting Officer)</small>	8/31/16

CONTINUATION SHEET

REFERENCE NO. OF DOCUMENT BEING CONTINUED
11-09-0034/HSCEDM-16-F-IG203/P00002

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2 2

NAME OF OFFEROR OR CONTRACTOR
CONTRA COSTA COUNTY INC

ITEM NO (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
0001	FOB: Destination Period of Performance: 07/01/2016 to 09/30/2016 Change Item 0001 to read as follows (amount shown is the obligated amount): DETAINEEES HOUSING (WEST FACILITY) All terms and condition of the IGA remain the same.	7489	EA	82.00	614,098.00

ORDER FOR SUPPLIES OR SERVICES

PAGE OF PAGES

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IMPORTANT: Mark all packages and papers with contract and/or order numbers.

1. DATE OF ORDER 04/29/2016	2. CONTRACT NO. (If any) 11-09-0034	6. SHIP TO	
3. ORDER NO. HSCEDM-16-F-IG203		4. REQUISITION/REFERENCE NO. 192116FSFCOCOWR02.07	
5. ISSUING OFFICE (Address correspondence to) ICEDETENT MNGTDETTENT CONTRACT-LAG IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE OF ACQUISITION MANAGEMENT 24000 AVILA ROAD ROOM 3104 LAGUNA NIGUEL CA 92677		b. STREET ADDRESS IMMIGRATION CUSTOMS ENFORCEMENT 650 CAPITOL MALL ROOM I-120	
c. CITY SACRAMENTO		d. STATE CA	e. ZIP CODE 95814

7. TO:		f. SHIP VIA	
a. NAME OF CONTRACTOR CONTRA COSTA COUNTY INC		8. TYPE OF ORDER	
b. COMPANY NAME		a. PURCHASE	
c. STREET ADDRESS 651 PINE ST 7TH FLOOR		REFERENCE YOUR:	
d. CITY MARTINEZ		e. STATE CA	
f. ZIP CODE 945531229		b. DELIVERY	

9. ACCOUNTING AND APPROPRIATION DATA See Schedule		10. REQUISITIONING OFFICE ICE ENFORCEMENT REMOVAL	
11. BUSINESS CLASSIFICATION (Check appropriate box(es))		12. F.O.B. POINT Destination	
<input type="checkbox"/> a. SMALL <input type="checkbox"/> b. OTHER THAN SMALL <input type="checkbox"/> c. DISADVANTAGED <input type="checkbox"/> d. WOMEN-OWNED <input type="checkbox"/> e. HUBZone <input type="checkbox"/> f. SERVICE-DISABLED VETERAN-OWNED <input type="checkbox"/> g. WOMEN-OWNED SMALL BUSINESS (WOSB) ELIGIBLE UNDER THE WOSB PROGRAM <input type="checkbox"/> h. EDWOSB			
13. PLACE OF		14. GOVERNMENT B/L NO.	
a. INSPECTION Destination	b. ACCEPTANCE Destination	15. DELIVER TO F.O.B. POINT ON OR BEFORE (Date) 30 Days After Award	
		16. DISCOUNT TERMS	

17. SCHEDULE (See reverse for Rejections)

ITEM NO (a)	SUPPLIES OR SERVICES (b)	QUANTITY ORDERED (c)	UNIT (d)	UNIT PRICE (e)	AMOUNT (f)	QUANTITY ACCEPTED (g)
	DUNS Number: 007669216 DBA: SHERIFF'S DEPT Contracting Officer Representative (COR): Nathan R. Lindsey Email: Nathan.R.Lindsey@ice.dhs.gov; Phone: (661)328-4503 Continued ...					

18. SHIPPING POINT	19. GROSS SHIPPING WEIGHT	20. INVOICE NO.	17(h) TOTAL (Cont. pages)
21. MAIL INVOICE TO:			
a. NAME DHS ICE			\$508,400.00
b. STREET ADDRESS (or P O Box) BURLINGTON FINANCE CENTER PO BOX 1620 ATTN ICE-EROFOD-FSF			17(i) GRAND TOTAL
c. CITY WILLISTON	d. STATE VT	e. ZIP CODE 05495-1620	

22. UNITED STATES OF AMERICA BY (Signature) 	23. NAME (Typed) Virginia L. Collie TITLE CONTRACTING/ORDERING OFFICER
---	--

AUTHORIZED FOR LOCAL REPRODUCTION PREVIOUS EDITION NOT USABLE

OPTIONAL FORM 347 (Rev. 2/2012)
Prescribed by GSA/FAR 48 CFR 53.213(d)

**ORDER FOR SUPPLIES OR SERVICES
SCHEDULE - CONTINUATION**

PAGE NO

2

IMPORTANT: Mark all packages and papers with contract and/or order numbers.

DATE OF ORDER
04/29/2016

CONTRACT NO.
11-09-0034

ORDER NO
HSCEDM-16-F-IG203

ITEM NO. (a)	SUPPLIES/SERVICES (b)	QUANTITY ORDERED (c)	UNIT (d)	UNIT PRICE (e)	AMOUNT (f)	QUANTITY ACCEPTED (g)
0001	<p>ALT COR: Donna Ore Email: Donna.Ore@ice.dhs.gov; Phone: (916)329-4326</p> <p>Contract Specialist: Kimberlee Brown Email: Kimberlee.Brown@ice.dhs.gov; (202)732-2675</p> <p>This task order is hereby issued against the Department of Justice, US Marshalls Inter- governmental Services Agreement (IGA) 11-09-0034 for the detention and care of aliens housed at Contra Costa County, CA. All terms and condition of the IGA apply to this task order, and replaces task order HSCEDM-15-F-IG130. Exempt Action: Y Accounting Info: ERODETN-R02 BA 31-12-00-000 18-63-0500-05-00-00-00 GE-25-72-00 Period of Performance: 07/01/2016 to 07/31/2016</p> <p>DETAINEES HOUSING(WEST FACILITY)</p> <p>Invoice Instructions: ICE - ERO Contracts</p> <p>Service Providers/Contractors shall use these procedures when submitting an invoice.</p> <p>1. Invoice Submission: Invoices shall be submitted in a ".pdf" format in accordance with the contract terms and conditions via email, United States Postal Service (USPS) or facsimile as follows:</p> <p>a) Email:</p> <ul style="list-style-type: none"> • Invoice.Consolidation@ice.dhs.gov • Contracting Officer Representative (COR) or Government Point of Contact (GPOC) • Contract Specialist/Contracting Officer <p>Continued ...</p>	6200	EA	82.00	508,400.00	

TOTAL CARRIED FORWARD TO 1ST PAGE (ITEM 17(H))

\$508,400.00

**ORDER FOR SUPPLIES OR SERVICES
SCHEDULE - CONTINUATION**

PAGE NO

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IMPORTANT: Mark all packages and papers with contract and/or order numbers

DATE OF ORDER 04/29/2016	CONTRACT NO. 11-09-0034	ORDER NO. HSCEDM-16-F-IG203
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ITEM NO. (a)	SUPPLIES/SERVICES (b)	QUANTITY ORDERED (c)	UNIT (d)	UNIT PRICE (e)	AMOUNT (f)	QUANTITY ACCEPTED (g)
	<p>Each email shall contain only (1) invoice and the invoice number shall be indicated on the subject line of the email.</p> <p>b) USPS:</p> <p>DHS, ICE Financial Operations - Burlington P.O. Box 1620 Williston, VT 05495-1620</p> <p>ATTN: ICE-ERO/FOD-FSF</p> <p>The Contractors Data Universal Numbering System (DUNS) Number must be registered and active in the System for Award Management (SAM) at https://www.sam.gov prior to award and shall be notated on every invoice submitted to ensure prompt payment provisions are met. The ICE program office identified in the task order/contract shall also be notated on every invoice.</p> <p>c) Facsimile:</p> <p>Alternative Invoices shall be submitted to: (802)-288-7658</p> <p>Submissions by facsimile shall include a cover sheet, point of contact and the number of total pages.</p> <p>Note: the Service Providers or Contractors Dunn and Bradstreet (D&B) DUNS Number must be registered in the System for Award Management (SAM) at https://www.sam.gov prior to award and shall be notated on every invoice submitted to ensure prompt payment provisions are met. The ICE program office identified in the task order/contract shall also be notated on every invoice.</p> <p>2. Content of Invoices: Each invoice shall contain the following information in accordance with 52.212-4 (g), as applicable: Continued ...</p>					

TOTAL CARRIED FORWARD TO 1ST PAGE (ITEM 17(H))

\$0.00

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**ORDER FOR SUPPLIES OR SERVICES
SCHEDULE - CONTINUATION**

PAGE NO

4

IMPORTANT: Mark all packages and papers with contract and/or order numbers

DATE OF ORDER 04/29/2016	CONTRACT NO 11-09-0034	ORDER NO HSCEDM-16-F-IG203
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ITEM NO (a)	SUPPLIES/SERVICES (b)	QUANTITY ORDERED (c)	UNIT (d)	UNIT PRICE (e)	AMOUNT (f)	QUANTITY ACCEPTED (g)
	<p>(i). Name and address of the Service Provider/Contractor. Note: the name, address and DUNS number on the invoice MUST match the information in both the Contract/Agreement and the information in the SAM. If payment is remitted to another entity, the name, address and DUNS information of that entity must also be provided which will require Government verification before payment can be processed;</p> <p>(ii). Dunn and Bradstreet (D&B) DUNS Number;</p> <p>(iii). Invoice date and invoice number;</p> <p>(iv). Agreement/Contract number, contract line item number and, if applicable, the order number;</p> <p>(v). Description, quantity, unit of measure, unit price, extended price and period of performance of the items or services delivered;</p> <p>(vi). If applicable, shipping number and date of shipment, including the bill of lading number and weight of shipment if shipped on Government bill of lading;</p> <p>(vii). Terms of any discount for prompt payment offered;</p> <p>(viii). Remit to Address;</p> <p>(ix). Name, title, and phone number of person to resolve invoicing issues;</p> <p>(x). ICE program office designated on order/contract/agreement and</p> <p>(xi). Mark invoice as "Interim" (Ongoing performance and additional billing expected) and "Final" (performance complete and no additional billing)</p> <p>Continued ...</p>					
TOTAL CARRIED FORWARD TO 1ST PAGE (ITEM 17(H))					\$0.00	

**ORDER FOR SUPPLIES OR SERVICES
SCHEDULE - CONTINUATION**

PAGE NO

5

IMPORTANT: Mark all packages and papers with contract and/or order numbers.

DATE OF ORDER 04/29/2016	CONTRACT NO. 11-09-0034	ORDER NO. HSCEDM-16-F-IG203
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ITEM NO. (a)	SUPPLIES/SERVICES (b)	QUANTITY ORDERED (c)	UNIT (d)	UNIT PRICE (e)	AMOUNT (f)	QUANTITY ACCEPTED (g)
	<p>(xii). Electronic Funds Transfer (EFT) banking information in accordance with 52.232-33 Payment by Electronic Funds Transfer - System for Award Management or 52-232-34, Payment by Electronic Funds Transfer - Other than System for Award Management.</p> <p>3. Invoice Supporting Documentation. To ensure payment, the vendor must submit supporting documentation which provides substantiation for the invoiced costs to the Contracting Officer Representative (COR) or Point of Contact (POC) identified in the contract. Invoice charges must align with the contract CLINs. Supporting documentation is required when guaranteed minimums are exceeded and when allowable costs are incurred. Details are as follows:</p> <p>(i). Guaranteed Minimums. If a guaranteed minimum is not exceeded on a CLIN(s) for the invoice period, no supporting documentation is required. When a guaranteed minimum is exceeded on a CLIN (s) for the invoice period, the Contractor is required to submit invoice supporting documentation for all detention services provided during the invoice period which provides the information described below:</p> <p>a. Detention Bed Space Services</p> <ul style="list-style-type: none"> • Bed day rate; • Detainees check-in and check-out dates; • Number of bed days multiplied by the bed day rate; • Name of each detainee; • Detainees identification information <p>(ii). Allowable Incurred Cost. Fixed Unit Price Items (items for allowable incurred costs, such as transportation services, stationary guard or escort services, transportation mileage or other Minor Continued ...</p>					

TOTAL CARRIED FORWARD TO 1ST PAGE (ITEM 17(H))

\$0.00

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**ORDER FOR SUPPLIES OR SERVICES
SCHEDULE - CONTINUATION**

PAGE NO

6

IMPORTANT: Mark all packages and papers with contract and/or order numbers.

DATE OF ORDER
04/29/2016

CONTRACT NO
11-09-0034

ORDER NO
HSCEDM-16-F-IG203

ITEM NO (a)	SUPPLIES/SERVICES (b)	QUANTITY ORDERED (c)	UNIT (d)	UNIT PRICE (e)	AMOUNT (f)	QUANTITY ACCEPTED (g)
	<p>Charges such as sack lunches and detainee wages): shall be fully supported with documentation substantiating the costs and/or reflecting the established price in the contract and shall be submitted in .pdf format:</p> <p>a. Detention Bed Space Services. For detention bed space CLINs without a GM, the supporting documentation must include:</p> <ul style="list-style-type: none"> • Bed day rate; • Detainees check-in and check-out dates; • Number of bed days multiplied by the bed day rate; • Name of each detainee; • Detainees identification information <p>b. Transportation Services: For transportation CLINs without a GM, the supporting documentation must include:</p> <ul style="list-style-type: none"> • Mileage rate being applied for that invoice; • Number of miles; • Transportation routes provided; • Locations serviced; • Names of detainees transported; • Itemized listing of all other charges; <p>and,</p> <ul style="list-style-type: none"> • for reimbursable expenses (e.g. travel expenses, special meals, etc.) copies of all receipts. <p>c. Stationary Guard Services: The itemized monthly invoice shall state:</p> <ul style="list-style-type: none"> • The location where the guard services were provided, • The employee guard names and number of hours being billed, • The employee guard names and duration of the billing (times and dates), and • (4) for individual or detainee group escort services only, the name of the detainee(s) that was/were escorted. <p>Continued ...</p>					

TOTAL CARRIED FORWARD TO 1ST PAGE (ITEM 17(H))

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**ORDER FOR SUPPLIES OR SERVICES
SCHEDULE - CONTINUATION**

PAGE NO

7

IMPORTANT: Mark all packages and papers with contract and/or order numbers.

DATE OF ORDER 04/29/2016	CONTRACT NO. 11-09-0034	ORDER NO. HSCEDM-16-F-IG203
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ITEM NO. (a)	SUPPLIES/SERVICES (b)	QUANTITY ORDERED (c)	UNIT (d)	UNIT PRICE (e)	AMOUNT (f)	QUANTITY ACCEPTED (g)
	<p>d. Other Direct Charges (e.g. VTC support, transportation meals/sack lunches, volunteer detainee wages, etc.):</p> <p>1) The invoice shall include appropriate supporting documentation for any direct charge billed for reimbursement. For charges for detainee support items (e.g. meals, wages, etc.), the supporting documentation should include the name of the detainee(s) supported and the date(s) and amount(s) of support.</p> <p>(iii) Firm Fixed-Price CLINs. Supporting documentation is not required for charges for FFP CLINs.</p> <p>4. Safeguarding Information: As a contractor or vendor conducting business with Immigration and Customs Enforcement (ICE), you are required to comply with DHS Policy regarding the safeguarding of Sensitive Personally Identifiable Information (PII). Sensitive PII is information that identifies an individual, including an alien, and could result in harm, embarrassment, inconvenience or unfairness. Examples of Sensitive PII include information such as: Social Security Numbers, Alien Registration Numbers (A-Numbers), or combinations of information such as the individuals name or other unique identifier and full date of birth, citizenship, or immigration status.</p> <p>As part of your obligation to safeguard information, the follow precautions are required:</p> <p>(I) Email supporting documents containing Sensitive PII in an encrypted attachment with password sent separately to the Contracting Officer Representative assigned to the contract.</p> <p>(ii) Never leave paper documents containing Continued ...</p>					

TOTAL CARRIED FORWARD TO 1ST PAGE (ITEM 17(H))

\$0.00

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Prescribed by GSA FAR (48 CFR) 53.213(f)

**ORDER FOR SUPPLIES OR SERVICES
SCHEDULE - CONTINUATION**

PAGE NO

8

IMPORTANT: Mark all packages and papers with contract and/or order numbers.

DATE OF ORDER
04/29/2016

CONTRACT NO.
11-09-0034

ORDER NO.
HSCEDM-16-F-IG203

ITEM NO (a)	SUPPLIES/SERVICES (b)	QUANTITY ORDERED (c)	UNIT (d)	UNIT PRICE (e)	AMOUNT (f)	QUANTITY ACCEPTED (g)
	<p>Sensitive PII unattended and unsecure. When not in use, these documents will be locked in drawers, cabinets, desks, etc. so the information is not accessible to those without a need to know.</p> <p>(iii) Use shredders when discarding paper documents containing Sensitive PII.</p> <p>(iv) Refer to the DHS Handbook for Safeguarding Sensitive Personally Identifiable Information (March 2012) found at http://www.dhs.gov/xlibrary/assets/privacy/dhs-privacy-safeguardingsensitivepiihandbook-march2012.pdf for more information on and/or examples of Sensitive PII.</p> <p>5. Invoice Inquiries. If you have questions regarding payment, please contact ICE Financial Operations at 1-877-491-6521 or by e-mail at OCFO.CustomerService@ice.dhs.gov.</p> <p>The total amount of award: \$508,400.00. The obligation for this award is shown in box 17(i).</p>					

TOTAL CARRIED FORWARD TO 1ST PAGE (ITEM 17(H))

\$0.00

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AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT		1 CONTRACT ID CODE	PAGE OF PAGES 1 3
2 AMENDMENT/MODIFICATION NO P00006	3 EFFECTIVE DATE See Block 16C	4 REQUISITION/PURCHASE REQ. NO 192117FSFCOCOWR02.04	5 PROJECT NO. (If applicable)
6 ISSUED BY ICEDETTENT MNGTDETTENT CONTRACT-LAG IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE OF ACQUISITION MANAGEMENT 24000 AVILA ROAD ROOM 3104 LAGUNA NIGUEL CA 92677	CODE ICE/DM/DC-LAGUNA	7 ADMINISTERED BY (If other than Item 6) ICEDETTENTION COMPLIANCE REMOVALS IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE OF ACQUISITION MANAGEMENT 801 I STREET NW SUITE 930 ATTN KIMBERLEE BROWN WASHINGTON DC 20536	CODE ICE/DCR
8 NAME AND ADDRESS OF CONTRACTOR (No. street, county, State and ZIP Code) CONTRA COSTA COUNTY INC 651 PINE ST 7TH FLOOR MARTINEZ CA 945531229		(x) 9A AMENDMENT OF SOLICITATION NO	9B DATED (SEE ITEM 11)
CODE 0076692160000 FACILITY CODE		x 10A MODIFICATION OF CONTRACT/ORDER NO 11-09-0034 HSCEDM-16-F-IG203	10B DATED (SEE ITEM 13) 04/29/2016

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers is extended. is not extended. Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing Items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGEMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12 ACCOUNTING AND APPROPRIATION DATA (If required)
See Schedule Net Increase: \$1,660,500.00

13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

CHECK ONE	A THIS CHANGE ORDER IS ISSUED PURSUANT TO (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO IN ITEM 10A
	B THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (Such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b)
	C THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF
X	D OTHER (Specify type of modification and authority) Unilateral Modification / FAR 43.103(a)

E. IMPORTANT: Contractor is not is required to sign this document and return _____ copies to the issuing office

14 DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible)
DUNS Number: 007669216

Contracting Officer Representative (COR): Nathan R. Lindsey, Email: Nathan.R.Lindsey@ice.dhs.gov; Phone: (661)328-4503

ALT COR: Donna Ore, Email: Donna.Ore@ice.dhs.gov; Phone: (916)329-4326

This modification is issued to add funding to CLIN 0001 for detention bed days the amount of \$1,660,500.00, and change the performance end date from 01/31/2017 to 04/30/2017. It is estimated that the funds obligated will cover the period through 04/30/2017.

Continued ...

Except as provided herein, all terms and conditions of the document referenced in Item 9 A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A NAME AND TITLE OF SIGNER (Type or print) <i>(Signature of person authorized to sign)</i>	16A NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Virginia L. Collie
15B CONTRACTOR/OFFEROR	15C DATE SIGNED
16B UNITED STATES OF AMERICA <i>(Signature of Contracting Officer)</i>	16C DATE SIGNED 3/9/17

CONTINUATION SHEET

REFERENCE NO OF DOCUMENT BEING CONTINUED
11-09-0034/HSCEDM-16-F-IG203/P00006

PAGE OF
2 3

NAME OF OFFEROR OR CONTRACTOR
CONTRA COSTA COUNTY INC

ITEM NO (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
0001	<p>The total amount of the task order is increased as follows: From: \$3,778,560.00 By: \$1,660,500.00 To: \$5,439,606.00</p> <p>Exempt Action: Y Sensitive Award: NONE FOB: Destination Period of Performance: 07/01/2016 to 04/30/2017</p> <p>Change Item 0001 to read as follows (amount shown is the total amount):</p> <p>DETAINEES HOUSING (WEST FACILITY)</p> <p>CLIN 0001 is increased as follows: From: \$3,778,560.00 By: \$1,660,500.00 To: \$5,439,060.00</p> <p>The total quantity is increased as follows: From: 46,080 By: 20,250 To: 66,330</p> <p>Accounting Info: ERODETN-R02 BA 31-12-00-000 18-63-0500-05-00-00-00 GE-25-72-00 Funded: \$0.00</p> <p>Accounting Info: ERODETN-R02 BA 31-12-00-000 18-63-0500-05-00-00-00 GE-25-72-00 Funded: \$0.00</p> <p>Accounting Info: ERODETN-R02 BA 31-12-00-000 18-63-0500-05-00-00-00 GE-25-72-00 Funded: \$0.00</p> <p>Accounting Info: ERODETN-R02 E1 31-12-00-000 18-63-0500-05-00-00-00 GE-25-72-00 Funded: \$0.00</p> <p>Accounting Info: ERODETN-R02 E1 31-12-00-000 18-63-0500-05-00-00-00 GE-25-72-00 Funded: \$0.00</p> <p>Accounting Info: ERODETN-R02 E1 31-12-00-000 18-63-0500-05-00-00-00 GE-25-72-00-000000 ----- --- 000000</p> <p>Continued ...</p>	66330	EA	82.00	5,439,060.00

CONTINUATION SHEET

REFERENCE NO. OF DOCUMENT BEING CONTINUED
11-09-0034/HSCEDM-16-F-IG203/P00006

PAGE 3 OF 3

NAME OF OFFEROR OR CONTRACTOR
CONTRA COSTA COUNTY INC

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	Funded: \$1,660,500.00 All terms and condition of the IGA remain the same.				

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT		1. CONTRACT ID CODE	PAGE OF PAGES 1 2
2. AMENDMENT/MODIFICATION NO. P00003	3. EFFECTIVE DATE See Block 16C	4. REQUISITION/PURCHASE REQ. NO. 192117FSFCOCOMR08.02	5. PROJECT NO. (If applicable)
6. ISSUED BY ICE/DM/DC-LAGUNA ICEDETEENT MNGTDETEENT CONTRACT-LAG IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE OF ACQUISITION MANAGEMENT 24000 AVILA ROAD ROOM 3104 LAGUNA NIGUEL CA 92677	CODE ICE/DM/DC-LAGUNA	7. ADMINISTERED BY (If other than Item 6) ICE/DM/DC-LAGUNA ICEDETEENT MNGTDETEENT CONTRACT-LAG IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE OF ACQUISITION MANAGEMENT 24000 AVILA ROAD ROOM 3104 ATTN JOSE R MUNOZ JR LAGUNA NIGUEL CA 92677	CODE ICE/DM/DC-LAGUNA
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code) CONTRA COSTA COUNTY INC ATTN CONTRA COSTA COUNTY INC 651 PINE ST 7TH FLOOR MARTINEZ CA 945531229		(x) 9A. AMENDMENT OF SOLICITATION NO.	9B. DATED (SEE ITEM 11)
CODE 0076692160000	FACILITY CODE	x 10A. MODIFICATION OF CONTRACT/ORDER NO. IGA-11-92-0024 HSCEDM-16-F-IG208	10B. DATED (SEE ITEM 13) 04/28/2016

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers is extended, is not extended.
Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGEMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (If required)

See Schedule

13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

CHECK ONE	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:
X	D. OTHER (Specify type of modification and authority) Unilateral Modification / FAR 43.103(b)

E. IMPORTANT: Contractor is not, is required to sign this document and return _____ copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

DUNS Number: 007669216

Contracting Officer Representative (COR): Nathan R. Lindsey Email:

Nathan.R.Lindsey@ice.dhs.gov; Phone: (661) 328-4503

Alternate (COR): Donna Ore, Email: Donna.Ore@ice.dhs.gov; Phone: (916) 329-4326


This modification is issued to change the period of performance end date from 11/15/2016 to 12/09/2016. It is estimated that the funds will cover the period through 12/09/2016.

The total amount of the task order remains the same as follows:

From: \$26,605.00 By: \$0.00 To: \$26,605.00

Continued ...

Except as provided herein, all terms and conditions of the document referenced in Item 9 A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print)		16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Virginia Collie	
15B. CONTRACTOR/OFFEROR (Signature of person authorized to sign)	15C. DATE SIGNED	16B. UNITED STATES OF AMERICA  (Signature of Contracting Officer)	16C. DATE SIGNED 04/28/16

NSN 7540-01-152-8070
Previous edition unusable

STANDARD FORM 30 (REV. 10-83)
Prescribed by GSA
FAR (48 CFR) 53.243

CONTINUATION SHEET

REFERENCE NO. OF DOCUMENT BEING CONTINUED
IGA-11-92-0024/HSCEDM-16-F-IG208/P00003

PAGE OF
2 2

NAME OF OFFEROR OR CONTRACTOR
CONTRA COSTA COUNTY INC

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
0001	<p>Exempt Action: Y Discount Terms: Net 30 FOB: Destination Period of Performance: 07/01/2016 to 12/09/2016 Change Item 0001 to read as follows (amount shown is the total amount): TEMPROARY DETAINEE HOUSING (MANDAYS) MAIN JAIL CLIN 0001 remains the same as follows: From: \$26,605.00 By: \$0.00 To: \$26,605.00 The total quantity remains the same as follows: From: 313 By: 0 To: 313 Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD Accounting Info: ERODETN-R08 BA 31-12-00-000 18-63-0500-00-00-00-00 GE-25-72-00 Funded: \$0.00 Accounting Info: ERODETN-R08 BA 31-12-00-000 18-63-0500-00-00-00-00 GE-25-72-00 Funded: \$0.00 Accounting Info: ERODETN-R08 E1 31-12-00-000 18-63-0500-00-00-00-00 GE-25-72-00 Funded: \$0.00 Accounting Info: ERODETN-R08 E1 31-12-00-000 18-63-0500-00-00-00-00 GE-25-72-00 Funded: \$0.00 All terms and conditions of the IGA remain the same.</p>	313	EA	85.00	26,605.00

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT		1. CONTRACT ID CODE	PAGE OF PAGES 1 2
2 AMENDMENT/MODIFICATION NO. P00003	3 EFFECTIVE DATE See Block 16C	4 REQUISITION/PURCHASE REQ NO. 192117FSFCOCOWR02.01	5 PROJECT NO (If applicable)
6 ISSUED BY ICE/DM/DC-LAGUNA	7 ADMINISTERED BY (If other than Item 6) ICE/DM/DC-LAGUNA	8 NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code) CONTRA COSTA COUNTY INC 651 PINE ST 7TH FLOOR MARTINEZ CA 945531229	
ICEDETENT MNGTDEDET CONTRACT-LAG IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE OF ACQUISITION MANAGEMENT 24000 AVILA ROAD ROOM 3104 LAGUNA NIGUEL CA 92677		ICEDETENT MNGTDEDET CONTRACT-LAG IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE OF ACQUISITION MANAGEMENT 24000 AVILA ROAD ROOM 3104 ATTN JOSE R MUNOZ JR LAGUNA NIGUEL CA 92677	
9A AMENDMENT OF SOLICITATION NO	9B DATED (SEE ITEM 11)	10A MODIFICATION OF CONTRACT/ORDER NO 11-09-0034 HSCEDM-16-F-IG203	10B DATED (SEE ITEM 13) 04/29/2016
CODE 0076692160000	FACILITY CODE	11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS	

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers is extended. is not extended. Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing Items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGEMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12 ACCOUNTING AND APPROPRIATION DATA (If required) Net Increase: \$797,614.00
See Schedule

13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

<input type="checkbox"/>	A THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
<input type="checkbox"/>	B THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b)
<input type="checkbox"/>	C THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:
<input checked="" type="checkbox"/>	D OTHER (Specify type of modification and authority) Unilateral Modification / FAR 43.103(a)

E. IMPORTANT: Contractor is not is required to sign this document and return _____ copies to the issuing office.

14 DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

DUNS Number: 007669216

Contracting Officer Representative (COR): Nathan R. Lindsey, Email: Nathan.R.Lindsey@ice.dhs.gov; Phone: (661)328-4503
ALT COR: Donna Ore, Email: Donna.Ore@ice.dhs.gov; Phone: (916)329-4326

This modification is issued to add funding to CLIN 0001 for detention bed days the amount of \$797,614.00 and change performance end date from 09/30/2016 to 11/15/2016. It is estimated that the funds obligated will cover the period through 11/15/2016.

The total amount of the task order is increased as follows:

Continued ...

Except as provided herein, all terms and conditions of the document referenced in Item 9 A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A NAME AND TITLE OF SIGNER (Type or print)	16A NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Virginia Collie
15B CONTRACTOR/OFFEROR	15C DATE SIGNED
(Signature of person authorized to sign)	16B UNITED STATES OF AMERICA <i>Virginia Collie</i> (Signature of Contracting Officer)
	16C DATE SIGNED 10/13/14

NSN 7540-01-152-8070
Previous edition unusable

STANDARD FORM 30 (REV. 10-83)
Prescribed by GSA
FAR (48 CFR) 53.243

CONTINUATION SHEET

REFERENCE NO OF DOCUMENT BEING CONTINUED
11-09-0034/HSCEDM-16-F-IG203/P00003

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NAME OF OFFEROR OR CONTRACTOR
CONTRA COSTA COUNTY INC

ITEM NO (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
0001	<p>From: \$1,630,898.00 By: \$797,614.00 To: \$2,428,512.00 Exempt Action: Y Discount Terms: Net 30 FOB: Destination Period of Performance: 07/01/2016 to 11/15/2016</p> <p>Change Item 0001 to read as follows (amount shown is the total amount):</p> <p>DETAINEES HOUSING (WEST FACILITY)</p> <p>CLIN 0003 is increased as follows: From: \$1,630,898.00 By: \$797,614.00 To: \$2,428,512.00</p> <p>The total quantity is increased as follows: From: 19,889 By: 9,727 To: 29,616</p> <p>Accounting Info: ERODETN-R02 BA 31-12-00-000 18-63-0500-05-00-00-00 GE-25-72-00 Funded: \$0.00</p> <p>Accounting Info: ERODETN-R02 BA 31-12-00-000 18-63-0500-05-00-00-00 GE-25-72-00 Funded: \$0.00</p> <p>Accounting Info: ERODETN-R02 BA 31-12-00-000 18-63-0500-05-00-00-00 GE-25-72-00 Funded: \$0.00</p> <p>Accounting Info: ERODETN-R02 E1 31-12-00-000 18-63-0500-05-00-00-00 GE-25-72-00 Funded: \$797,614.00</p> <p>All terms and condition of the IGA remain the same.</p>	29616	EA	82.00	2,428,512.00

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT		1. CONTRACT ID CODE		PAGE OF PAGES 1 2	
2. AMENDMENT/MODIFICATION NO. P00004		3. EFFECTIVE DATE See Block 16C		4. REQUISITION/PURCHASE REQ. NO. 192117FSFCOCOWR02.02	
6. ISSUED BY ICEDETEENT MNGTDETEENT CONTRACT-LAG IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE OF ACQUISITION MANAGEMENT 24000 AVILA ROAD ROOM 3104 LAGUNA NIGUEL CA 92677		CODE ICE/DM/DC-LAGUNA		5. PROJECT NO. (If applicable)	
7. ADMINISTERED BY (If other than Item 6) ICEDETEENT MNGTDETEENT CONTRACT-LAG IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE OF ACQUISITION MANAGEMENT 24000 AVILA ROAD ROOM 3104 ATTN JOSE R MUNOZ JR LAGUNA NIGUEL CA 92677		CODE ICE/DM/DC-LAGUNA			
8. NAME AND ADDRESS OF CONTRACTOR (No. street, county, State and ZIP Code) CONTRA COSTA COUNTY INC 651 PINE ST 7TH FLOOR MARTINEZ CA 945531229		(x)		9A. AMENDMENT OF SOLICITATION NO.	
CODE 0076692160000		FACILITY CODE		8B. DATED (SEE ITEM 11)	
		x		10A. MODIFICATION OF CONTRACT/ORDER NO. 11-09-0034 HSCEDM-16-F-IG203	
				10B. DATED (SEE ITEM 13) 04/29/2016	

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers is extended. is not extended. Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing Items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGEMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (If required)
See Schedule
Net Increase: \$442,800.00

13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

CHECK ONE	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:
X	D. OTHER (Specify type of modification and authority) Unilateral Modification / FAR 43.103(a)

E. IMPORTANT: Contractor is not. is required to sign this document and return _____ copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible)

DUNS Number: 007669216

Contracting Officer Representative (COR): Nathan R. Lindsey, Email: Nathan.R.Lindsey@ice.dhs.gov; Phone: (661)328-4503
ALT COR: Donna Ore, Email: Donna.Ore@ice.dhs.gov; Phone: (916)329-4326

This modification is issued to add funding to CLIN 0001 for detention bed days the amount of \$442,800.00 and change performance end date from 11/15/2016 to 12/09/2016. It is estimated that the funds obligated will cover the period through 12/09/2016.

The total amount of the task order is increased as follows:

Continued ...

Except as provided herein, all terms and conditions of the document referenced in Item 9 A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print)		16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)	
		Virginia Collie	
15B. CONTRACTOR/OFFEROR	15C. DATE SIGNED	16B. UNITED STATES OF AMERICA <i>Virginia Collie</i> (Signature of Contracting Officer)	16C. DATE SIGNED 11/15/16
(Signature of person authorized to sign)			

CONTINUATION SHEET

REFERENCE NO. OF DOCUMENT BEING CONTINUED
11-09-0034/HSCEDM-16-F-IG203/P00004

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2 2

NAME OF OFFEROR OR CONTRACTOR
CONTRA COSTA COUNTY INC

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
0001	<p>From: \$2,428,512.00 By: \$442,800.00 To: \$2,871,312.00 Exempt Action: Y Discount Terms: Net 30 FOB: Destination Period of Performance: 07/01/2016 to 12/09/2016 Change Item 0001 to read as follows (amount shown is the total amount): DETAINEEES HOUSING(WEST FACILITY) CLIN 0003 is increased as follows: From: \$2,428,512.00 By: \$442,800.00 To: \$2,871,312.00 The total quantity is increased as follows: From: 29,616 By: 5,400 To: 35,016 Accounting Info: ERODETN-R02 BA 31-12-00-000 18-63-0500-05-00-00-00 GE-25-72-00 Funded: \$0.00 Accounting Info: ERODETN-R02 BA 31-12-00-000 18-63-0500-05-00-00-00 GE-25-72-00 Funded: \$0.00 Accounting Info: ERODETN-R02 BA 31-12-00-000 18-63-0500-05-00-00-00 GE-25-72-00 Funded: \$0.00 Accounting Info: ERODETN-R02 E1 31-12-00-000 18-63-0500-05-00-00-00 GE-25-72-00 Funded: \$0.00 Accounting Info: ERODETN-R02 E1 31-12-00-000 18-63-0500-05-00-00-00 GE-25-72-00 Funded: \$442,800.00 All terms and condition of the IGA remain the same.</p>	35016	EA	82.00	2,871,312.00

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT		1. CONTRACT ID CODE	PAGE OF PAGES 1 2
2 AMENDMENT/MODIFICATION NO. P00005	3 EFFECTIVE DATE See Block 16C	4 REQUISITION/PURCHASE REQ NO 192117FSFCOCOWR02.03	5 PROJECT NO (If applicable)
6 ISSUED BY ICEDETENT MNGTDETTENT CONTRACT-LAG IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE OF ACQUISITION MANAGEMENT 24000 AVILA ROAD ROOM 3104 LAGUNA NIGUEL CA 92677	CODE ICE/DM/DC-LAGUNA	7 ADMINISTERED BY (If other than Item 6) ICEDETENTION COMPLIANCE REMOVALS IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE OF ACQUISITION MANAGEMENT 801 I STREET NW SUITE 930 ATTN KIMBERLEE BROWN WASHINGTON DC 20536	CODE ICE/DCR
8 NAME AND ADDRESS OF CONTRACTOR (No. street, county, State and ZIP Code) CONTRA COSTA COUNTY INC 651 PINE ST 7TH FLOOR MARTINEZ CA 945531229		(x) 9A AMENDMENT OF SOLICITATION NO	
CODE 0076692160000		FACILITY CODE	
		x 10A MODIFICATION OF CONTRACT/ORDER NO 11-09-0034 HSCEDM-16-F-IG203	
		10B DATED (SEE ITEM 13) 04/29/2016	

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

The above numbered solicitation is amended as set forth in item 14. The hour and date specified for receipt of Offers is extended. is not extended. Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGEMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12 ACCOUNTING AND APPROPRIATION DATA (If required)
See Schedule Net Increase: \$907,248.00

13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

CHECK ONE	A THIS CHANGE ORDER IS ISSUED PURSUANT TO (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
	B THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
	C THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF
X	D OTHER (Specify type of modification and authority) Unilateral Modification / FAR 43.103(a)

E. IMPORTANT: Contractor is not is required to sign this document and return _____ copies to the issuing office

14 DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible)
DUNS Number: 007669216

Contracting Officer Representative (COR): Nathan R. Lindsey, Email: Nathan.R.Lindsey@ice.dhs.gov; Phone: (661)328-4503

ALT COR: Donna Ore, Email: Donna.Ore@ice.dhs.gov; Phone: (916)329-4326

This modification is issued to add funding to CLIN 0001 for detention bed days the amount of \$907,248.00, and change the performance end date from 12/09/2016 to 01/31/2017. It is estimated that the funds obligated will cover the period through 01/31/2017.

Continued ...

Except as provided herein, all terms and conditions of the document referenced in item 9 A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A NAME AND TITLE OF SIGNER (Type or print)		16A NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Virginia Collie	
15B CONTRACTOR/OFFEROR	15C DATE SIGNED	16B UNITED STATES OF AMERICA <i>Virginia Collie</i> (Signature of Contracting Officer)	16C DATE SIGNED 1/26/17

NSN 7540-01-152-8070
Previous edition unusable

STANDARD FORM 30 (REV. 10-83)
Prescribed by GSA
FAR (48 CFR) 53.243

CONTINUATION SHEET

REFERENCE NO OF DOCUMENT BEING CONTINUED
11-09-0034/HSCEDM-16-F-IG203/P00005

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NAME OF OFFEROR OR CONTRACTOR
CONTRA COSTA COUNTY INC

ITEM NO (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
0001	<p>The total amount of the task order is increased as follows: From: \$2,871,312.00 By: \$907,248.00 To: \$3,778,560.00</p> <p>Exempt Action: Y FOB: Destination Period of Performance: 07/01/2016 to 01/31/2017</p> <p>Change Item 0001 to read as follows (amount shown is the total amount):</p> <p>DETAINEES HOUSING (WEST FACILITY)</p> <p>CLIN 0001 is increased as follows: From: \$2,871,312.00 By: \$907,248.00 To: \$3,778,560.00</p> <p>The total quantity is increased as follows: From: 35,016 By: 11,064 To: 46,080</p> <p>Accounting Info: ERODETN-R02 BA 31-12-00-000 18-63-0500-05-00-00-00 GE-25-72-00 Funded: \$0.00</p> <p>Accounting Info: ERODETN-R02 BA 31-12-00-000 18-63-0500-05-00-00-00 GE-25-72-00 Funded: \$0.00</p> <p>Accounting Info: ERODETN-R02 BA 31-12-00-000 18-63-0500-05-00-00-00 GE-25-72-00 Funded: \$0.00</p> <p>Accounting Info: ERODETN-R02 E1 31-12-00-000 18-63-0500-05-00-00-00 GE-25-72-00 Funded: \$0.00</p> <p>Accounting Info: ERODETN-R02 E1 31-12-00-000 18-63-0500-05-00-00-00 GE-25-72-00 Funded: \$0.00</p> <p>Accounting Info: ERODETN-R02 E1 31-12-00-000 18-63-0500-05-00-00-00 GE-25-72-00 Funded: \$907,248.00</p> <p>All terms and condition of the IGA remain the same.</p>	46080	EA	82.00	3,778,560.00

CONTINUATION SHEET

REFERENCE NO. OF DOCUMENT BEING CONTINUED
11-09-0034/HSCEDM-16-F-IG203/P00001

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NAME OF OFFEROR OR CONTRACTOR
CONTRA COSTA COUNTY INC

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
0001	<p>LIST OF CHANGES: Reason for Modification : Funding Only Action Total Amount for this Modification: \$508,400.00 New Total Amount for this Award: \$1,016,800.00 Obligated Amount for this Modification: \$508,400.00 New Total Obligated Amount for this Award: \$1,016,800.00</p> <p>CHANGES FOR LINE ITEM 0001 - Detention Housing Quantity changed from 6,200 to 12,400 Total Amount changed from \$508,400.00 to \$1,016,800.00 Obligated Amount for this modification: \$508,400.00 Delivery Date changed from 05/29/2016 to 08/31/2016</p> <p>FOB: Destination Period of Performance: 07/01/2016 to 08/31/2016</p> <p>Change Item 0001 to read as follows (amount shown is the obligated amount):</p> <p>DETAINEEES HOUSING(WEST FACILITY)</p> <p>All terms and condition of the IGA remain the same.</p>	6200	EA	82.00	508,400.00

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT		1. CONTRACT ID CODE	PAGE OF PAGES 1 3
2. AMENDMENT/MODIFICATION NO. P00011	3. EFFECTIVE DATE See Block 16C	4. REQUISITION/PURCHASE REQ. NO. 192116FSFCOCOWR02.08	5. PROJECT NO. (If applicable)
6. ISSUED BY ICE/Detent Mngt/Detent Contract-LAG Immigration and Customs Enforcement Office of Acquisition Management 24000 Avila Road, Room 3104 Laguna Niguel CA 92677	CODE ICE/DM/DC-LAGUNA	7. ADMINISTERED BY (If other than Item 6) ICE/Detent Mngt/Detent Contract-LAG Immigration and Customs Enforcement Office of Acquisition Management 24000 Avila Road, Room 3104 Attn: Jose R. Munoz Jr. Laguna Niguel CA 92677	CODE ICE/DM/DC-LAGUNA
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code) CONTRA COSTA COUNTY INC 651 PINE ST 7TH FLOOR MARTINEZ CA 945531229		(x) 9A. AMENDMENT OF SOLICITATION NO.	9B. DATED (SEE ITEM 11)
CODE 0076692160000	FACILITY CODE	x 10A. MODIFICATION OF CONTRACT/ORDER NO. IGA 11-09-0034 HSCEDM-14-F-IG125	10B. DATED (SEE ITEM 13) 05/01/2014

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers is extended. is not extended.
 Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGEMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (If required)
 See Schedule Net Decrease: -\$9,676.00

13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

CHECK ONE	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:
X	D. OTHER (Specify type of modification and authority) Bilateral Modification / FAR 4.804 Closeout

E. IMPORTANT: Contractor is not. is required to sign this document and return 1 copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)
 DUNS Number: 007669216
 COR: Donna Ore
 COR Email: Donna.Ore@ice.dhs.gov
 COR Phone Number: (916) 329-4326
 Alt COR: Gwen Zander
 Alt COR Email: Gwen.Zander@ice.dhs.gov
 Alt COR Phone Number: (661) 328-4575

The purpose of this modification is to closeout the task order number under HSCEDM-14-F-IG125. All deliverables have been received, and all invoices have been paid. In Continued ...

Except as provided herein, all terms and conditions of the document referenced in Item 9 A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print) BRIAN BONTHEON, LIEUTENANT	15B. CONTRACTOR/OFFEROR 	15C. DATE SIGNED 6-7-16	16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Virginia L. Collie	16B. UNITED STATES OF AMERICA	16C. DATE SIGNED
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CONTINUATION SHEET

REFERENCE NO. OF DOCUMENT BEING CONTINUED
IGA 11-09-0034/HSCEDM-14-F-IG125/P00011

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NAME OF OFFEROR OR CONTRACTOR
CONTRA COSTA COUNTY INC

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	Funded: \$0.00 Accounting Info: ERODETN-R02 BA 31-12-00-000 18-63-0500-05-00-00-00 GE-25-72-00 Funded: \$0.00 Accounting Info: ERODETN-R02 BA 31-12-00-000 18-63-0500-05-00-00-00 GE-25-72-00 Funded: \$0.00 Accounting Info: ERODETN-R02 BA 31-12-00-000 18-63-0500-05-00-00-00 GE-25-72-00 Funded: -\$9,676.00 All other terms and conditions referenced within the IGA remain the same				

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT		1. CONTRACT ID CODE	PAGE OF PAGES 1 3
2. AMENDMENT/MODIFICATION NO. P00003	3. EFFECTIVE DATE 09/25/2014	4. REQUISITION/PURCHASE REQ. NO. 192114FSFCOCOWR02.11	5. PROJECT NO. (if applicable)
6. ISSUED BY ICE/Detent Mngt/Detent Contract-LAG Immigration and Customs Enforcement Office of Acquisition Management 24000 Avila Road, Room 3104 Attn: Natasha Nguyen (949)425-7030 Laguna Niguel CA 92677	CODE ICE/DM/DC-LAGUNA	7. ADMINISTERED BY (if other than Item 6) ICE/Detent Mngt/Detent Contract-LAG Immigration and Customs Enforcement Office of Acquisition Management 24000 Avila Road, Room 3104 Attn: Natasha Nguyen, (949)425-7030 Laguna Niguel CA 92677	CODE ICE/DM/DC-LAGUNA
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code) CONTRA COSTA COUNTY INC 651 PINE ST 7TH FLOOR MARTINEZ CA 945531229		(x) 9A. AMENDMENT OF SOLICITATION NO.	9B. DATED (SEE ITEM 11)
CODE 0076692160000	FACILITY CODE	x 10A. MODIFICATION OF CONTRACT/ORDER NO. IGA 11-09-0034 HSCEDM-14-F-IG125	10B. DATED (SEE ITEM 13) 05/01/2014

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers is extended. is not extended
Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing Items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGEMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (if required) Net Increase: \$26,400.00
ERODETN R02 BA 31-12-00-000 18-63-0500-00-00-00-00 GE-25-72-00

13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

CHECK ONE	A THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
	B THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
	C THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:
X	D. OTHER (Specify type of modification and authority) BILATERAL - Mutual Agreement

E. IMPORTANT: Contractor is not, is required to sign this document and return 1 copies to the issuing office

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

DUNS Number: 007669216

Alternate COR/Finance POC: Tom Weissmiller at 415-844-5604 or e-mail at

thomas.j.weissmiller@ice.dhs.gov

Program POC: Gwen Zander at 661-328-4575 or e-mail at gwen.zander@ice.dhs.gov

This modification is issued to install Video Teleconferencing (VTC) system at Contra Costa County (West Detention Facility) as a streamline to support with the Immigration Court proceeding for detainees who are currently in ICE/ERO custody in accordance with attached Visiting Center Plans for VTC.

Continued ...

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print) BRIAN BONTHEON, LIEUTENANT	16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Robertta J. Halls
15B. CONTRACTOR/OFFEROR B. Bonthon (Signature of person authorized to sign)	15C. DATE SIGNED 10/2/14
15D. UNITED STATES OF AMERICA	15E. SIGNED (Signature of Contracting Officer)
	16C. DATE SIGNED 9-25-14

NSN 7540-01-152-8070
Previous edition unusable

STANDARD FORM 30 (REV 10-83)
Prescribed by GSA
FAR (48 CFR) 53.243

NAME OF OFFEROR OR CONTRACTOR
CONTRA COSTA COUNTY INC

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
0002	<p>Exempt Action: Y LIST OF CHANGES: Reason for Modification : Additional Work Total Amount for this Modification: \$26,400.00 New Total Amount for this Award: \$2,195,300.00 Obligated Amount for this Modification: \$26,400.00 New Total Obligated Amount for this Award: \$2,195,300.00 FOB: Destination Period of Performance: 07/01/2014 to 10/15/2014</p> <p>Add Item 0002 as follows:</p> <p>TO INSTALL VTC SYSTEM FOR ICE USE AT CONTRA COSTA COUNTY (WEST DETENTION FACILITY). County shall invoice only for work actually performed.</p> <p>The telecom not to exceed costs are as follows:</p> <p>\$2,500 for Shielded Cat 6 cable run from wiring closet in building 4 to room 1 in visitation. Two sets of cable will be run to each data box.</p> <p>\$2,500 for Shielded Cat 6 cable run from wiring closet in building 4 to room 2 in visitation. Two sets of cable will be run to each data box.</p> <p>\$2,500 for Shielded Cat 6 cable run from wiring closet in building 4 to room 13 in visitation. Two sets of cable will be run to each data box.</p> <p>\$2,500 for Shielded Cat 6 cable run from wiring closet in building 4 to ICE Admin office in visitation. Two sets of cable will be run to each data box.</p> <p>\$1,000 for phone line to room 3 in visitation. \$1,000 for phone line to be used by fax machine in room 3.</p> <p>\$10,000 to run fiber from the MPOE to wiring closet building 4.</p> <p>\$3,000 for any unexpected costs.</p> <p>\$1,400 to install electrical outlets in rooms 2 and 3.</p> <p>TOTAL ESTIMATE NOT TO EXCEED: \$26,400.00</p> <p>Continued ...</p>	1	LO	26,400.00	26,400.00

CONTINUATION SHEET

REFERENCE NO. OF DOCUMENT BEING CONTINUED
 IGA 11-09-0034/HSCEDM-14-F-IG125/P00003

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 3 3

NAME OF OFFEROR OR CONTRACTOR
 CONTRA COSTA COUNTY INC

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	<p>Task Order HSCEDM-14-F-IG125 is hereby issued against US Department of Justice, Marshals Inter-governmental Service Agreement (IGA) Number 11-09-0034 for the detention and care of aliens housed at Contra Costa County, CA. All other terms and conditions refernced within the IGA remain the same.</p>				

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT		1. CONTRACT ID CODE	PAGE OF PAGES 1 2	
2. AMENDMENT/MODIFICATION NO. P00007	3. EFFECTIVE DATE See Block 16C	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO (if applicable)	
6. ISSUED BY ICE/Detent Mngt/Detent Contract-LAG Immigration and Customs Enforcement Office of Acquisition Management 24000 Avila Road, Room 3104 Attn: Kathryn Briskie, 949-425-7032 Laguna Niguel CA 92677	CODE ICE/DM/DC-LAGUNA	7. ADMINISTERED BY (if other than Item 6) ICE/Detent Mngt/Detent Contract-LAG Immigration and Customs Enforcement Office of Acquisition Management 24000 Avila Road, Room 3104 Attn: Kathryn Briskie, 949-425-7032 Laguna Niguel CA 92677		CODE ICE/DM/DC-LAGUNA
8. NAME AND ADDRESS OF CONTRACTOR (No. street, county, State and ZIP Code) CONTRA COSTA COUNTY INC 651 PINE ST 7TH FLOOR MARTINEZ CA 945531229		(x) 9A. AMENDMENT OF SOLICITATION NO.	9B. DATED (SEE ITEM 11)	
CODE 0076692160000	FACILITY CODE	x 10A. MODIFICATION OF CONTRACT/ORDER NO. IGA 11-09-0034 HSCEDM-14-F-IG125	10B. DATED (SEE ITEM 13) 05/01/2014	

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers _____ is extended. _____ is not extended. Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGEMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (If required)

See Schedule

13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

CHECK ONE	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF _____
X	D. OTHER (Specify type of modification and authority) Unilateral Modification 43.103(b)

E. IMPORTANT: Contractor is not. is required to sign this document and return _____ 0 _____ copies to the issuing office.

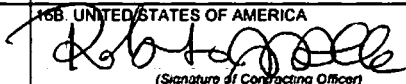
14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible)

DUNS Number: 007669216

COR: Donna Ore
COR Email: Donna.Ore@ice.dhs.gov
COR Phone Number: (916) 329-4326
Alt COR: Gwen Zander
Alt COR Email: Gwen.Zander@ice.dhs.gov
Alt COR Phone Number: (661) 328-4575

This modification is issued to change the period of performance end date from 02/28/2015 to 03/31/2015. It is estimated that the funds currently obligated will cover the period
Continued ...

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print)		16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Robert J. Halls	
15B. CONTRACTOR/OFFEROR (Signature of person authorized to sign)	15C. DATE SIGNED	16B. UNITED STATES OF AMERICA  (Signature of Contracting Officer)	16C. DATE SIGNED 3-315

NSN 7540-01-152-8070
Previous edition unusable

STANDARD FORM 30 (REV. 10-83)
Prescribed by GSA
FAR (48 CFR) 53.243

NAME OF OFFEROR OR CONTRACTOR
CONTRA COSTA COUNTY INC

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	<p>through 03/31/2015.</p> <p>. Exempt Action: Y LIST OF CHANGES: Reason for Modification : Other Administrative Action Period Of Performance End Date changed from 2015-02-28 to 2015-03-31</p> <p>Period of Performance: 07/01/2014 to 03/31/2015</p> <p>. Task Order HSCEDM-14-F-IG125 is hereby issued against US Department of Justice, Marshals Inter-governmental Service Agreement (IGA) Number 11-09-0034 for the detention and care of aliens housed at Contra Costa County, CA. All other terms and conditions refernced within the IGA remain the same.</p> <p>.</p>				

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT		1 CONTRACT ID CODE	PAGE OF PAGES
2 AMENDMENT/MODIFICATION NO.	3 EFFECTIVE DATE	4 REQUISITION/PURCHASE REQ. NO	1 2
P00001	See Block 16C	192117FSFCOCOMR08.09	5 PROJECT NO. (If applicable)
6 ISSUED BY	CODE	7 ADMINISTERED BY (If other than Item 6)	CODE
ICE/Detent Mngt/Detent Contract-LAG Immigration and Customs Enforcement Office of Acquisition Management 24000 Avila Road, Room 3104 Laguna Niguel CA 92677	ICE/DM/DC-LAGUNA	ICE/Detention Compliance & Removals Immigration and Customs Enforcement Office of Acquisition Management 801 I Street NW, suite 930 Attn: Kimberlee Brown Washington DC 20536	ICE/DCR
8 NAME AND ADDRESS OF CONTRACTOR (No. street, county, State and ZIP Code)		9A AMENDMENT OF SOLICITATION NO.	
CONTRA COSTA COUNTY INC 651 PINE ST 7TH FLOOR MARTINEZ CA 945531229		(x)	
CODE 0076692160000		9B DATED (SEE ITEM 11)	
FACILITY CODE		X 10A MODIFICATION OF CONTRACT/ORDER NO	
		11-92-0024	
		HSCEDM-17-F-IG247	
		10B DATED (SEE ITEM 13)	
		06/27/2017	

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers is extended. is not extended. Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing items 8 and 15, and returning _____ copies of the amendment. (b) By acknowledging receipt of this amendment on each copy of the offer submitted, or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGEMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment and is received prior to the opening hour and date specified.

12 ACCOUNTING AND APPROPRIATION DATA (If required) Net Increase: \$9,860.00
 ERODETN-R08 E1 31-12-00-000 18-63-0500-00-00-00-00 GE-25-72-00

13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

CHECK ONE	A THIS CHANGE ORDER IS ISSUED PURSUANT TO. (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
	B THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14. PURSUANT TO THE AUTHORITY OF FAR 43 103(b)
	C THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF
X	D OTHER (Specify type of modification and authority) Unilateral/ FAR 32.703-1 Fully Funded

E. IMPORTANT: Contractor is not is required to sign this document and return _____ copies to the issuing office

14 DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible)

DUNS Number: 007669216
 DBA: SHERIFF'S DEPT

Points of Contact:
 Contracting Officer Representative (COR): Nathan R. Lindsey
 Email: Nathan.R.Lindsey@ice.dhs.gov
 Phone: (661) 328-4503

Alternate COR: Donna Ore
 Email: Donna.Ore@ice.dhs.gov
 Continued ...

Except as provided herein, all terms and conditions of the document referenced in Item 9 A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A NAME AND TITLE OF SIGNER (Type or print)	16A NAME AND TITLE OF CONTRACTING OFFICER (Type or print)
P. BANTHRON, LEUTENANT	Virginia L. Collie
15B CONTRACTOR/OFFEROR	15C DATE SIGNED
(Signature of person authorized to sign)	8/21/17
16B UNITED STATES OF AMERICA	16C DATE SIGNED
(Signature of Contracting Officer)	8/17/17

CONTINUATION SHEET

REFERENCE NO. OF DOCUMENT BEING CONTINUED
11-92-0024/HSCEDM-17-F-IG247/P00001

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NAME OF OFFEROR OR CONTRACTOR
CONTRA COSTA COUNTY INC

ITEM NO (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
0001	<p>Phone: (916) 329-4326</p> <p>Contract Specialist: Kimberlee Brown Email: Kimberlee.Brown@ice.dhs.gov Phone: (202) 732-2675</p> <p>The purpose of this modification is to:</p> <p>A. Add funds in the amount of \$9,860.00 to task order HSCEDM-17-F-IG247.</p> <p>B. Increase the value of CLIN 0001: Temporary Detainee Housing by: \$9,860.00 from: \$ 25,500.00 to: \$35,360.00.</p> <p>C. The period of performance end date is 09/30/2017. It is expected that funds in the amount of \$35,360.00 will cover cost until the end of the period of performance.</p> <p>As of this modification the obligated and total value of this task order is increased by \$9,860.00 from \$ 25,500.00 to \$35,360.00.</p> <p>Exempt Action: N Sensitive Award: NONE FOB: Destination Period of Performance: 07/01/2017 to 09/30/2017</p> <p>Change Item 0001 to read as follows (amount shown is the obligated amount):</p> <p>TEMPERARY DETAINEE HOUSING</p> <p>Total Quantity- From: 300 By: 116 To: 416</p> <p>Total Price - From: 25,500 By: 9,860.00 To: 35,360.00</p>	116	EA	85.00	9,860.00

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT		1. CONTRACT ID CODE		PAGE OF PAGES 1 3	
2. AMENDMENT/MODIFICATION NO. P00005		3. EFFECTIVE DATE See Block 16C		4. REQUISITION/PURCHASE REQ. NO. 192116FSFCOCONR08.08	
5. PROJECT NO. (If applicable)		6. ISSUED BY ICE/DM/DC-LAGUNA		7. ADMINISTERED BY (If other than Item 6) ICE/DM/DC-LAGUNA	
8. NAME AND ADDRESS OF CONTRACTOR (No. street, county, State and ZIP Code) CONTRA COSTA COUNTY INC 651 PINE ST 7TH FLOOR MARTINEZ CA 945531229		9A. AMENDMENT OF SOLICITATION NO.		9B. DATED (SEE ITEM 11)	
9C. MODIFICATION OF CONTRACT/ORDER NO. IGA 11-92-0024 HSCEDM-15-F-IG282		9D. DATED (SEE ITEM 13) 06/29/2015			
10. ACCOUNTING AND APPROPRIATION DATA (If required) See Schedule		Net Decrease:		-310,880.00	

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

The above numbered solicitation is amended as set forth in item 14. The hour and date specified for receipt of Offers is extended. is not extended. Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as extended, by one of the following methods: (a) By completing items 8 and 16, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGEMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACT/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

CHECK ONE

A. THIS CHANGE ORDER IS ISSUED PURSUANT TO (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.

B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.105(D).

C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:

D. OTHER (Specify type of modification and authority)
Bilateral Modification / FAR 4.804 Closeout

13. IMPORTANT: Contractor is not. is required to sign this document and return _____ 1 _____ copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

DUNS Number: 007669216

Contracting Officer Representative (COR): Donna Ore
Email: Donna.Ore@ice.dhs.gov, Phone Number: (916) 329-4326

Alt COR: Gwen Zander
Email: Gwen.Zander@ice.dhs.gov, Phone Number: (661) 328-4575

Contract Specialist: Kimberlee Brown
Email: Kimberlee.Brown@ice.dhs.gov, Phone Number: (202) 732-2675

The purpose of this modification is to de-obligate the amount of \$10,880.00, and to Continued ...

Except as provided herein, all terms and conditions of the document referenced in item 9 A or 10A, as heretofore changed, remains unchanged and in full force and effect.

16A. NAME AND TITLE OF SIGNER (Type or print) BRIAN BONTHEAL, LIEUTENANT		18A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Virginia Collie	
16B. CONTRACTING OFFICER B. Bontheal		18B. UNITED STATES OF AMERICA Virginia Collie	
15B. DATE SIGNED 7.29.16		16C. DATE SIGNED 7/29/16	

NAME OF OFFEROR OR CONTRACTOR
CONTRA COSTA COUNTY INC

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	<p>Accounting Info: ERODETN-R08 BA 31-12-00-000 18-63-0500-00-00-00-00 GE-25-72-00 Funded: \$0.00</p> <p>Accounting Info: ERODETN-R08 BA 31-12-00-000 18-63-0500-05-00-00-00 GE-25-72-00- ----- --- 000000 Funded: -\$10,880.00</p> <p>The Government hereby requests that the vendor execute, scan, and return this bilaterally signed modification. Failure of response from the vendor, the modification shall be considered concurrence and will be processed as an unilateral modification with the Government's signature only.</p> <p>All other terms and conditions referenced within the IGA remain the same.</p>				

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT		1. CONTRACT ID CODE	PAGE OF PAGES 1 2
2. AMENDMENT/MODIFICATION NO. P00002	3. EFFECTIVE DATE See Block 16C	4. REQUISITION/PURCHASE REQ. NO. 192117FSFCOCOWR02.11	5. PROJECT NO. (If applicable)
6. ISSUED BY ICE/Detent Mngt/Detent Contract-LAG Immigration and Customs Enforcement Office of Acquisition Management 24000 Avila Road, Room 3104 Laguna Niguel CA 92677	CODE ICE/DM/DC-LAGUNA	7. ADMINISTERED BY (If other than Item 6) ICE/Detention Compliance & Removals Immigration and Customs Enforcement Office of Acquisition Management 801 I Street NW, suite 930 Attn: Kimberlee Brown Washington DC 20536	CODE ICE/DCR
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code) CONTRA COSTA COUNTY INC 651 PINE ST 7TH FLOOR MARTINEZ CA 945531229		(x) 9A. AMENDMENT OF SOLICITATION NO.	9B. DATED (SEE ITEM 11)
CODE 0076692160000	FACILITY CODE	x 10A. MODIFICATION OF CONTRACT/ORDER NO. 11-09-0034 HSCEDM-17-F-IG261	10B. DATED (SEE ITEM 13) 06/30/2017

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers is extended. is not extended.
Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGEMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (If required)
See Schedule
Net Increase: \$55,842.00

13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

CHECK ONE	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO. (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:
X	D. OTHER (Specify type of modification and authority) Unilateral/FAR 32.703-1 (a) Fully Funded

E. IMPORTANT: Contractor is not. is required to sign this document and return _____ copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible)

DUNS Number: 007669216

DBA: SHERIFFS DEPT


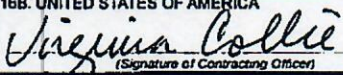
Points of Contact:

Contracting Officer Representative (COR): Nathan R. Lindsey
Email: Nathan.R.Lindsey@ice.dhs.gov, Phone: (661) 328-4503

Alternate COR: Donna Ore
Email: Donna.Ore@ice.dhs.gov, Phone: (916) 329-4326

Continued ...

Except as provided herein, all terms and conditions of the document referenced in Item 9 A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print) B. BONTKON, LIEUTENANT	15B. CONTRACTOR/OFFEROR  Signature of person authorized to sign	15C. DATE SIGNED 8/18/17	16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Virginia L. Collie	16B. UNITED STATES OF AMERICA  Signature of Contracting Officer	16C. DATE SIGNED 8/18/17
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NSN 7540-01-152-8070
Previous edition unusable

STANDARD FORM 30 (REV. 10-83)
Prescribed by GSA
FAR (48 CFR) 53.243

CONTINUATION SHEET

REFERENCE NO. OF DOCUMENT BEING CONTINUED
11-09-0034/HSCEDM-17-F-IG261/P00002

PAGE OF
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NAME OF OFFEROR OR CONTRACTOR
CONTRA COSTA COUNTY INC

ITEM NO (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
0001	<p>Contract Specialist: Kimberlee Brown Email: Kimberlee.Brown@ice.dhs.gov, Phone: (202) 732-2675</p> <p>The purpose of the modification is to:</p> <p>A. Add funding to Task Order HSCEDM-17-F-IG261.</p> <p>B. Increase the funded amount of CLIN 0001 by \$55,842.00 from \$1,660,500.00 to \$1,716,342.00.</p> <p>C. Extend the period of performance end date from 07/31/2017 to 09/30/2017.</p> <p>As of this modification the obligated total of this modification is increased by \$55,842.00 from \$1,660,500.00 to \$1,716,342.00.</p> <p>Exempt Action: Y Sensitive Award: NONE FOB: Destination Period of Performance: 07/01/2017 to 09/30/2017</p> <p>Change Item 0001 to read as follows (amount shown is the obligated amount):</p> <p>DETAINEE HOUSING (MANDAYS) FOR CONTRA COSTA COUNTY JAIL- WEST</p> <p>Accounting Info: ERODETN-R02 E1 31-12-00-000 18-63-0500-05-00-00-00 GE-25-72-00 Funded: \$0.00</p> <p>Accounting Info: ERODETB-R02 C8 31-12-00-000 18-63-0500-05-00-00-00 GE-25-72-00 Funded: \$0.00</p> <p>Accounting Info: ERODETN-R02 E1 31-12-00-000 18-63-0500-05-00-00-00 GE-25-72-00 Funded: \$55,842.00</p> <p>All terms of the IGA apply to this task order.</p>	681	EA	82.00	55,842.00

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT		1 CONTRACT ID CODE		PAGE OF PAGES	
2 AMENDMENT/MODIFICATION NO P00009		3 EFFECTIVE DATE See Block 16C		4 REQUISITION/PURCHASE REQ NO 192117FSFCOCOWR02.10	
5 PROJECT NO (# APP/CABR)		7 ADMINISTERED BY (If other than Dom 8)		CODE ICE/DCR	
6 ISSUED BY ICE/DM/DC-LAGUNA		ICEDETENT MNGTDETENT CONTRACT-LAG IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE OF ACQUISITION MANAGEMENT 24000 AVILA ROAD ROOM 3104 LAGUNA NIGUEL CA 92677		ICEDETENTION COMPLIANCE REMOVALS IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE OF ACQUISITION MANAGEMENT 801 I STREET NW SUITE 930 ATTN KIMBERLEE BROWN WASHINGTON DC 20536	
8 NAME AND ADDRESS OF CONTRACTOR (No. Street, county, State and ZIP Code)		9A AMENDMENT OF SOLICITATION NO		9B DATED (SEE ITEM 11)	
CONTRA COSTA COUNTY INC 651 PINE ST 7TH FLOOR MARTINEZ CA 945531229		10A MODIFICATION OF CONTRACT/ORDER NO 11-09-0034		10B DATED (SEE ITEM 13)	
CODE 0076692160000		FACILITY CODE		HSCEDM-16-F-IG203 04/29/2016	

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

The above numbered solicitation is amended as set forth in item 14. The hour and date specified for receipt of offers. is extended is not extended. Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing items 9 and 10, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGEMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12 ACCOUNTING AND APPROPRIATION DATA (if required)
See Schedule Not Decrease: -578,392.00

13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

CHECK ONE	A THIS CHANGE ORDER IS ISSUED PURSUANT TO (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A
	B THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation data, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b)
	C THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF _____
	D OTHER (Specify type of modification and authority)
X	IAW FAR 4.804 Closeout Contract File

14 DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings including solicitation/contract subject matter where feasible)
DUNS Number: 007669216
Points of Contact:

Contracting Officer Representative (COR): Nathan R. Lindsey, Email: Nathan.R.Lindsey@ice.dhs.gov; Phone: (661)328-4503
ALT COR: Donna Ore, Email: Donna.Ore@ice.dhs.gov; Phone: (916)329-4326

The purpose of this modification is to deobligate funds in the amount of 578,392.00 from the task order HSCEDM-16-F-IG203 and closeout the task order. In accordance with FAR 4.804 contract closeout procedures this order is modified as follows:
Continued ...

Except as provided herein, all terms and conditions of the document referenced in item 9 A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A NAME AND TITLE OF SIGNER (Type or print) M. Andaya, LT		15B CONTRACTOR/ORDER NO. ADD		15C DATE SIGNED 9/7/17		15D UNITED STATES OF AMERICA		15E DATE SIGNED 9/7/17	
16A NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Virginia L. Collie		16B UNITED STATES OF AMERICA		16C DATE SIGNED		16D UNITED STATES OF AMERICA		16E DATE SIGNED	

CONTINUATION SHEET

REFERENCE NO OF DOCUMENT BEING CONTINUED
11-09-0034/HSCEDM-16-F-IG203/P00009.

PAGE OF
2 3

NAME OF OFFEROR OR CONTRACTOR
CONTRA COSTA COUNTY INC

ITEM NO (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
0001	<p>A.</p> <p>B.</p> <p>As of this modification the obligated and total value of this task order is increases by \$372,608.00 from \$5,876,612.00 to \$6,249,220.00.</p> <p>From: \$6,249,220.00 By: \$78,392.00 To: \$6,170,828.00</p> <p>Exempt Action: Y Sensitive Award: NONE</p> <p>FOB: Destination</p> <p>Period of Performance: 07/01/2016 to 06/30/2017</p> <p>Change Item 0001 to read as follows (amount shown is the total amount):</p> <p>DETAINEES HOUSING (WEST FACILITY)</p> <p>CLIN 0001 is decreased as follows: From: \$6,249,220.00 By: \$78,392.00 To: \$6,170,828.00</p> <p>The total quantity is decreased as follows: From: 76,210 By: -956 To: 72,254</p> <p>Accounting Info: ERODETN-R02 BA 31-12-00-000 18-63-0500-05-00-00-00 GE-25-72-00 Funded: \$0.00</p> <p>Accounting Info: ERODETN-R02 BA 31-12-00-000 18-63-0500-05-00-00-00 GE-25-72-00 Funded: \$0.00</p> <p>Accounting Info: ERODETN-R02 BA 31-12-00-000 18-63-0500-05-00-00-00 GE-25-72-00 Funded: \$0.00</p> <p>Accounting Info: ERODETN-R02 E1 31-12-00-000 18-63-0500-05-00-00-00 GE-25-72-00 Funded: \$0.00</p> <p>Accounting Info: ERODETN-R02 E1 31-12-00-000 18-63-0500-05-00-00-00 GE-25-72-00 Funded: \$0.00</p> <p>Accounting Info: ERODETN-R02 E1 31-12-00-000 18-63-0500-05-00-00-00 GE-25-72-00 Continued ...</p>	75254	EA	82.00	6,170,828.00

CONTINUATION SHEET

REFERENCE NO OF DOCUMENT BEING CONTINUED
11-09-0034/HSCEDM-16-F-IG203/P00009

PAGE OF
3 3

NAME OF OFFEROR OR CONTRACTOR
CONTRA COSTA COUNTY INC

ITEM NO (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	Funded: \$0.00 Accounting Info: ERODETN-R02 E1 31-12-00-000 18-63-0500-05-00-00-00 GE-25-72-00-000000 ----- --- 000000 Funded: \$0.00 Accounting Info: ERODETN-R02 E1 31-12-00-000 18-63-0500-05-00-00-00 GE-25-72-00 Funded: \$0.00 Accounting Info: ERODETN-R02 E1 31-12-00-000 18-63-0500-05-00-00-00 GE-25-72-00 Funded: -\$78,392.00 All terms and condition of the IGA remain the same.				



CONTRA COSTA COUNTY OFFICE OF THE SHERIFF
DAVID O. LIVINGSTON
SHERIFF - CORONER

September 17, 2015

Email: Invoice.Consolidation@ice.dhs.gov

DHS ICE
Attn: ICE-ERO/FOD-FSH
Burlington Finance Center
PO Box 1620
Williston, VT 05495-1620

Re: Tax ID 94-6000509 DUNS 007669216
Contract No: IGA 11-09-0034 Order No: HSCEDM-14-F-IG125

Please find enclosed a claim for reimbursement Contra Costa County Office of the Sheriff, in the amount of \$26,400.00. This claim is for installation charges of the Video Conferencing (VTC) System at the West County Detention Facility in Richmond, CA.

If you have any questions or need additional information, please give me a call at (925) 335-1527.

Sincerely,
DAVID O. LIVINGSTON, Sheriff-Coroner

Mary Jane Robb, Chief of Management Services

Enclosures

cc: Lt. Brian Bonthron (with enclosures)

OFFICE OF THE SHERIFF-CORONER
 Contra Costa County

651 Pine Street, 7th Floor
 Martinez, CA 94553
 (925) 335-1526

Invoice

DATE	INVOICE #
9/17/2015	ICE2015

BILL TO
DHS, ICE Attn: ICE-ERO/FOD-FSH Burlington Finance Center PO Box 1620 Williston, VT 05495-1620

DESCRIPTION	QTY	RATE	AMOUNT
West County Detention Facility Tax ID #94-6000509 DUNS Number 007669216 Purchase Req #192114FSFCOCOWR02.11 Amendment/Modification No. P00003 Contract No.: IGA 11-09-0034 Order No.: HSCEDM-14-F-IG125 To install Video Conferencing (VTC) system at Contra Costa County (West County Detention Facility) as a streamline to support with the Immigration Court proceeding for detainees who are currently in ICE/ERO custody. Email: Invoice.Consolidation@ice.dhs.gov	1	26,400.00	26,400.00
Supporting Documents Attached.	<i>do</i>	Total	\$26,400.00

Contra Costa County Office of the Sheriff - West County Detention Facility, Richmond CA

Tax ID # 94-6000509 Purchase Req #192114FSCC Order #HSCEDM-14-F-IG125
 DUNS Number 007669216 Contract # IGA 11-09-0034 Amendment/Modification # P00003

Work Performed: To install VTC System for ICE use at Contra Costa County (West County Detention Facility).
 Work Performed by: Contra Costa County Dept of Information Technology (DoIT)
 Approved Budget: \$ 26,400.00

Work Order #	Final Installation Date	Amount	Description of Work (DoIT)
A-17394	12/16/2014	2,410.20	Labor tel specialist and parts. Shielded Cat 6 Bldg 4 Rms 1, 2, 13 & Ice Admin Office
A-17394	12/16/2014	3,372.50	Labor tel specialist and parts. Shielded Cat 6 Bldg 4 Rms 1, 2, 13 & Ice Admin Office
A-17393	12/16/2014	9,466.92	Labor tel specialist and parts. Shielded Cat 6 Bldg 4 Rms 1, 2, 13 & Ice Admin Office
A-17393	12/16/2014	14,563.55	Labor tel specialist. Run fiber from the MPOE to wiring closet Bldg 4, misc costs, installation of electrical outlets in Rms 2 & 3
A-17393	12/16/2014	3,168.25	Labor telephone specialist. Run fiber from the MPOE to wiring closet Bldg 4, misc costs, installation of electrical outlets in Rms 2 & 3
Total Actual Costs		32,981.42	
Less: Over budget. Not eligible for claim		(6,581.42)	
Total Claim:		\$ 26,400.00	

Amount per Line Item Detail Work Performed as per Purchase Req #192114FSCCOWR02.11; Contract #IGA 11-09-0034; Order #HSCEDM-14-F-IG125

- 2,500.00 For Shielded Cat 6 cable run from wiring closet in Building 4 to Room 1 in visitation. Two sets of cable will be run to each data box.
- 2,500.00 For Shielded Cat 6 cable run from wiring closet in Building 4 to Room 2 in visitation. Two sets of cable will be run to each data box.
- 2,500.00 For Shielded Cat 6 cable run from wiring closet in Building 4 to Room 13 in visitation. Two sets of cable will be run to each data box.
- 2,500.00 For Shielded Cat 6 cable run from wiring closet in Building 4 to ICE Admin Office in visitation. Two sets of cable will be run to each data box.
- 1,000.00 For phone line to room 3 in visitation.
- 1,000.00 For phone line to be used by fax machine in room 3.
- 10,000.00 To run fiber from the MPOE to wiring closet building 4.
- 3,000.00 Misc Costs
- 1,400.00 Install electrical outlets in Rooms 2 and 3
- 26,400.00 Total Claim**

**OFFICE OF THE SHERIFF
Contra Costa County**

Administrative Services Bureau
Personnel and Finance Division
651 Pine St., 7th Floor
Martinez, CA 94553
(925) 335-1500



DAVID O. LIVINGSTON
Sheriff-Coroner

Michael V. Casten
Undersheriff

**ACH VENDOR/MISCELLANEOUS PAYMENT
ENROLLMENT FORM**

PAYEE/COMPANY INFORMATION (Include State and Local agency name as written on agreement cover sheet)

Name: Contra Costa County Sheriff's Fiscal Unit	
Address: 651 Pine Street, 7th Floor Martinez, CA 94553	
Taxpayer ID Number: 94-6000509	
Contact Person Name: Liz Arbuckle	Telephone Number: (925) 335-1529

FINANCIAL INSTITUTION INFORMATION

Bank Name: Wells Fargo
Nine-Digit ABA Routing Transit Number: 121000248
Depositor Account Number: 4225021617
Type of Account: (checking/savings) Checking

Wells Fargo Bank
902 Main Street
Martinez, CA 94553
925-672-1619

The Debt Collection Improvement Act of 1996 requires that most payments made by the Federal government, including vendor payments, must be made by electronic funds transfer (EFT).

Central Contractor Registration - DUNS Number

Name: Contra Costa County Office of the Sheriff
Address: 651 Pine Street, 7th Floor Martinez, CA 94553
DUNS Number: 007669216
CAGE/NCAGE Number: 4GYA0



**CONTRA COSTA COUNTY
DoIT/TELECOMMUNICATIONS
WORK REQUEST**

Workorder #: A - 17394 ✓
1. Date: 8/28/2014 9:46:02 AM

2. Department/Agency: SHERIFF		3. Requestor: Sgt England		4. Phone: 510-262-4272	
5. Work Site Contact: Sgt England		6. Phone: 510-262-4272	7. Pager/Cell#:	8. Alternate #:	
9. Location of Work Site Address, Room #, City: 5555 Giant Highway, Richmond Bld 4				10. Zip: 94806	

11. Address if different from work site:	12. Dept #: 300	13. Org #: 2580	14. Task:	15. Option:	16. Activity:
--	---------------------------	---------------------------	-----------	-------------	---------------

17. Date Required: **9/2/2014** Estimate Voice Mail Racking

Attach explanation of required completion dates:

Estimate needed ASAP for ICE Project.

Radio Telephone Data

18. Description of Work Request: (Explain fully) (Select at least one of the above service types)

We need a written estimate to install a phone line and fax line in the Visiting Center visit room 4. These lines should be able to call out anywhere and receive incoming calls.

19. Attachment: No	20. Manager's Comment:
	21. Mid-Manager's Comment:

22. Authorized Signature: Jason Vorhauer	Date: 8/28/2014 10:57:16 AM
--	---------------------------------------

DoIT Use Only

DoIT Project Number: 36120	Project Assigned by: Powers, LaShelle	Date: 8/28/2014 4:43:36 PM
AT&T Number:		Due Date:
Assigned to: Montgomery, Ralph	Date: 8/28/2014 4:43:23 PM	Completed by: Date:
Completion Notes:		

DoIT Projects Maintenance

Lookup Proj#: 36120 2015 Last Freeze Yr: 2015

Project: 36120 Description: EST TO ISTL PHN LNS RM 4-5555 GIANT HW Work Req: A17394

Type: T Telephone Memo Project Recovery%: 100.0 Building No: _____

Run Frequency: D Daily Carry Forward Date: _____ Begin Date: 08/28/2014

ProjectYearly	Split#	Split%	Dept#	Org	Estimated	Budget
126664	S00	100.0	0300	2580	\$0.00	\$0.00

Split% Total: 100. Scheduled Completion: _____
Actual Completion: _____

Split Expense History

	2015	Prior Year		2016	Prior Year
July	0.00	0.00	January	0.00	807.50
August	0.00	0.00	February	0.00	0.00
September	0.00	0.00	March	0.00	0.00
October	0.00	2,410.20	April	0.00	0.00
November	0.00	3,372.50 ✓	May	0.00	0.00
December	0.00	0.00	June	0.00	0.00
				0.00	6,590.20

Project Notes

REPORT CCWTR038

DEPT OF INFORMATION TECHNOLOGY
CIMS JOB ACCOUNTING SYSTEM
MONTHLY INVOICE REPORT

PAGE 834
11/05/14

ACCOUNT 0300-2580-36120

EST TO ISTL PHN LNS RM 4 - 5555 GIANT HW

RESOURCE	RATE	UNITS	CHARGE
TELEPHONE SPECIALIST	95.000	4.50000	427.50 ✓
ADJUSTMENTS 4290	0.000	997.64000	997.64 ✓
* TELEPHONE 4290	0.000	0.00000	1,425.14

TELEPHONE PARTS	0.000	985.06000	985.06
* TELEPHONE PARTS 0948-6205	0.000	0.00000	985.06 ✓

AMOUNT DUE ----- \$ ----- 2,410.20 ✓

REPORT: AC-4 Hours by Resource and Project Date Range: 10/1/2014 - 10/31/2014

Project/Description	Task	Hours	Costs	Description
RMONT RALPH MONTGOMERY				
36120 : EST TO ISTL PHN LNS RM 4 - 5555 GIANT HWY BLD4	50	4.50	\$427.50	Engineering
Total		4.50	\$427.50	
REPORT Total		4.50	\$427.50	



Remit To:



FILE 57071
LOS ANGELES CA 90074-7071

INVOICE

Invoice Questions Please Call or Email

925-557-3000 or ARQuestions@graybar.com

Invoice No: 975634287
Invoice Date: 10/30/2014
Account Number: 0000275841
Account Name: CONTRA COSTA CNTY
D.O.I.T

CONTRA COSTA CNTY D.O.I.T
30 DOUGLAS DRIVE
MARTINEZ CA 94553

Ship to: CONTRA COSTA CNTY D.O.I.T
30 DOUGLAS DRIVE
MARTINEZ CA 94553

Page 1 of 1

Order No: 36120						SO#:349211608	
Del. Doc. #:	PRO #	Routing	Date Shipped	Shipped From	F.O.B.	Rt. To	
8000087016		GRAYBAR TRUCK	10/30/2014	UNION CITY, CA	S/P - F/A		

Quantity	Catalog # / Description	Unit Price / Unit	Amount
4000	5EXHO4P24-EK-R-CMS-NR COMMSCOPE SYSTMIX CONNECTIVITY 4286104/10 5NF4 CAT 5 OUTDOOR	232.01 / 1000	928.04

Terms of Payment

1% 15 Days, net 30 Days

As a condition of the sales agreement, a monthly service charge of the lesser of 1-1/2% or the maximum permitted by law may be added to all accounts not paid by net due date. Visa, MasterCard, American Express, and Discover credit cards are accepted at point of purchase only.

Sub Total	928.04
Freight	0.00
Handling	0.00
Tax	78.88
Total Due	1006.92
Cash Discount (if paid within terms)	9.28

997.64

1290-233 J
36120

2014 NOV -3 PM 2:27

Subject to standard terms and conditions on the reverse side.



Graybar-Hayward Service Center

3089 Whipple Road.
Union City CA 94587 USA



Phone: 925-557-3000
Fax: 925-557-3030

Scheduled Ship Date:10-30-2014
Date Ordered:10-30-2014
Ref. Doc#:0349211608

Customer :0000275841 CONTRA COSTA CNTY D.O.I.T

Date: 10-30-2014

Packing List

Customer PO : 36120

Tracking # : NONE

Ship To:
CONTRA COSTA CNTY D.O.I.T
30 DOUGLAS DRIVE
MARTINEZ CA 94553

Bill To:
CONTRA COSTA CNTY D.O.I.T
30 DOUGLAS DRIVE
MARTINEZ CA 94553

Delivery # 8000087016

Signed _____

Print name _____

Route:GRAYBAR TRUCK - A.M.

Part and Description	Q u a n t i t y		Backordered	Other Shipments
	Ordered	Shipped		
CWC 5EXHO4P24-BK-R-CMS-NR 4286104/10 5NF4 CAT 5 OUTDOOR	4000 EA Mat#:	4000 EA 96048169		

*Rec'd 10/3/14
Photo
Brown*

TOTAL NUMBER OF: _____ Boxes _____ Pieces _____ Bundles _____ Coils _____ Reels _____ Pallets
IN THIS SHIPMENT

MATERIAL ORDER FORM

ORG. # 2560 DATE: 10/30/14 Workorder #: A - 17394

GRAYBAR

FROM: CONTRA COSTA COUNTY

INVENTORY

PROJECT #: 46120 ADDRESS: 5751 Grant Hwy

#	DESCRIPTION PART NUMBER	QTY	UNIT PRICE	TOTAL PRICE
1	PLANT SIDE CAT 6 CABLE PVC T-126 FOOT 11931	4		
2	PLANT SIDE PLANT CAT 6 CABLE 4,000 FT. 4286104/10 SNF4	PL 4		
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				

NOTHING FOLLOWS

SUB TOTAL _____
 FREIGHT _____
 TAX _____
TOTAL _____

ESTIMATED DATE OF NEED: _____
 OTHER INSTRUCTIONS: _____
 APPROVED BY: _____

ORDERED BY: _____

Contra Costa County DOIT Inventory

30 Douglas Drive
Martinez, CA 94553

Invoice

Date	Invoice #
10/31/2014	507

Bill To
Project # 36120 ✓

Ship To

Org Number	Terms	Rep	Ship	Via	F.O.B.	Work Order #
2580			10/31/2014			A - 17394

Quantity	Item Code	Description	Price Each	Amount
✓ 4	T126	Cable, 4 Pair 24AWG Non-Plenum Giga Gray	246.26375	985.06
			Total	\$985.06

MATERIAL ORDER FORM

ORG. # <u>2580</u>	DATE: <u>10/30/14</u>	Workorder #: A- <u>17394</u>
--------------------	-----------------------	------------------------------

FROM: CONTRA COSTA COUNTY

INVENTORY

PROJECT #: <u>36120</u>	ADDRESS: <u>5555 GIANT Hwy RICHMOND</u>
-------------------------	---

#	DESCRIPTION PART NUMBER	QTY	UNIT PRICE	TOTAL PRICE
1	<u>GIGA SPEED CAT6 PVC T126</u>	<u>4</u>	<u>bx</u>	
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
			SUB TOTAL	_____
			FREIGHT	_____
			TAX	_____
				TOTAL ORDERED

Philip Bryan

ESTIMATED DATE OF NEED: _____

OTHER INSTRUCTIONS: _____

APPROVED BY: _____

BY: _____

Rancho M.

REPORT CCWTR038

DEPT OF INFORMATION TECHNOLOGY
CIMS JOB ACCOUNTING SYSTEM
MONTHLY INVOICE REPORT

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12/09/14

ACCOUNT 0300-2580-36120

EST TO ISTL PHN LNS RM 4 - 5555 GIANT HW

RESOURCE	RATE	UNITS	CHARGE
TELEPHONE SPECIALIST	95.000	35.50000	3,372.50 ✓
* TELEPHONE 4290	0.000	0.00000	3,372.50

AMOUNT DUE ----- \$ ----- 3,372.50

REPORT: AC-4 Hours by Resource and Project Date Range: 11/1/2014 - 11/30/2014

Project Description	Task	Hours	Costs	Description
RMONT RALPH MONTGOMERY				
36120: EST TO ISTL PHN LNS RM 4 - 5555 GIANT HWY BLD4	50	35.50	\$3,372.50	Engineering
Total		35.50	\$3,372.50	
REPORT Total		35.50	\$3,372.50	

^

REPORT CCWTR038

DEPT OF INFORMATION TECHNOLOGY
CIMS JOB ACCOUNTING SYSTEM
MONTHLY INVOICE REPORT

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02/10/15

ACCOUNT 0300-2580-36120

EST TO ISTL PHN LNS RM 4 - 5555 GIANT HW

RESOURCE	RATE	UNITS	CHARGE
TELEPHONE SPECIALIST	95.000	8.50000	807.50
* TELEPHONE 4290	0.000	0.00000	807.50

AMOUNT DUE ----- \$ ----- 807.50 ✓

REPORT: AC-4 Hours by Resource and Project Date Range: 1/1/2015 - 1/31/2015

Project/Description	Task	Hours	Costs	Description
RMONT RALPH MONTGOMERY				
36120 : EST TO ISTL PHN LNS RM 4 - 5555 GIANT HWY BLD4	50	8.50	\$807.50	Engineering
Total		8.50	\$807.50	
REPORT Total		8.50	\$807.50	





**CONTRA COSTA COUNTY
DoIT/TELECOMMUNICATIONS
WORK REQUEST**

Workorder #: A - 17393 ✓
1. Date: 8/28/2014 9:39:04 AM

2. Department/Agency: SHERIFF		3. Requestor: Sgt England		4. Phone: 510-262-4272	
5. Work Site Contact: Sgt England		6. Phone: 510-262-4272	7. Pager/Cell#:		8. Alternate #:
9. Location of Work Site Address, Room #, City: 5555 Giant Highway, Richmond Bld 4					10. Zip: 94806
11. Address if different from work site:	12. Dept #: 300	13. Org #: 2580	14.Task:	15.Option:	16. Activity:

17. Date Required: **9/2/2014** Estimate Voice Mail Racking
 Attach explanation of required completion dates: **Estimate needed quickly for ICE project** Radio Telephone Data

18. Description of Work Request: (Explain fully) (Select at least one of the above service types)

Please provide a written estimate to install a phone line in the Visiting Center visit room 3. This phone line should only call out and be limited to calls to in California. This line should be to the same specifications as the phone lines that were installed in the attorney rooms on Bld 7

19. Attachment: No	20. Manager's Comment:
	21. Mid-Manager's Comment:

22. Authorized Signature: Jason Vorhauer	Date: 8/28/2014 10:58:06 AM
--	---------------------------------------

DoIT Use Only

DoIT Project Number: 36121	Project Assigned by: Powers, LaShelle	Date: 8/28/2014 4:43:08 PM
AT&T Number:	Due Date:	
Assigned to: Montgomery, Ralph	Date: 8/28/2014 4:42:54 PM	Completed by: Date:
Completion Notes:		

Lookup Proj# 36121

◀ 2015 ▶

Last Freeze Yr 2015



Project: 36121 Description: EST TO ISTL PHN LNS RM 3 - 5555 GIANT HW Work Req: A17393
 Type: T Telephone Memo Project Recovery%: 100.0 Building No:
 Run Frequency: D Daily Carry Forward Date:
 Begin Date: 08/28/2014

ProjectYearly	Split#	Split%	Dept#	Org	Estimated	Budget
126665	S00	100.0	0300	2580	\$0.00	\$0.00

Split% Total: 100. Scheduled Completion:
 Actual Completion:

New Split

Split Expense History

	2015	Prior Year		2016	Prior Year
July	0.00	0.00	January	0.00	0.00
August	0.00	0.00	February	0.00	0.00
September	0.00	0.00	March	0.00	0.00
October	0.00	9,466.92 ✓	April	0.00	0.00
November	0.00	14,563.55 ✓	May	0.00	0.00
December	0.00	3,168.25 ✓	June	0.00	0.00
				0.00	27,198.72

Done

Project Notes

New Project Cancel Save

REPORT CCWTR038

DEPT OF INFORMATION TECHNOLOGY
CIMS JOB ACCOUNTING SYSTEM
MONTHLY INVOICE REPORT

PAGE 835
11/05/14

ACCOUNT 0300-2580-36121

EST TO ISTL PHN LNS RM 3 - 5555 GIANT HW

RESOURCE	RATE	UNITS	CHARGE
TELEPHONE SPECIALIST	95.000	59.50000	5,652.50 ✓
ADJUSTMENTS 4290	0.000	3,814.42000	3,814.42 ✓
* TELEPHONE 4290	0.000	0.00000	9,466.92

AMOUNT DUE ----- \$ ----- 9,466.92 ✓



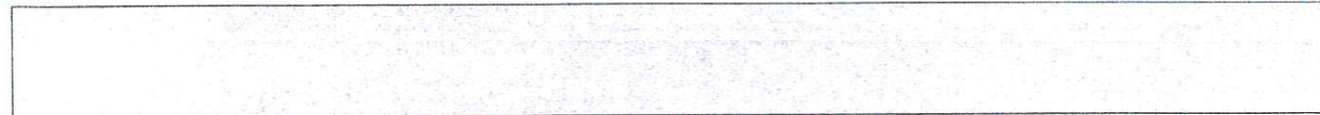
59.90-

66.10+

3,808.22+

001

3,814.42*



REPORT: AC-4 Hours by Resource and Project Date Range: 10/1/2014 - 10/31/2014

Project/Description	Task	Hours	Costs	Description
JDAWS JAVIER DAWSON				
36121 : EST TO ISTL PHN LNS RM 3 - 5555 GIANT HWY BLD4	50	24.50	\$2,327.50	Engineering
Total		24.50	\$2,327.50	
JGUTI JAVIER GUTIERREZ				
36121 : EST TO ISTL PHN LNS RM 3 - 5555 GIANT HWY BLD4	50	16.00	\$1,520.00	Engineering
Total		16.00	\$1,520.00	
RMONT RALPH MONTGOMERY				
36121 : EST TO ISTL PHN LNS RM 3 - 5555 GIANT HWY BLD4	50	19.00	\$1,805.00	Engineering
Total		19.00	\$1,805.00	
REPORT Total		59.50	\$5,652.50	

Remit To:



FILE 57071
LOS ANGELES CA 90074-7071

Invoice Questions Please Call or Email

925-557-3000 or ARQuestions@graybar.com

CREDIT MEMO

MB 02 001048 48451 E 8 A



CONTRA COSTA CNTY D.O.I.T
30 DOUGLAS DRIVE
MARTINEZ CA 94553-4068

Invoice No: 975462860
Invoice Date: 10/22/2014
Account Number: 0000275841
Account Name: CONTRA COSTA CNTY
D.O.I.T

Ship to: CONTRA COSTA CNTY D.O.I.T
30 DOUGLAS DRIVE
MARTINEZ CA 94553

Page 1 of 1

Order No: 36121 - JAVIER					SO#:603692478	
Del. Doc. #:	PRO #	Routing	Date Shipped	Shipped From	F.O.B.	Rt. To
0894338735		CUST RETURN		MARTINEZ, CA	S/P - F/A	

Quantity	Catalog # / Description	Unit Price / Unit	Amount
4	FAN-BT25-06 CORNING OPTICAL COMMUNICATIONS BUFFER TUBE FAN-OUT KIT	13.93 / 1	55.72

Terms of Payment

1 1/2 - 15 Days, net 30 Days

As a condition of the sales agreement, a monthly service charge of the lesser of 1-1/2% or the maximum permitted by law may be added to all accounts not paid by net due date. Visa, MasterCard, American Express, and Discover credit cards are accepted at point of purchase only.

Sub Total	55.72-
Freight	0.00
Handling	0.00
Tax	4.74-
Total Due	60.46-
Cash Discount (if paid within terms)	0.56
ORIGINAL INVOICE #0975317083	

59.90


2014 OCT 27 PM 1:22

Subject to standard terms and conditions on the reverse side.

Remit To: **Graybar** FILE 57071
 LOS ANGELES CA 90074-7071

INVOICE

Invoice Questions Please Call or Email
 925-557-3000 or ARQuestions@graybar.com

MB 01 001999 44924 E 12 A

 CONTRA COSTA CNTY D.O.I.T
 30 DOUGLAS DRIVE
 MARTINEZ CA 94553-4068

Invoice No: 975397850
 Invoice Date: 10/17/2014
 Account Number: 0000275841
 Account Name: CONTRA COSTA CNTY
 D.O.I.T

Ship to: CONTRA COSTA CNTY D.O.I.T
 30 DOUGLAS DRIVE
 MARTINEZ CA 94553

Page 1 of 1

Order No: F45869 -36121 -						SO#:349052336	
Del. Doc. #:	PRO #	Routing	Date Shipped	Shipped From	F.O.B.	Rt. To	
0863880516		PICK-UP	10/17/2014	MARTINEZ, CA	S/P - F/A		
Signed For By: JAVIER							
Quantity	Catalog # / Description			Unit Price / Unit	Amount		
4	FAN-BT25-12 CORNING OPTICAL COMMUNICATIONS BUFFER TUBE FAN OUT KIT			15.37 / 1	61.48		

Terms of Payment

1% 15 Days, net 30 Days
 As a condition of the sales agreement, a monthly service charge of the lesser of 1-1/2% or the maximum permitted by law may be added to all accounts not paid by net due date. Visa, MasterCard, American Express, and Discover credit cards are accepted at point of purchase only.

Sub Total	61.48
Freight	0.00
Handling	0.00
Tax	5.23
Total Due	66.71
Cash Discount (if paid within terms)	0.61

66.10

4290-2335
 36121

2014 OCT 20 AM 1:09



MARTINEZ, CA
 1590 SOLANO WAY STE B
 CONCORD CA 94520-5351



Phone: 925-557-3000
 Fax: 925-557-3030

Scheduled Ship Date: 10/17/2014
 Date Ordered: 10/17/2014
 Ref. Doc#: 349052336

Customer : 275841 CONTRA COSTA CNTY D.O.I.T

Packing List

Date: 10/17/2014
 Central Time: 10:46:32

Customer PO : F45869 -36121 -

Ship To:
 CONTRA COSTA CNTY D.O.I.T
 30 DOUGLAS DRIVE
 MARTINEZ CA 94553

Bill To:
 CONTRA COSTA CNTY D.O.I.T
 30 DOUGLAS DRIVE
 MARTINEZ CA 94553

Delivery # 863880516

Signed: _____

Print name: JAVIER

Route: GRAYBAR COUNTER

Part and Description	Q u a n t i t y			Other Shipments
	Ordered	Shipped	Backordered	
FAN-BT25-12	4 EA	4 EA		
BUFFER TUBE FAN OUT KIT	Mat#:	94010572		

TOTAL NUMBER OF: _____ Boxes _____ Pieces _____ Bundles _____ Coils _____ Reels _____ Pallets
 IN THIS SHIPMENT

Fax Order Form

Cust No	275841	Date	10/20/2014		Blanket / Warrant or P.O.#	
TO:	Greybar			From: Contra Costa County Department of Information Tec. 30 Douglas Dr. Martinez Ca. 94553 (925) 957-7704 Voice (925) 957-7705 Fax		
Job #	36121	Address:	west county detention			
Parts Discription				QTY	Unit Price	Total
1	Buffer tube fan out kit			4		
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
Date _____					Sub Total	
Ordered By <u>Javier Dawson</u>					Freight	
					Tax	
					Total	
COMMENTS:						

OK
 ✓
 10/21/2014

Change GB Returns 603692478: Overview

Orders Output Texts Partner

GB Returns 603692478 Net value 55.72 USD
 Sold-To Party 275841 CONTRA COSTA CNTY D.O.I.T / 30 DOUGLAS DRIVE / MARTINE
 Ship-To Party 275841 CONTRA COSTA CNTY D.O.I.T / 30 DOUGLAS DRIVE / MARTINE
 PO Number 36121 - JAVIER PO date

Sales Item overview Item detail Ordering party Procurement Shipping Reason for rejection

Req. deliv.date D 10/17/2014
 Complete delv. Total Weight 0.124 LB
 Delivery block Volume 121.800 "3
 Billing block Level 10 approval Pricing date 10/14/2014
 Payment card Exp.date
 Card Verif.Code CV Usage Status
 Payment terms 2820 1% 15 Days, net 3. Incoterms F
 Order reason R/A Customer ordered wrong item

All items

Item	Material	Order Qu.	Un	ATP Qty	Pro.	Catalog Number	Description	ItCa	Route	Plnt	HL Itm	S	Net price	per	Net value	First date	Over
	50094010571		EA		SIC	FAN-BT25-06	BUFFER TUBE FAN-OUT K...	2820	RS	MACA			13.93	1	55.72	10/17/2014	Open
																10/17/2014	
																10/17/2014	
																10/17/2014	
																10/17/2014	
																10/17/2014	
																10/17/2014	
																10/17/2014	
																10/17/2014	
																10/17/2014	

Navigation icons: Print, Back, Forward, etc.

[Handwritten Signature]
 Signature
 Please Print Name

Remit To:



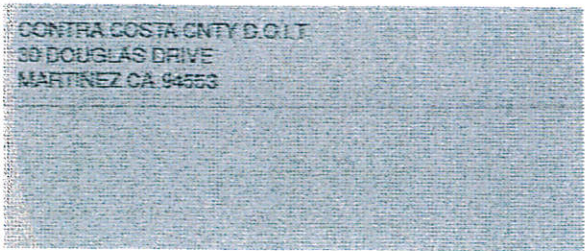
FILE 57071
LOS ANGELES CA 90074-7071

INVOICE

Invoice Questions Please Call or Email

925-557-3000 or ARQuestions@graybar.com

Invoice No: 975317083
Invoice Date: 10/14/2014
Account Number: 0000275841
Account Name: CONTRA COSTA CNTY
D.O.I.T



Ship to: CONTRA COSTA CNTY D.O.I.T
30 DOUGLAS DRIVE
MARTINEZ CA 94553

Page 1 of 1

Order No: 36121 - JAVIER SO#:349002533

Del. Doc. #:	PRO #	Routing	Date Shipped	Shipped From	F.O.B.	Rt. To
0863811525	1Z1E725W0309285328	UPS	10/14/2014	ZONE-STAFFORD.TX	S/P - F/A	

Quantity	Catalog # / Description	Unit Price / Unit	Amount
2	760 193 771 COMMSCOPE SYSTIMAX CONNECTIVITY 360G2-1U-MOD-SD???	198.40 / 1	396.80

Del. Doc. #:	PRO #	Routing	Date Shipped	Shipped From	F.O.B.	Rt. To
0863811543		GRAYBAR TRUCK	10/14/2014	UNION CITY, CA	S/P - F/A	

4	760 109 363 COMMSCOPE SYSTIMAX CONNECTIVITY 360G2 BEZEL 12-LC-LS-AQ	51.20 / 1	204.80
1000	M-5-OP-12-LT-A-LE-BK-CCS-CUT REEL CORNING OPTICAL COMMUNICATIONS 012TU4-T4780D20	2209.71 / 1000	2209.71
50	95-050-99-X CORNING OPTICAL COMMUNICATIONS LC SENIOR UNICAM 50 MM SX	13.51 / 1	675.50
4	FAN-BT25-06 CORNING OPTICAL COMMUNICATIONS BUFFER TUBE FAN-OUT KIT	13.93 / 1	55.72

Terms of Payment

1% 15 Days, net 30 Days

As a condition of the sales agreement, a monthly service charge of the lesser of 1-1/2% or the maximum permitted by law may be added to all accounts not paid by net due date. Visa, MasterCard, American Express, and Discover credit cards are accepted at point of purchase only.

Sub Total	3542.53
Freight	0.00
Handling	0.00
Tax	301.12
Total Due	3843.65
Cash Discount (if paid within terms)	35.43

3808.22

4290-2335
36121

2014 OCT 20 AM 1:06

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Graybar-Hayward Service Center
 3089 Whipple Road.
 Union City CA 94587 USA

Phone: 925-557-3000
 Fax: 925-557-3030

Scheduled Ship Date: 10-14-2014
 Date Ordered: 10-14-2014
 Ref. Doc#: 0349002533

Customer : 0000275841 CONTRA COSTA CNTY D.O.I.T

Packing List

Date: 10-14-2014

Customer PO : 36121 - JAVIER

Ship TO:
 CONTRA COSTA CNTY D.O.I.T
 30 DOUGLAS DRIVE
 MARTINEZ CA 94553

#2

Tracking # : NONE
 Bill To:
 CONTRA COSTA CNTY D.O.I.T
 30 DOUGLAS DRIVE
 MARTINEZ CA 94553

Delivery # 0863811543

Signed _____

Print name _____

Route: GRAYBAR TRUCK - A.M.

Part and Description	Quantity		Backordered	Other Shipmen
	Ordered	Shipped		
MAX 760 109 363 360G2 BEZEL 12-LC-LS-AQ	4 EA Mat#: _____	4 EA 25267086		
FIB M-5-OP-12-LT-A-LE-BK-CCS-CUT REEL 012TU4-T4780D20	1000 EA Mat#: _____	1000 EA 25643804		
SIC 95-050-99-X LC SENIOR UNICAM 50 MM SX	50 EA Mat#: _____	50 EA 22110797		
SIC FAN-BT25-06 BUFFER TUBE FAN-OUT KIT	4 EA Mat#: _____	4 EA 94010571		

Received
 Wagon
 10/15/2014

TOTAL NUMBER OF: _____ Boxes _____ Pieces _____ Bundles _____ Coils _____ Reels _____ Pallets
 IN THIS SHIPMENT



Graybar-Stafford National Zone

13131 North Promenade Blvd.
Stafford TX 77477 USA



Phone: 925-557-3000
Fax: 925-557-3030

Scheduled Ship Date:10-14-2014
Date Ordered:10-14-2014
Ref. Doc#:0349002533

Customer :0000275841 CONTRA COSTA CNTY D.O.I.T

Date: 10-14-2014

Packing List

Customer PO : 36121 - JAVIER

Tracking # : 1Z1E725W0309285337

Ship To:
CONTRA COSTA CNTY D.O.I.T
30 DOUGLAS DRIVE
MARTINEZ CA 94553

#1

Bill To:
CONTRA COSTA CNTY D.O.I.T
30 DOUGLAS DRIVE
MARTINEZ CA 94553

Delivery # 0863811525

Route:UPS - GROUND

Part and Description	Q u a n t i t y		Backordered	Other Shipments
	Ordered	Shipped		
MAX 760 193 771 360G2-1U-MOD-SD???	2 EA	2 EA		
	Mat#:	25651752		

TOTAL NUMBER OF: _____ Boxes _____ Pieces _____ Bundles _____ Coils _____ Reels _____ Pallets
IN THIS SHIPMENT

REPORT CCWTR038

DEPT OF INFORMATION TECHNOLOGY
CIMS JOB ACCOUNTING SYSTEM
MONTHLY INVOICE REPORT

PAGE 793
12/09/14

ACCOUNT 0300-2580-36121

EST TO ISTL PHN LNS RM 3 - 5555 GIANT HW

RESOURCE	RATE	UNITS	CHARGE
TELEPHONE SPECIALIST	95.000	152.00000	14,440.00 ✓
ADJUSTMENTS 4290	0.000	123.55000	123.55 ✓
* TELEPHONE 4290	0.000	0.00000	14,563.55

AMOUNT DUE ----- \$ ----- 14,563.55

0**

123.55+

87.88-

35.67-

-001

0.00*

REPORT: AC-4 Hours by Resource and Project Date Range: 11/1/2014 - 11/30/2014

Project/Description	Task	Hours	Costs	Description
JDAWS JAVIER DAWSON				
36121 : EST TO ISTL PHN LNS RM 3 - 5555 GIANT HWY BLD4	50	54.00	\$5,130.00	Engineering
Total		54.00	\$5,130.00	
JGUTI JAVIER GUTIERREZ				
36121 : EST TO ISTL PHN LNS RM 3 - 5555 GIANT HWY BLD4	50	35.50	\$3,372.50	Engineering
Total		35.50	\$3,372.50	
RMONT RALPH MONTGOMERY				
36121 : EST TO ISTL PHN LNS RM 3 - 5555 GIANT HWY BLD4	50	62.50	\$5,937.50	Engineering
Total		62.50	\$5,937.50	
REPORT Total		152.00	\$14,440.00	

Remit To:



FILE 57071
LOS ANGELES CA 90074-7071

INVOICE

Invoice Questions Please Call or Email

925-557-3000 or ARQuestions@graybar.com

Invoice No: 975964556
Invoice Date: 11/18/2014
Account Number: 0000275841
Account Name: CONTRA COSTA CNTY
D.O.I.T



Ship to: CONTRA COSTA CNTY D.O.I.T
30 DOUGLAS DRIVE
MARTINEZ CA 94553

Page 1 of 1

Order No: F45869-36121-MANNY							SO#:349404969
Del. Doc. #:	PRO #	Routing	Date Shipped	Shipped From	F.O.B.	Rt. To	
8000375475		PICK-UP	11/18/2014	MARTINEZ, CA	S/P - F/A		
Signed For By: MANNY DAWSON							
Quantity	Catalog # / Description			Unit Price / Unit	Amount		
1	11583-719 CHATSWORTH PRODUCTS INCORPORATED WALL MNT BRKT 2RMU BLACK			81.75 / 1	81.75		

Terms of Payment

1% 15 Days, net 30 Days

As a condition of the sales agreement, a monthly service charge of the lesser of 1-1/2% or the maximum permitted by law may be added to all accounts not paid by net due date. Visa, MasterCard, American Express, and Discover credit cards are accepted at point of purchase only.

Sub Total	81.75
Freight	0.00
Handling	0.00
Tax	6.95
Total Due	88.70
Cash Discount (if paid within terms)	0.82
	87.88

2014 NOV 21 AM 11:50

4290/1335 NO 36/12/

Subject to standard terms and conditions on the reverse side.



MARTINEZ, CA
 1590 SOLANO WAY STE B
 CONCORD CA 94520-5351



Phone: 925-557-3000
 Fax: 925-557-3030

Scheduled Ship Date: 11/18/2014
 Date Ordered: 11/17/2014
 Ref. Doc#: 349404969

Customer : 275841 CONTRA COSTA CNTY D.O.I.T

Packing List

Date: 11/18/2014
 Central Time: 09:53:06

Customer PO : F45869-36121-MANNY

Ship To:
 CONTRA COSTA CNTY D.O.I.T
 30 DOUGLAS DRIVE
 MARTINEZ CA 94553

Bill To:
 CONTRA COSTA CNTY D.O.I.T
 30 DOUGLAS DRIVE
 MARTINEZ CA 94553

Delivery # 8000375475

Signed: _____

Print name: MANNY DAWSON

Route: GRAYBAR COUNTER

Part and Description	Q u a n t i t y			Other Shipments
	Ordered	Shipped	Backordered	
11583-719 WALL MNT BRKT 2RMU BLACK	1 EA Mat#:	1 EA 99546539		

TOTAL NUMBER OF: _____ Boxes _____ Pieces _____ Bundles _____ Coils _____ Reels _____ Pallets
 IN THIS SHIPMENT

Fax Order Form

Cust No	275841	Date	11/21/2014		Blanket / Warrant or P.O.#	
TO:	Greybar			From: Contra Costa County Department of Information Tec. 30 Douglas Dr. Martinez Ca. 94553 (925) 957-7704 Voice (925) 957-7705 Fax		
Job #	36121	Address:	5555 giant hwy			
Parts Discription				QTY	Unit Price	Total
1	LC/SC 10G MM DPLX AQUA 3M			2		
2	WALL MNT BRKT 2RMU BLACK			1		
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
Date _____					Sub Total	
Ordered By <u>Javier Dawson</u>					Freight	
					Tax	
					Total	
COMMENTS:						

Remit To:



FILE 57071
LOS ANGELES CA 90074-7071

INVOICE

Invoice Questions Please Call or Email

925-557-3000 or ARQuestions@graybar.com

Invoice No: 975964555
Invoice Date: 11/18/2014
Account Number: 0000275841
Account Name: CONTRA COSTA CNTY
D.O.I.T



Ship to: CONTRA COSTA CNTY D.O.I.T
30 DOUGLAS DRIVE
MARTINEZ CA 94553

Page 1 of 1

Order No: F45869- 4290 JAVIER						SO#:349390417	
Del. Doc. #:	PRO #	Routing	Date Shipped	Shipped From	F.O.B.	Rt. To	
8000354227		PICK-UP	11/18/2014	MARTINEZ, CA	S/P - F/A		
Signed For By: JAVIER							
Quantity	Catalog # / Description				Unit Price / Unit	Amount	
2	GBLCC-D4-03 ALLEN TEL PRODUCTS INCORPORATED LC/SC 10G MM DPLX AQUA 3M				16.59 / 1	33.18	

Terms of Payment

1% 15 Days, net 30 Days

As a condition of the sales agreement, a monthly service charge of the lesser of 1-1/2% or the maximum permitted by law may be added to all accounts not paid by net due date. Visa, MasterCard, American Express, and Discover credit cards are accepted at point of purchase only.

Sub Total	33.18
Freight	0.00
Handling	0.00
Tax	2.82
Total Due	36.00
Cash Discount (if paid within terms)	0.33-
	35.67

2014 NOV 21 AM 11:50

4290/2335

NO 36121

Subject to standard terms and conditions on the reverse side.



MARTINEZ, CA
 1590 SOLANO WAY STE B
 CONCORD CA 94520-5351



Phone: 925-557-3000
 Fax: 925-557-3030

Scheduled Ship Date: 11/14/2014
 Date Ordered: 11/14/2014
 Ref. Doc#: 349390417

Customer : 275841 CONTRA COSTA CNTY D.O.I.T

Packing List

Date: 11/18/2014
 Central Time: 10:22:41

Customer PO : F45869- ~~45869~~ JAVIER

36121

Ship To:
 CONTRA COSTA CNTY D.O.I.T
 30 DOUGLAS DRIVE
 MARTINEZ CA 94553

Bill To:
 CONTRA COSTA CNTY D.O.I.T
 30 DOUGLAS DRIVE
 MARTINEZ CA 94553

Delivery # 8000354227

Signed: _____

Print name: JAVIER

Route: GRAYBAR COUNTER

Part and Description	Q u a n t i t y			Other Shipments
	Ordered	Shipped	Backordered	
GBLCC-D4-03	2 EA	2 EA		
LC/SC 10G MM DPLX AQUA 3M	Mat#:	25121288		

TOTAL NUMBER OF: _____ Boxes _____ Pieces _____ Bundles _____ Coils _____ Reels _____ Pallets
 IN THIS SHIPMENT

Fax Order Form

Cust No	275841	Date	11/21/2014		Blanket / Warrant or P.O.#	
TO:	Greybar			From: Contra Costa County Department of Information Tec. 30 Douglas Dr. Martinez Ca. 94553 (925) 957-7704 Voice (925) 957-7705 Fax		
Job #	36121	Address:	5555 giant hwy			
Parts Discription				QTY	Unit Price	Total
1	LC/SC 10G MM DPLX AQUA 3M			2		
2	WALL MNT BRKT 2RMU BLACK			1		
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
Date _____					Sub Total	
Ordered By <u>Javier Dawson</u>					Freight	
					Tax	
					Total	
COMMENTS:						

REPORT CCWTR038

DEPT OF INFORMATION TECHNOLOGY
CIMS JOB ACCOUNTING SYSTEM
MONTHLY INVOICE REPORT

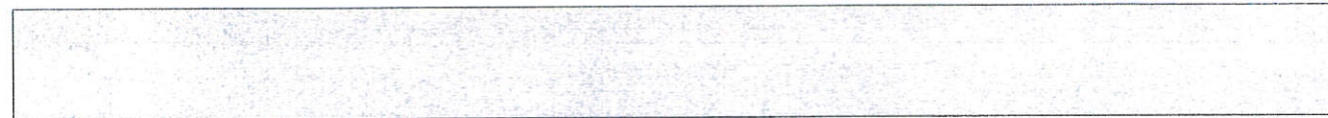
PAGE 792
01/08/15

ACCOUNT 0300-2580-36121

EST TO ISTL PHN LNS RM 3 - 5555 GIANT HW

RESOURCE	RATE	UNITS	CHARGE
TELEPHONE SPECIALIST	95.000	33.00000	3,135.00 ✓
ADJUSTMENTS 4290	0.000	33.25000	33.25 ✓
* TELEPHONE 4290	0.000	0.00000	3,168.25

AMOUNT DUE ----- \$ ----- 3,168.25



REPORT: AC-4 Hours by Resource and Project Date Range: 12/1/2014 - 12/31/2014

Project/ Description	Task	Hours	Costs	Description
JDAWS JAVIER DAWSON				
36121 : EST TO ISTL PHN LNS RM 3 - 5555 GIANT HWY BLD4	50	20.00	\$1,900.00	Engineering
Total		20.00	\$1,900.00	
JGUTI JAVIER GUTIERREZ				
36121 : EST TO ISTL PHN LNS RM 3 - 5555 GIANT HWY BLD4	50	13.00	\$1,235.00	Engineering
Total		13.00	\$1,235.00	
REPORT Total		33.00	\$3,135.00	

Remit To:



FILE 5707
LOS ANGELES CA 90074-7071

INVOICE

Voice Questions Please Call or Email

925-557-3000 or ARQuestions@graybar.com

Invoice No: 976234318
Invoice Date: 12/05/2014
Account Number: 0000275841
Account Name: CONTRA COSTA CNTY
D.O.I.T



Ship to: CONTRA COSTA CNTY D.O.I.T
30 DOUGLAS DRIVE
MARTINEZ CA 94553

Page 1 of 1

Order No: 36121-MANNY				SO#:349540172		
Del. Doc. #:	PRO #	Routing	Date Shipped	Shipped From	F.O.B.	Rt. To
8000628221		PICK-UP	12/05/2014	MARTINEZ, CA	S/P - F/A	

Signed For By: MANNY

Quantity	Catalog # / Description	Unit Price / Unit	Amount
1	12309-702 CHATSWORTH PRODUCTS INCORPORATED 2 RMU 3IN DP RACK CHNL STANDOFF BLK	30.93 / 1	30.93

Terms of Payment

1% 15 Days, net 30 Days

As a condition of the sales agreement, a monthly service charge of the lesser of 1-1/2% or the maximum permitted by law may be added to all accounts not paid by net due date. Visa, MasterCard, American Express, and Discover credit cards are accepted at point of purchase only.

Sub Total	30.93
Freight	0.00
Handling	0.00
Tax	2.63
Total Due	33.56
Cash Discount (if paid within terms)	0.31-

33.25

4290/2132
NO 36121
4290/2132

Subject to standard terms and conditions on the reverse side.



MARTINEZ, CA
 1590 SOLANO WAY STE B
 CONCORD CA 94520-5351



Phone: 925-557-3000
 Fax: 925-557-3030

Scheduled Ship Date: 12/03/2014
 Date Ordered: 12/01/2014
 Ref. Doc#: 349540172

Customer : 275841 CONTRA COSTA CNTY D.O.I.T

Packing List

Date: 12/05/2014
 Central Time: 12:29:03

Customer PO : 36121-MANNY

Ship To:
 CONTRA COSTA CNTY D.O.I.T
 30 DOUGLAS DRIVE
 MARTINEZ CA 94553

Bill To:
 CONTRA COSTA CNTY D.O.I.T
 30 DOUGLAS DRIVE
 MARTINEZ CA 94553

Delivery # 8000628221

Signed: _____

Print name: MANNY

Route: GRAYBAR COUNTER

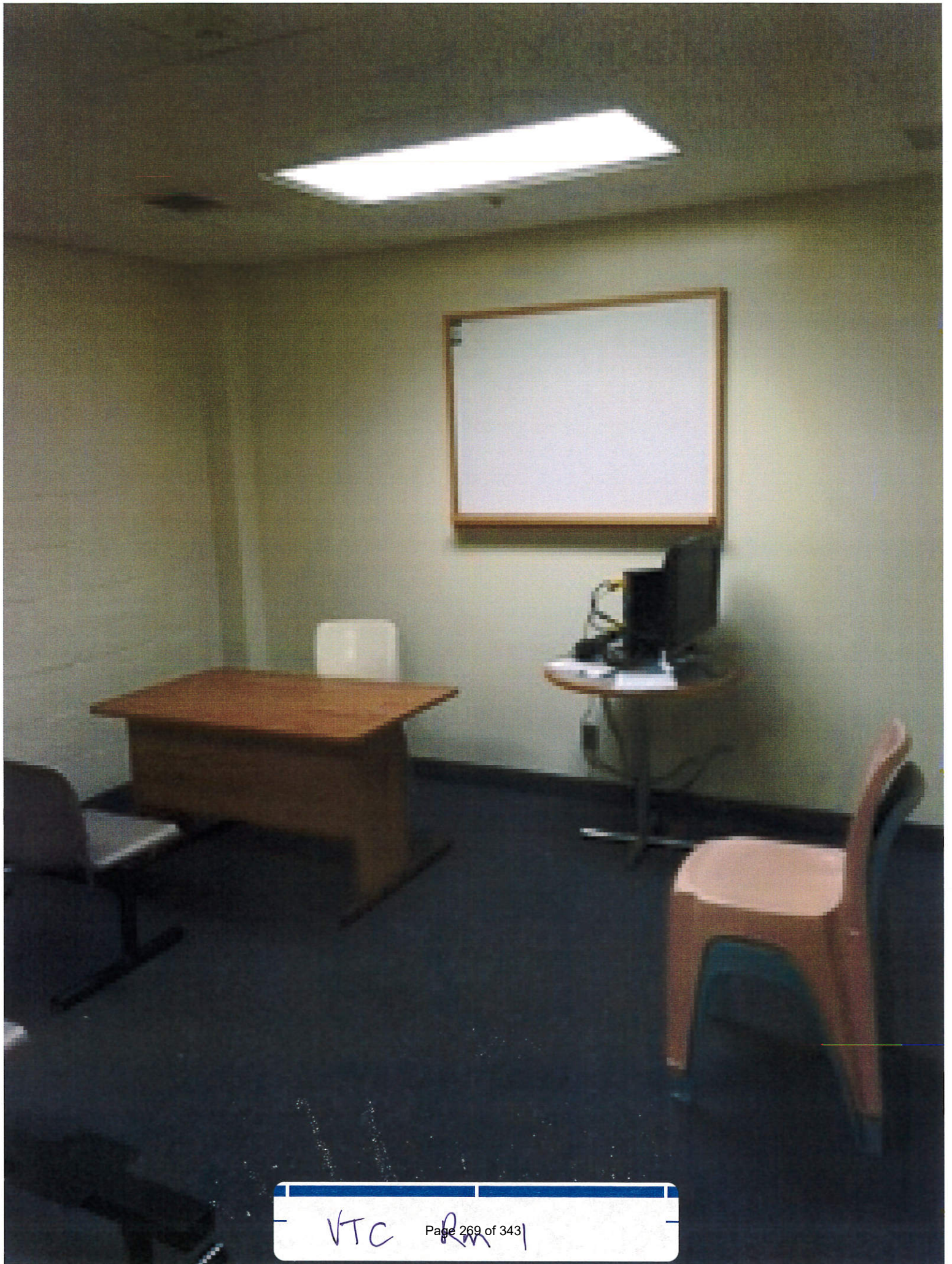
Part and Description	Q u a n t i t y			Other Shipments
	Ordered	Shipped	Backordered	
12309-702	1 EA	1 EA		
2 RMU 3IN DP RACK CHNL STANDOFF BLK	Mat#:	25110360		

TOTAL NUMBER OF: _____ Boxes _____ Pieces _____ Bundles _____ Coils _____ Reels _____ Pallets
 IN THIS SHIPMENT

Fax Order Form

Cust No	275841	Date	12/09/2014		Blanket / Warrant or P.O.#	
TO:	Greybar			From: Contra Costa County Department of Information Tec. 30 Douglas Dr. Martinez Ca. 94553 (925) 957-7704 Voice (925) 957-7705 Fax		
Job #	36121	Address:	5555 giant hwy			
Parts Discription				QTY	Unit Price	Total
1	2 RMU 3IN DP RACK CHNL			1		
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
Date _____					Sub Total	
Ordered By <u>Javier Dawson</u>					Freight	
					Tax	
					Total	
COMMENTS:						

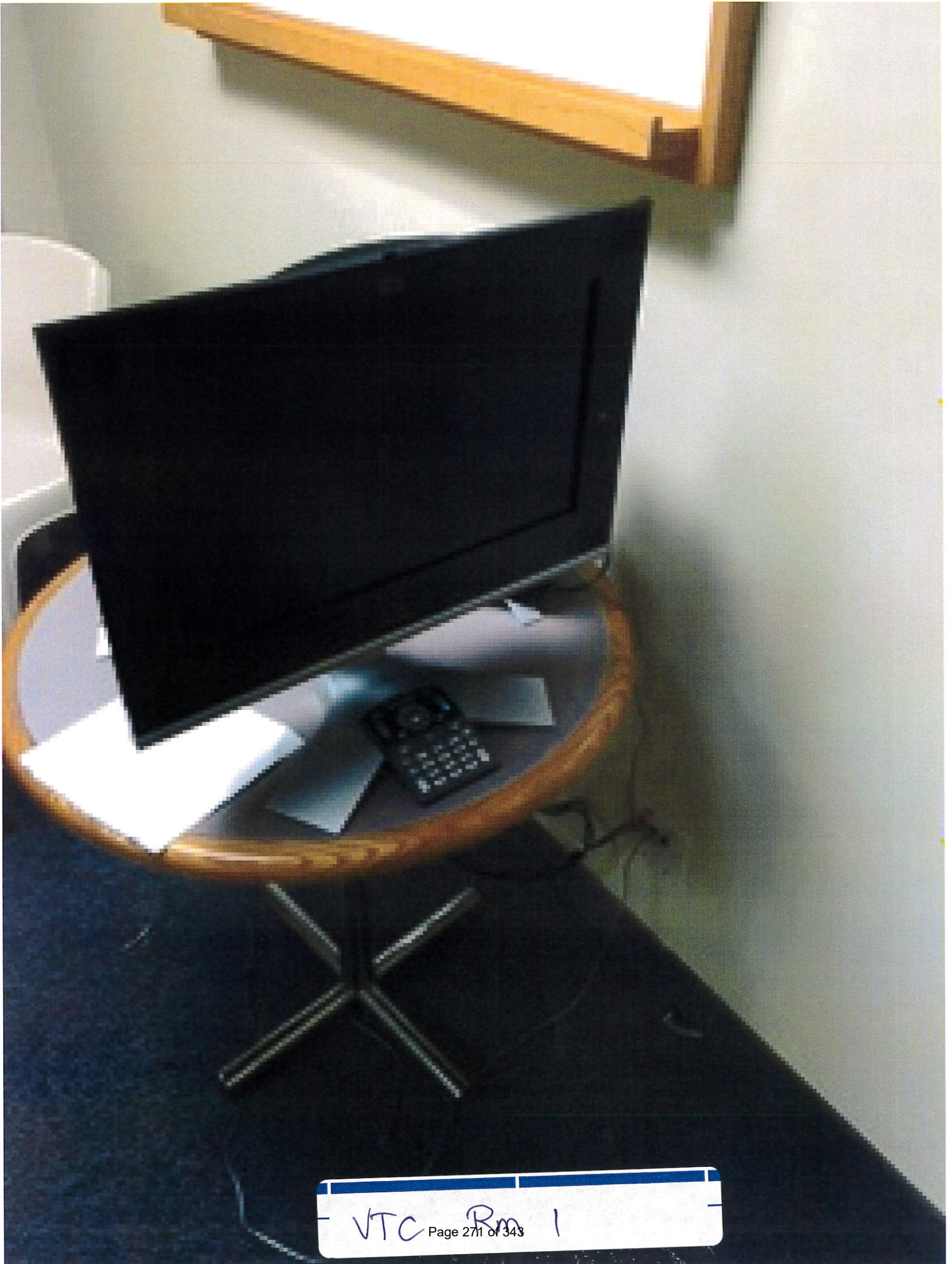
Log 01
 12/17/2014
 12/17/2014



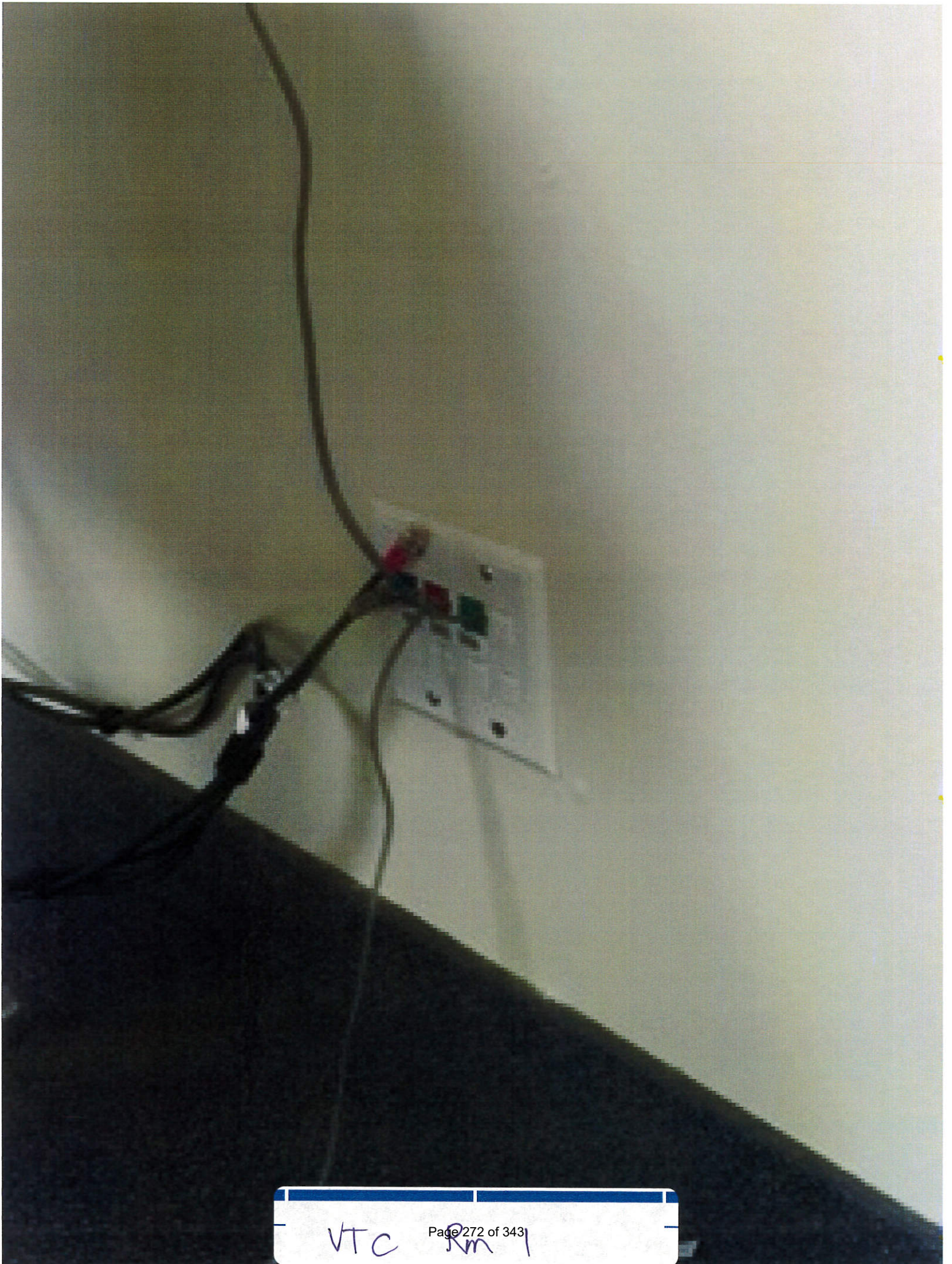
VTC

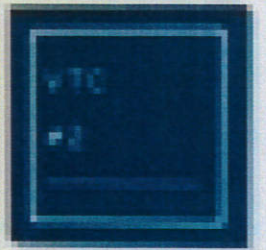
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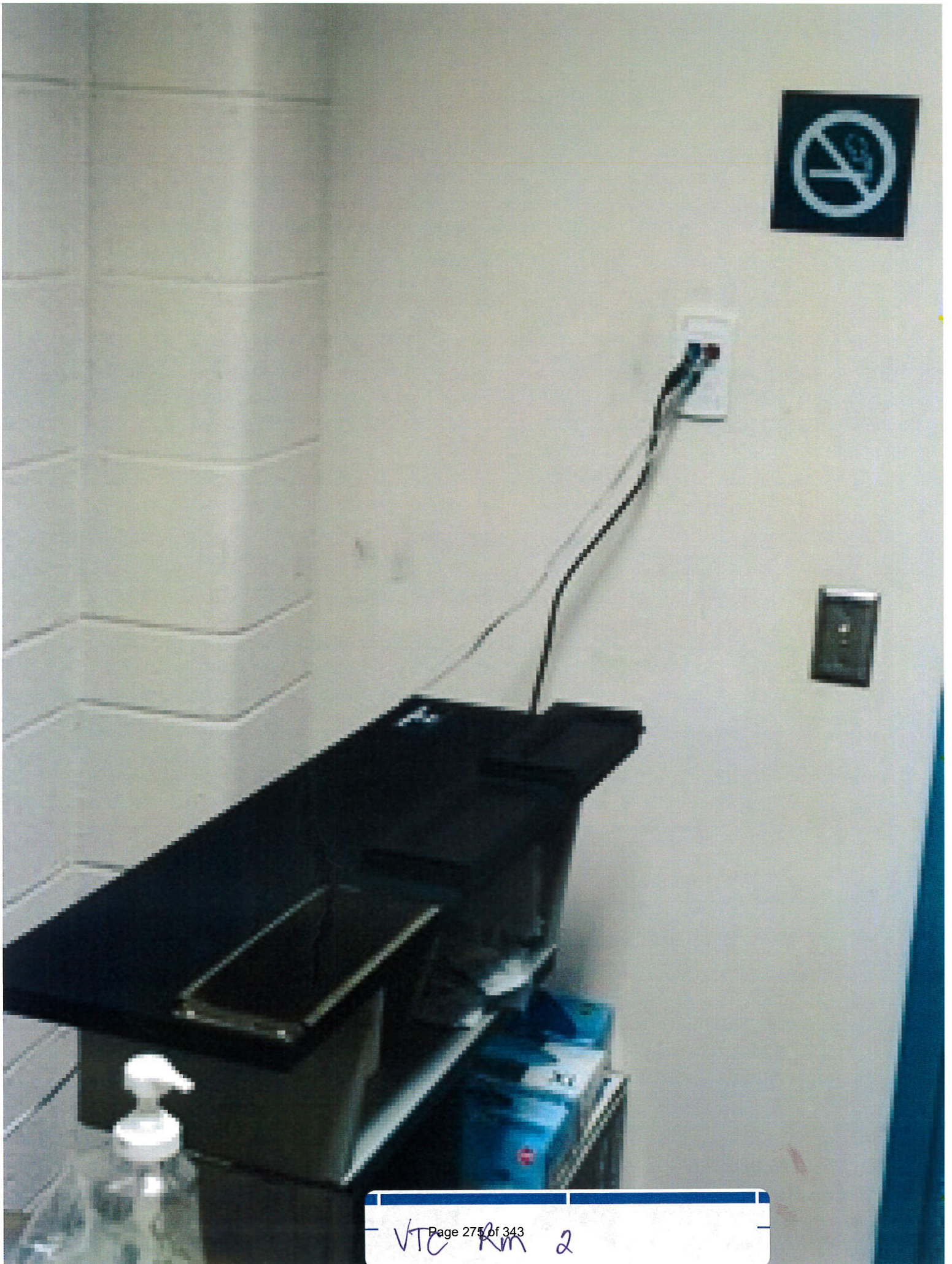
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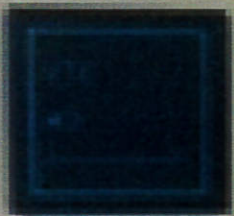


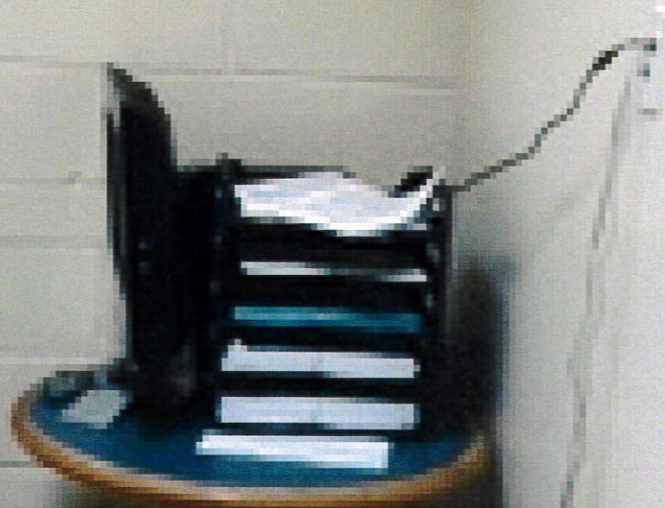


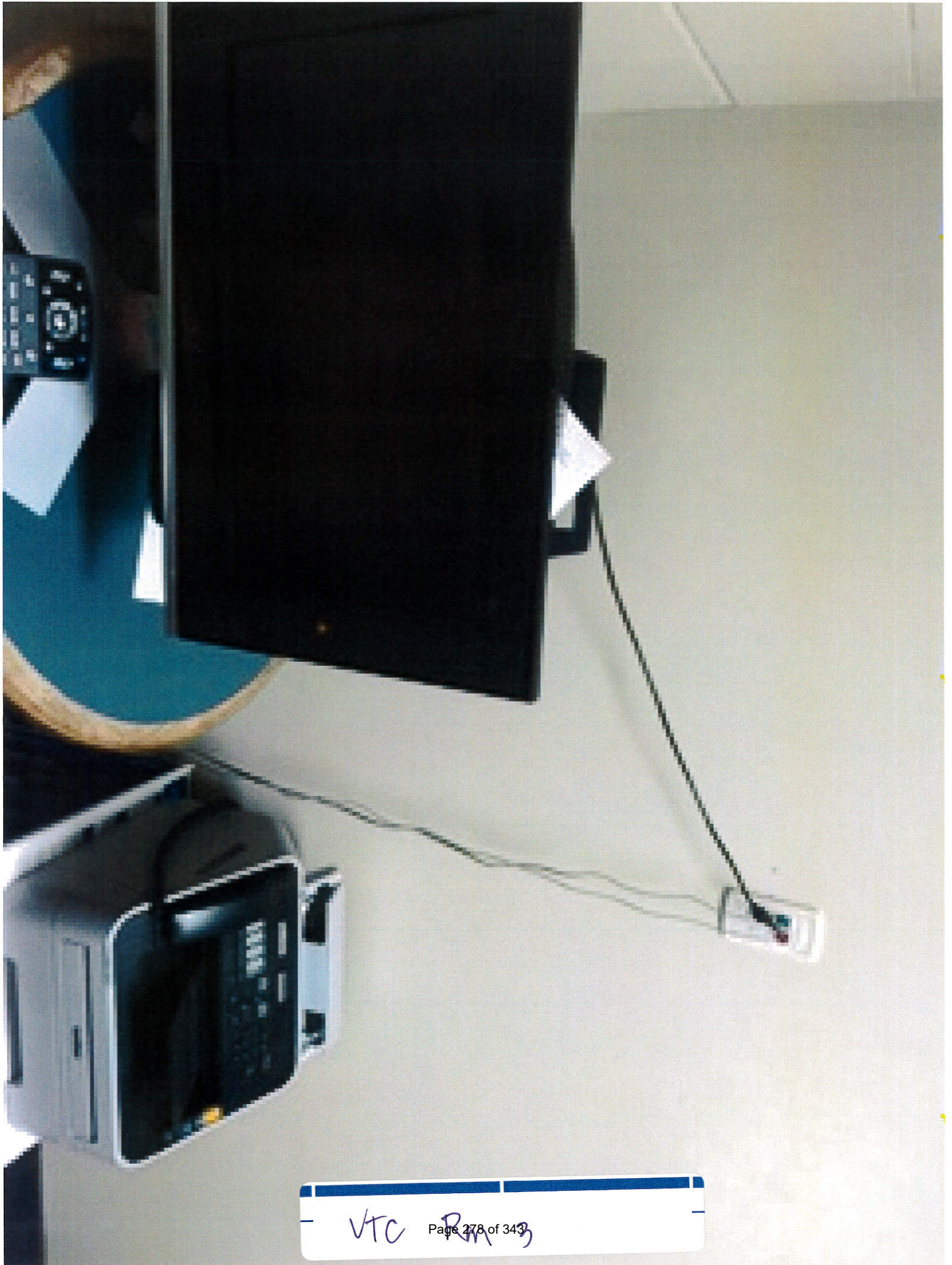
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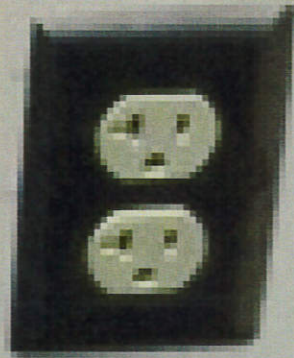
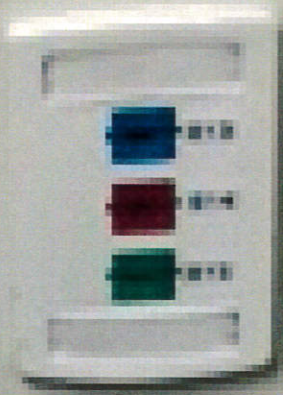








VTC Conference Room



VTC Conference Room



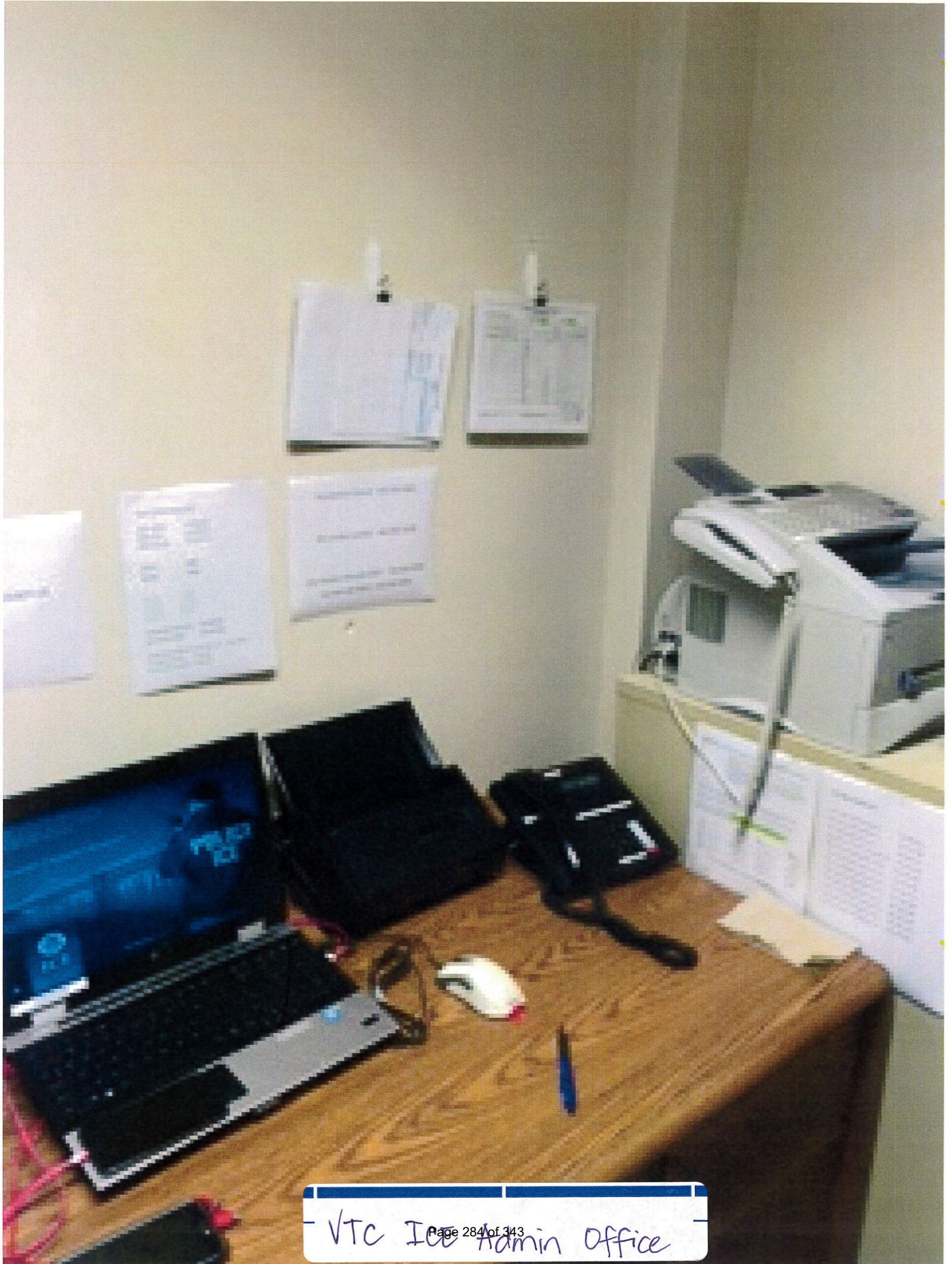
VTC Conference Room



VTC ICE Admin Office



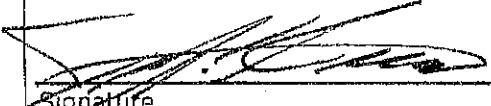

VTC ICE Admin Office



VTC Ice Admin Office

**U. S. Department of Justice
United States Marshals Service**

**Detention Services
Intergovernmental Agreement**

1. Agreement Number 11-09-0024	2. Effective Date See Block 19	3. Facility Code(s) 9BM	4. DUNS Number 00-766-9216
5. Issuing Federal Agency United States Marshals Service Prisoner Operations Division Office of Interagency Agreements Washington, DC 20530-1000		6. Local Government Contra Costa County Martinez Detention Facility 1000 Ward Street Martinez, CA 94553 Tax ID#: 94-6000509	
7. Appropriation Data 15X1020		8. Local Contact Person Elizabeth Arbuckle, Supervising Accountant	
		9. Tel: (925) 335-1601 Email: earbu@so.cccounty.us	
Services		Estimated Number of Federal Beds	Per-Diem Rate
10. This agreement is for the housing, safekeeping, and subsistence of federal prisoners, in accordance with content set forth herein.		11. 25	12. \$85.00
13. Optional Guard/Transportation Services to: <input checked="" type="checkbox"/> Medical Facility <input type="checkbox"/> U.S. Courthouse		14. Guard/Transportation Hourly Rate: \$N/A Mileage shall be reimbursed by the Federal Government at the GSA Federal Travel Regulation Mileage Rate.	
15. Local Government Certification <i>To the best of my knowledge and belief, information submitted in support of this agreement is true and correct, this document has been duly authorized by the body governing the Department or Agency and the Department or Agency will comply with all provisions set forth herein.</i>		16. Signature of Person Authorized to Sign (Local)  Signature Joseph Caruso Print Name Commander Title Aug 12, 2009 Date	
17. Prisoner and Detainee Type Authorized <input checked="" type="checkbox"/> Adult Male <input type="checkbox"/> Adult Female <input type="checkbox"/> Juvenile Male <input type="checkbox"/> Juvenile Female	18. Other Authorized Agency User <input checked="" type="checkbox"/> BOP <input type="checkbox"/> ICE	19. Signature of Person Authorized to Sign (Federal)  Signature Mary Horsey Print Name Grants Specialist Title AUG 17 2009 Date	

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Authority

Pursuant to the authority of Section 119 of the Department of Justice Appropriations Acts of 2001 (Public Law 106-553), this Agreement is entered into between the United States Marshals Service (hereinafter referred to as the "Federal Government") and **Contra Costa County** (hereinafter referred to as the "Local Government"), who hereby agree as follows:

Purpose of Agreement and Security Provided

The Federal Government and the Local Government establish this Agreement that allows the United States Marshals Service (USMS) to house federal detainees with the Local Government at the **Martinez Detention Facility** (hereinafter referred to as "the facility").

The population (hereinafter referred to as "federal detainees") will include individuals charged with federal offenses and detained while awaiting trial, individuals who have been sentenced and are awaiting designation and transport to a Bureau of Prisons (BOP) facility, and individuals who are awaiting a hearing on their immigration status or deportation.

The Local Government shall accept and provide for the secure custody, safekeeping, housing, subsistence and care of federal detainees in accordance with all state and local laws, standards, regulations, policies and court orders applicable to the operation of the facility. Detainees shall also be housed in a manner that is consistent with federal law and the Federal Performance-Based Detention Standards.

The USMS ensures the secure custody, care, and safekeeping of USMS detainees. Accordingly, all housing or work assignments, and recreation or other activities for USMS detainees are permitted only within secure areas of the building or within the secure external recreational/exercise areas.

At all times, the Federal Government shall have access to the facility and to the federal detainees housed there, and to all records pertaining to this Agreement, including financial records, for a period going back three (3) years from the date of request by the Federal Government.

Period of Performance

This Agreement is effective upon the date of signature of both parties, and remains in effect unless terminated by either party with written notice. The Local Government shall provide no less than one-hundred twenty (120) calendar days notice of their Intent to terminate. Where the Local Government has received a Cooperative Agreement Program (CAP) award, the termination provisions of the CAP prevail.

Assignment and Outsourcing of Jail Operations

Overall management and operation of the facility housing federal detainees may not be contracted out without the prior express written consent of the Federal Government.

Medical Services

The Local Government shall provide federal detainees with the full range of medical care **inside** the detention facility. The level of care inside the facility should be the same as that provided to state and local detainees. The Local Government is financially responsible for all medical care provided **inside** the facility to federal detainees. This includes the cost of all medical, dental, and mental health care as well as the cost of medical supplies, over the counter prescriptions and, any prescription medications routinely stocked by the facility which are provided to federal detainees. The cost of all of the above-referenced medical care is covered by the federal per diem rate. However, if dialysis is provided within the facility, the Federal Government will pay for the cost of that service.

The Federal Government is financially responsible for all medical care provided **outside** the facility to federal detainees. The Federal Government must be billed directly by the medical care provider **not** the Local Government. In order to ensure that Medicare rates are properly applied, medical claims for federal detainees must be on Centers for Medicare and Medicaid (CMS) Forms in order to be re-priced at Medicare rates in accordance with Title 18, USC Section 4006. The Local Government is required to immediately forward all medical claims for federal detainees to the Federal Government for processing.

All **outside** medical care provided to federal detainees must be pre-approved by the Federal Government. In the event of an emergency, the Local Government shall proceed immediately with necessary medical treatment. In such an event, the Local Government shall notify the Federal Government immediately regarding the nature of the federal detainee's illness or injury as well as the types of treatment provided.

Medical care for federal detainees shall be provided by the Local Government in accordance with the provisions of USMS, Publication 100-Prisoner Health Care Standards (www.usmarshals.gov/prisoner/standards.htm) and in compliance with USMS Inspection Guidelines, Form USM-218 Detention Facility Investigative Report. The Local Government is responsible for all associated medical recordkeeping.

The facility shall have in place an adequate infectious disease control program which includes testing of all federal detainees for Tuberculosis (TB) as soon as possible after intake (not to exceed 14 days). When Purified Protein Derivative (PPD) skin tests are used, they shall be read between 48 and 72 hours after placement.

TB testing shall be accomplished in accordance with the latest Centers for Disease Control (CDC) Guidelines and the result promptly documented in the federal detainee's

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medical record. Special requests for expedited TB testing and clearance (to include time-sensitive moves) will be accomplished through advance coordination by the Federal Government and Local Government.

The Local Government shall immediately notify the Federal Government of any cases of suspected or active TB or any other highly communicable disease such as Severe Acute Respiratory Syndrome (SARS), Avian Flu, Methicillin-Resistant Staphylococcus Aureus (MRSA), Chicken Pox, etc., which might affect scheduled transports or productions so that protective measures can be taken by the Federal Government.

When a federal detainee is being transferred and/or released from the facility, they will be provided with seven (7) days of prescription medication which will be dispensed from the facility. When possible, generic medications should be prescribed. Medical records must travel with the federal detainee. If the records are maintained at a medical contractor's facility, it is the Local Government's responsibility to obtain them before a federal detainee is moved.

Federal detainees may be charged a medical co-payment by the Local Government in accordance with the provisions of Title 18, USC Section 4013(d). The Federal Government is not responsible for medical co-payments and cannot be billed for these costs even for indigent federal prisoners.

Receiving and Discharge of Federal Detainees

The Local Government agrees to accept federal detainees only upon presentation by a law enforcement officer of the Federal Government with proper agency credentials.

The Local Government shall not relocate a federal detainee from one facility under its control to another facility not described in this Agreement without permission of the Federal Government.

The Local Government agrees to release federal detainees only to law enforcement officers of the Federal Government agency initially committing the federal detainee (i.e., Drug Enforcement Administration, Immigration and Customs Enforcement, etc.) or to a Deputy United States Marshal (DUSM). Those federal detainees who are remanded to custody by a DUSM may only be released to a DUSM or an agent specified by the DUSM of the Judicial District.

USMS federal detainees sought for a state or local court proceeding must be acquired through a Writ of Habeas Corpus or the Interstate Agreement on Detainers and then only with the concurrence of the district United States Marshal (USM).

Optional Guard/Transportation Services to Medical Facility

If Medical Facility in block 13 on page one (1) of this Agreement is checked, the Local Government agrees, subject to the availability of its personnel, to provide transportation and escort guard services for federal detainees housed at their facility to and from a medical facility for outpatient care, and transportation and stationary guard services for federal detainees admitted to a medical facility.

These services should be performed by at least two (2) armed qualified law enforcement or correctional officer personnel. If the Local Government is unable to meet this requirement, the Local Government may seek a waiver of this requirement from the local USM.

The Local Government agrees to augment this security escort if requested by the USM to enhance specific requirement for security, prisoner monitoring, visitation, and contraband control.

If an hourly rate for these services has been agreed upon to reimburse the Local Government, it will be stipulated on page one (1) of this Agreement. Mileage shall be reimbursed in accordance with the current GSA mileage rate.

Optional Guard/Transportation Services to U.S. Courthouse

If U.S. Courthouse in block 13 on page one (1) of this Agreement is checked, the Local Government agrees, subject to the availability of its personnel, to provide transportation and escort guard services for federal detainees housed at its facility to and from the U.S. Courthouse.

These services should be performed by at least two (2) armed qualified law enforcement or correctional officer personnel. If the Local Government is unable to meet this requirement, the Local Government may seek a waiver of this requirement from the local U.S. Marshal.

The Local Government agrees to augment this security escort if requested by the USM to enhance specific requirements for security, detainee monitoring, and contraband control.

Upon arrival at the courthouse, the Local Government's transportation and escort guards will turn federal detainees over to a DUSM only upon presentation by the deputy of proper law enforcement credentials.

The Local Government will not transport federal detainees to any U.S. Courthouse without a specific request from the USM who will provide the detainee's name, the U.S. Courthouse, and the date the detainee is to be transported.

Each detainee will be restrained in handcuffs, waist chains, and leg irons during transportation.

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If an hourly rate for these services has been agreed upon to reimburse the Local Government, it will be stipulated on page one (1) of this Agreement. Mileage shall be reimbursed in accordance with the current GSA mileage rate.

Special Notifications

The Local Government shall notify the Federal Government of any activity by a federal detainee which would likely result in litigation or alleged criminal activity.

The Local Government shall immediately notify the Federal Government of an escape of a federal detainee. The Local Government shall use all reasonable means to apprehend the escaped federal detainee and all reasonable costs in connection therewith shall be borne by the Local Government. The Federal Government shall have primary responsibility and authority to direct the pursuit and capture of such escaped federal detainees. Additionally, the Local Government shall notify the Federal Government as soon as possible when a federal detainee is involved in an attempted escape or conspiracy to escape from the facility.

In the event of the death or assault of a federal detainee, the Local Government shall immediately notify the Federal Government.

Prisoner Rape Elimination Act (PREA)

The facility is requested to post the Prisoner Rape Elimination Act brochure/bulletin in each housing unit of the facility. All detainees have a right to be safe and free from sexual harassment and sexual assaults. (See Attached)

Service Contract Act

This Agreement incorporates the following clause by reference, with the same force and effect as if it was given in full text. Upon request, the full text will be made available. The full text of this provision may be accessed electronically at this address: www.arnet.gov.

Federal Acquisition Regulation Clause(s):

52.222-41 Service Contract Act of 1965, as Amended (July 2005)

52.222-42 Statement of Equivalent Rates for Federal Hires (May 1989)

52.222-43 Fair Labor Standards Act and the Service Contract Act – Price Adjustment (Multiyear and Option Contracts) (May 1989)

The current Local Government wage rates shall be the prevailing wages unless notified by the Federal Government.

Per-Diem Rate

The Federal Government will use various price analysis techniques and procedures to ensure the per-diem rate established by this Agreement is considered a fair and reasonable price. Examples of such techniques include, but are not limited to, the following:

1. Comparison of the requested per-diem rate with the independent government estimate for detention services, otherwise known as the Core Rate;
2. Comparison with per-diem rates at other state or local facilities of similar size and economic conditions;
3. Comparison of previously proposed prices and previous Federal Government and commercial contract prices with current proposed prices for the same or similar items;
4. Evaluation of the provided jail operating expense information;

The firm-fixed per-diem rate for services is **\$85.00**, and shall not be subject to adjustment on the basis of **Contra Costa COUNTY** actual cost experience in providing the service. **The per-diem rate shall be fixed for a period from the effective date of the Agreement forward for thirty-six (36) months.** The per-diem rate covers the support of one (1) federal detainee per "federal detainee day", which shall include the day of arrival, but not the day of departure.

After thirty-six (36) months, if a rate adjustment is desired, the Local Government shall submit a request through the Electronic Intergovernmental Agreements area of the Detention Services Network (DSNetwork). All information pertaining to the jail on the DSNetwork will be required before a new per-diem rate can be considered.

Billing and Financial Provisions

The Local Government shall prepare and submit for certification and payment, original and separate invoices each month to each Federal Government component responsible for federal detainees housed at the facility.

Addresses for the components are:

**United States Marshals Service
Northern District of California
U.S. Courthouse/Philip Burton Bldg.
450 Golden Gate Avenue
San Francisco, CA 94102
(415) 436-7677**

Agreement Number 11-09-0024

**Bureau of Prisons
Community Corrections Office
501 I Street, Suite 9-400
Sacramento, CA 95814
(916) 930-2010**

To constitute a proper monthly invoice, the name and address of the facility, the name of each federal detainee, their specific dates of confinement, the total days to be paid, the appropriate per-diem rate as approved in the Agreement, and the total amount billed (total days multiplied by the per-diem rate per day) shall be listed, along with the name, title, complete address and telephone number of the Local Government official responsible for invoice preparation.

Nothing contained herein shall be construed to obligate the Federal Government to any expenditure or obligation of funds in excess of, or in advance of, appropriations in accordance with the Anti-Deficiency Act, 31 U.S.C. 1341.

Payment Procedures

The Federal Government will make payments to the Local Government on a monthly basis, promptly after receipt of an appropriate invoice. The Local Government shall provide a remittance address below:

**Contra Costa County
1000 Ward Street
Martinez, CA 94553**

Modifications and Disputes

Either party may initiate a request for modification to this Agreement in writing. All modifications negotiated will be effective only upon written approval of both parties.

Disputes, questions, or concerns pertaining to this Agreement will be resolved between appropriate officials of each party. Both parties agree they will use their best efforts to resolve the dispute in an informal fashion through consultation and communication, or other forms of non-binding alternative dispute resolution mutually acceptable to the parties.

Inspection of Services

The Local Government agrees to allow periodic inspections of the facility by Federal Government inspectors. Findings of the inspection will be shared with the facility administrator to promote improvements to facility operations, conditions of confinement, and levels of services.

Agreement Number 11-09-0024

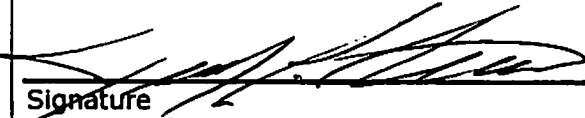
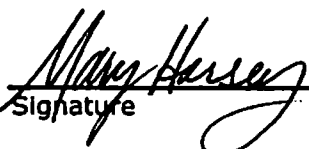
Litigation

The Federal Government shall be notified, in writing, of all litigation pertaining to this Agreement and be provided copies of any pleadings filed or said litigation within five (5) working days of the filing.

The Local Government shall cooperate with the Federal Government legal staff and/or the United States Attorney regarding any requests pertaining to Federal Government or Local Government litigation.

**U. S. Department of Justice
United States Marshals Service**

**Detention Services
Intergovernmental Agreement**

1. Agreement Number 11-09-0034	2. Effective Date See Block 19	3. Facility Code(s) 9MJ	4. DUNS Number 00-766-9216
5. Issuing Federal Agency United States Marshals Service Prisoner Operations Division Office of Interagency Agreements Washington, DC 20530-1000		6. Local Government Contra Costa County West County Detention Facility 5555 Giant Highway Richmond, CA 94806 Tax ID#: 94-6000509	
7. Appropriation Data 15X1020		8. Local Contact Person Elizabeth Arbuckle, Supervising Accountant	
		9. Tel: (925) 335-1601 Email: earbu@so.cccounty.us	
Services		Estimated Number of Federal Beds	Per-Diem Rate
10. This agreement is for the housing, safekeeping, and subsistence of federal prisoners, in accordance with content set forth herein.		11. Adult Male: 50 Adult Female: 25	12. \$82.00
13. Optional Guard/Transportation Services to: <input checked="" type="checkbox"/> Medical Facility <input type="checkbox"/> U.S. Courthouse		14. Guard/Transportation Hourly Rate: \$N/A Mileage shall be reimbursed by the Federal Government at the GSA Federal Travel Regulation Mileage Rate.	
15. Local Government Certification <i>To the best of my knowledge and belief, information submitted in support of this agreement is true and correct, this document has been duly authorized by the body governing the Department or Agency and the Department or Agency will comply with all provisions set forth herein.</i>		16. Signature of Person Authorized to Sign (Local)  Signature Joseph Caruso Print Name Commander Title Sept 1 2009 Date	
17. Prisoner and Detainee Type Authorized <input checked="" type="checkbox"/> Adult Male <input checked="" type="checkbox"/> Adult Female <input type="checkbox"/> Juvenile Male <input type="checkbox"/> Juvenile Female	18. Other Authorized Agency User <input type="checkbox"/> BOP <input type="checkbox"/> ICE	19. Signature of Person Authorized to Sign (Federal)  Signature Mary Horsey Print Name Grants Specialist Title SEP 21 2009 Date	

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Authority

Pursuant to the authority of Section 119 of the Department of Justice Appropriations Acts of 2001 (Public Law 106-553), this Agreement is entered into between the United States Marshals Service (hereinafter referred to as the "Federal Government") and **Contra Costa County** (hereinafter referred to as the "Local Government"), who hereby agree as follows:

Purpose of Agreement and Security Provided

The Federal Government and the Local Government establish this Agreement that allows the United States Marshals Service (USMS) to house federal detainees with the Local Government at the **West County Detention Center** (hereinafter referred to as "the facility").

The population (hereinafter referred to as "federal detainees") will include individuals charged with federal offenses and detained while awaiting trial, individuals who have been sentenced and are awaiting designation and transport to a Bureau of Prisons (BOP) facility, and individuals who are awaiting a hearing on their immigration status or deportation.

The Local Government shall accept and provide for the secure custody, safekeeping, housing, subsistence and care of federal detainees in accordance with all state and local laws, standards, regulations, policies and court orders applicable to the operation of the facility. Detainees shall also be housed in a manner that is consistent with federal law and the Federal Performance-Based Detention Standards.

The USMS ensures the secure custody, care, and safekeeping of USMS detainees. Accordingly, all housing or work assignments, and recreation or other activities for USMS detainees are permitted only within secure areas of the building or within the secure external recreational/exercise areas.

At all times, the Federal Government shall have access to the facility and to the federal detainees housed there, and to all records pertaining to this Agreement, including financial records, for a period going back three (3) years from the date of request by the Federal Government.

Period of Performance

This Agreement is effective upon the date of signature of both parties, and remains in effect unless terminated by either party with written notice. The Local Government shall provide no less than one-hundred twenty (120) calendar days notice of their intent to terminate. Where the Local Government has received a Cooperative Agreement Program (CAP) award, the termination provisions of the CAP prevail.

Assignment and Outsourcing of Jail Operations

Overall management and operation of the facility housing federal detainees may not be contracted out without the prior express written consent of the Federal Government.

Medical Services

The Local Government shall provide federal detainees with the full range of medical care **inside** the detention facility. The level of care inside the facility should be the same as that provided to state and local detainees. The Local Government is financially responsible for all medical care provided **inside** the facility to federal detainees. This includes the cost of all medical, dental, and mental health care as well as the cost of medical supplies, over the counter prescriptions and, any prescription medications routinely stocked by the facility which are provided to federal detainees. The cost of all of the above-referenced medical care is covered by the federal per diem rate. However, if dialysis is provided within the facility, the Federal Government will pay for the cost of that service.

The Federal Government is financially responsible for all medical care provided **outside** the facility to federal detainees. The Federal Government must be billed directly by the medical care provider **not** the Local Government. In order to ensure that Medicare rates are properly applied, medical claims for federal detainees must be on Centers for Medicare and Medicaid (CMS) Forms in order to be re-priced at Medicare rates in accordance with Title 18, USC Section 4006. The Local Government is required to immediately forward all medical claims for federal detainees to the Federal Government for processing.

All **outside** medical care provided to federal detainees must be pre-approved by the Federal Government. In the event of an emergency, the Local Government shall proceed immediately with necessary medical treatment. In such an event, the Local Government shall notify the Federal Government immediately regarding the nature of the federal detainee's illness or injury as well as the types of treatment provided.

Medical care for federal detainees shall be provided by the Local Government in accordance with the provisions of USMS, Publication 100-Prisoner Health Care Standards (www.usmarshals.gov/prisoner/standards.htm) and in compliance with USMS Inspection Guidelines, Form USM-218 Detention Facility Investigative Report. The Local Government is responsible for all associated medical recordkeeping.

The facility shall have in place an adequate infectious disease control program which includes testing of all federal detainees for Tuberculosis (TB) as soon as possible after intake (not to exceed 14 days). When Purified Protein Derivative (PPD) skin tests are used, they shall be read between 48 and 72 hours after placement.

TB testing shall be accomplished in accordance with the latest Centers for Disease Control (CDC) Guidelines and the result promptly documented in the federal detainee's

medical record. Special requests for expedited TB testing and clearance (to include time-sensitive moves) will be accomplished through advance coordination by the Federal Government and Local Government.

The Local Government shall immediately notify the Federal Government of any cases of suspected or active TB or any other highly communicable disease such as Severe Acute Respiratory Syndrome (SARS), Avian Flu, Methicillin-Resistant Staphylococcus Aureus (MRSA), Chicken Pox, etc., which might affect scheduled transports or productions so that protective measures can be taken by the Federal Government.

When a federal detainee is being transferred and/or released from the facility, they will be provided with seven (7) days of prescription medication which will be dispensed from the facility. When possible, generic medications should be prescribed. Medical records must travel with the federal detainee. If the records are maintained at a medical contractor's facility, it is the Local Government's responsibility to obtain them before a federal detainee is moved.

Federal detainees may be charged a medical co-payment by the Local Government in accordance with the provisions of Title 18, USC Section 4013(d). The Federal Government is not responsible for medical co-payments and cannot be billed for these costs even for indigent federal prisoners.

Receiving and Discharge of Federal Detainees

The Local Government agrees to accept federal detainees only upon presentation by a law enforcement officer of the Federal Government with proper agency credentials.

The Local Government shall not relocate a federal detainee from one facility under its control to another facility not described in this Agreement without permission of the Federal Government.

The Local Government agrees to release federal detainees only to law enforcement officers of the Federal Government agency initially committing the federal detainee (i.e., Drug Enforcement Administration, Immigration and Customs Enforcement, etc.) or to a Deputy United States Marshal (DUSM). Those federal detainees who are remanded to custody by a DUSM may only be released to a DUSM or an agent specified by the DUSM of the Judicial District.

USMS federal detainees sought for a state or local court proceeding must be acquired through a Writ of Habeas Corpus or the Interstate Agreement on Detainers and then only with the concurrence of the district United States Marshal (USM).

Optional Guard/Transportation Services to Medical Facility

If Medical Facility in block 13 on page one (1) of this Agreement is checked, the Local Government agrees, subject to the availability of its personnel, to provide transportation and escort guard services for federal detainees housed at their facility to and from a medical facility for outpatient care, and transportation and stationary guard services for federal detainees admitted to a medical facility.

These services should be performed by at least two (2) armed qualified law enforcement or correctional officer personnel. If the Local Government is unable to meet this requirement, the Local Government may seek a waiver of this requirement from the local USM.

The Local Government agrees to augment this security escort if requested by the USM to enhance specific requirement for security, prisoner monitoring, visitation, and contraband control.

If an hourly rate for these services has been agreed upon to reimburse the Local Government, it will be stipulated on page one (1) of this Agreement. Mileage shall be reimbursed in accordance with the current GSA mileage rate.

Optional Guard/Transportation Services to U.S. Courthouse

If U.S. Courthouse in block 13 on page one (1) of this Agreement is checked, the Local Government agrees, subject to the availability of its personnel, to provide transportation and escort guard services for federal detainees housed at its facility to and from the U.S. Courthouse.

These services should be performed by at least two (2) armed qualified law enforcement or correctional officer personnel. If the Local Government is unable to meet this requirement, the Local Government may seek a waiver of this requirement from the local U.S. Marshal.

The Local Government agrees to augment this security escort if requested by the USM to enhance specific requirements for security, detainee monitoring, and contraband control.

Upon arrival at the courthouse, the Local Government's transportation and escort guards will turn federal detainees over to a DUSM only upon presentation by the deputy of proper law enforcement credentials.

The Local Government will not transport federal detainees to any U.S. Courthouse without a specific request from the USM who will provide the detainee's name, the U.S. Courthouse, and the date the detainee is to be transported.

Each detainee will be restrained in handcuffs, waist chains, and leg irons during transportation.

If an hourly rate for these services has been agreed upon to reimburse the Local Government, it will be stipulated on page one (1) of this Agreement. Mileage shall be reimbursed in accordance with the current GSA mileage rate.

Special Notifications

The Local Government shall notify the Federal Government of any activity by a federal detainee which would likely result in litigation or alleged criminal activity.

The Local Government shall immediately notify the Federal Government of an escape of a federal detainee. The Local Government shall use all reasonable means to apprehend the escaped federal detainee and all reasonable costs in connection therewith shall be borne by the Local Government. The Federal Government shall have primary responsibility and authority to direct the pursuit and capture of such escaped federal detainees. Additionally, the Local Government shall notify the Federal Government as soon as possible when a federal detainee is involved in an attempted escape or conspiracy to escape from the facility.

In the event of the death or assault of a federal detainee, the Local Government shall immediately notify the Federal Government.

Prisoner Rape Elimination Act (PREA)

The facility is requested to post the Prisoner Rape Elimination Act brochure/bulletin in each housing unit of the facility. All detainees have a right to be safe and free from sexual harassment and sexual assaults. (See Attached)

Service Contract Act

This Agreement incorporates the following clause by reference, with the same force and effect as if it was given in full text. Upon request, the full text will be made available. The full text of this provision may be accessed electronically at this address: www.arnet.gov.

Federal Acquisition Regulation Clause(s):

52.222-41 Service Contract Act of 1965, as Amended (July 2005)

52.222-42 Statement of Equivalent Rates for Federal Hires (May 1989)

52.222-43 Fair Labor Standards Act and the Service Contract Act – Price Adjustment (Multiyear and Option Contracts) (May 1989)

The current Local Government wage rates shall be the prevailing wages unless notified by the Federal Government.

Per-Diem Rate

The Federal Government will use various price analysis techniques and procedures to ensure the per-diem rate established by this Agreement is considered a fair and reasonable price. Examples of such techniques include, but are not limited to, the following:

1. Comparison of the requested per-diem rate with the independent government estimate for detention services, otherwise known as the Core Rate;
2. Comparison with per-diem rates at other state or local facilities of similar size and economic conditions;
3. Comparison of previously proposed prices and previous Federal Government and commercial contract prices with current proposed prices for the same or similar items;
4. Evaluation of the provided jail operating expense information;

The firm-fixed per-diem rate for services is **\$82.00**, and shall not be subject to adjustment on the basis of **Contra Costa County** actual cost experience in providing the service. **The per-diem rate shall be fixed for a period from the effective date of the Agreement forward for thirty-six (36) months.** The per-diem rate covers the support of one (1) federal detainee per "federal detainee day", which shall include the day of arrival, but not the day of departure.

After thirty-six (36) months, if a rate adjustment is desired, the Local Government shall submit a request through the Electronic Intergovernmental Agreements area of the Detention Services Network (DSNetwork). All information pertaining to the jail on the DSNetwork will be required before a new per-diem rate can be considered.

Billing and Financial Provisions

The Local Government shall prepare and submit for certification and payment, original and separate invoices each month to each Federal Government component responsible for federal detainees housed at the facility.

Addresses for the components are:

**United States Marshals Service
Northern District of California
U.S. Courthouse/Philip Burton Bldg.
450 Golden Gate Avenue, Room 20-6888
San Francisco, CA 94102
(415) 436-7677**

To constitute a proper monthly invoice, the name and address of the facility, the name of each federal detainee, their specific dates of confinement, the total days to be paid, the appropriate per-diem rate as approved in the Agreement, and the total amount billed (total days multiplied by the per-diem rate per day) shall be listed, along with the name, title, complete address and telephone number of the Local Government official responsible for invoice preparation.

Nothing contained herein shall be construed to obligate the Federal Government to any expenditure or obligation of funds in excess of, or in advance of, appropriations in accordance with the Anti-Deficiency Act, 31 U.S.C. 1341.

Payment Procedures

The Federal Government will make payments to the Local Government on a monthly basis, promptly after receipt of an appropriate invoice. The Local Government shall provide a remittance address below:

**Contra Costa County
5555 Giant Highway
Richmond, CA 94806**

Modifications and Disputes

Either party may initiate a request for modification to this Agreement in writing. All modifications negotiated will be effective only upon written approval of both parties.

Disputes, questions, or concerns pertaining to this Agreement will be resolved between appropriate officials of each party. Both parties agree they will use their best efforts to resolve the dispute in an informal fashion through consultation and communication, or other forms of non-binding alternative dispute resolution mutually acceptable to the parties.

Inspection of Services

The Local Government agrees to allow periodic inspections of the facility by Federal Government inspectors. Findings of the inspection will be shared with the facility administrator to promote improvements to facility operations, conditions of confinement, and levels of services.

Litigation

The Federal Government shall be notified, in writing, of all litigation pertaining to this Agreement and be provided copies of any pleadings filed or said litigation within five (5) working days of the filing.

Agreement Number 11-09-0034

The Local Government shall cooperate with the Federal Government legal staff and/or the United States Attorney regarding any requests pertaining to Federal Government or Local Government litigation.

Prisoner Rape Elimination Act Reporting Information

SEXUAL ASSAULT AWARENESS

This document is requested to be posted in each Housing Unit Bulletin Board at all Contract Detention Facilities. This document may be used and adapted by Intergovernmental Service Agreement Providers.

While detained by the Department of Justice, United States Marshals Service, you have a right to be safe and free from sexual harassment and sexual assaults.

Definitions

A. Detainee-on-Detainee Sexual Abuse/Assault

One or more detainees engaging in or attempting to engage in a sexual act with another detainee or the use of **threats, intimidation, inappropriate touching** or other actions and/or communications by one or more detainees aimed at **coercing and/or pressuring** another detainee to engage in a sexual act.

B. Staff-on-Detainee Sexual Abuse/Assault

Staff member engaging in, or attempting to engage in a sexual act with any detainee or the intentional touching of a detainee's genitalia, anus, groin, breast, inner thigh, or buttocks with the intent to abuse, humiliate, harass, degrade, arouse, or gratify the sexual desires of any person. **Sexual abuse/assault of detainees by staff or other detainees is an inappropriate use of power and is prohibited by DOJ policy and the law.**

C. Staff Sexual Misconduct is:

Sexual behavior between a staff member and detainee which can include, but is not limited to indecent, profane or abusive language or gestures and inappropriate visual surveillance of detainees.

Prohibited Acts

A detainee, who engages in inappropriate sexual behavior with or directs it at others, can be charged with the following Prohibited Acts under the Detainee Disciplinary Policy.

- **Using Abusive or Obscene Language**
- **Sexual Assault**
- **Making a Sexual Proposal**
- **Indecent Exposure**
- **Engaging in Sex Act**

Detention as a Safe Environment

While you are detained, no one has the right to pressure you to engage in sexual acts or engage in unwanted sexual behavior regardless of your age, size, race, or ethnicity. Regardless of your sexual orientation, you have the right to be safe from unwanted sexual advances and acts.

Confidentiality

Information concerning the identity of a detainee victim reporting a sexual assault, and the facts of the report itself, shall be limited to those who have the need to know in order to make decisions concerning the detainee-victim's welfare and for law enforcement investigative purposes.

Report All Assaults!

If you become a victim of a sexual assault, you should report it immediately to any staff person you trust, to include housing officers, chaplains,

medical staff, supervisors or Deputy U.S. Marshals. Staff members keep the reported information confidential and only discuss it with the appropriate officials on a need to know basis. If you are not comfortable reporting the assault to staff, you have other options:

- Write a letter reporting the sexual misconduct to the person in charge or the United States Marshal. To ensure confidentiality, use special (Legal) mail procedures.
- File an Emergency Detainee Grievance - If you decide your complaint is too sensitive to file with the Officer in Charge, you can file your Grievance directly with the Field Office Director. You can get the forms from your housing unit officer, or a facility supervisor.
- Write to the Office of Inspector General (OIG), which investigates allegations of staff misconduct. The address is: Office of Inspector General, U.S. Department of Justice, 950 Pennsylvania Ave. Room 4706, Washington, DC. 20530
- Call, **at no expense to you**, the Office of Inspector General (OIG). The phone number is 1-800-869-4499.

Individuals who sexually abuse or assault detainees can only be disciplined or prosecuted if the abuse is reported.

A publication of the Office of the Federal Detention Trustee
Washington, DC

QuickTime™ and a decompressor are needed to see this picture

Published February 2008

Immigration

428.1 DEFINITIONS

1. **Individual** – An “individual” is any person with whom the Probation Department interacts or otherwise encounters while in performance of the authorized functions of the Department, including, but not limited to, adults or juveniles under the Department’s supervision, juveniles in the custody of the Department, victims, witnesses, and those defendants in the criminal courts for whom the Department prepares reports.
2. **ICE** – “ICE” is the United States Immigration and Customs Enforcement.
3. **Probation ICE Liaison** – The “Probation ICE Liaison” is the Probation Manager designated by the Chief Probation Officer as the person responsible for communicating with ICE on matters pertaining to immigration. The Chief Probation Officer will inform staff of who she/he has designated as the Probation ICE Liaison.

428.2 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to Contra Costa County Probation staff concerning cooperation with ICE on matters involving the immigration status of individuals.

428.3 POLICY

Contra Costa County is committed to treating everyone fairly, without regard to immigration status. The County also has an obligation to follow state and federal law including, but not limited to, 8 U.S.C. Section 1373. It is the policy of this Department not to inquire into or report the immigration status of any individual, absent a legal mandate to do so. The staff of the Probation Department are not to perform any of the functions of an immigration officer. The purpose of this policy is to clarify this Department’s legal responsibilities and delineate the role of Probation staff in responding to immigration matters.

428.4 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of the Probation Department will not lead to immigration inquiry and/or deportation. Staff shall treat all individuals equally and without regard to race, color, national origin or immigration status.

428.5 PROVIDING INFORMATION/ASSISTANCE TO ICE

Probation staff shall refer all ICE inquiries to the Probation ICE Liaison, or in the absence of the Probation ICE Liaison, to the Assistant Chief Probation Officer or Chief Probation Officer. The primary role of the Probation ICE Liaison is to respond to ICE requests about an individual’s citizenship or immigration status.

The Probation Department shall not use Department resources or personnel to investigate, interrogate,

detain, detect or arrest persons for immigration enforcement purposes, including any of the following:

- A) Providing information regarding a person's release date(s), except as set forth in section 428.7 below;
- B) Providing Probation appointment date(s)
- C) Providing personal information as defined in Section 1798.3 of the Civil Code, about an individual, including, but not limited to, the individual's home address, work address or telephone number unless the information is available to the public

The Probation ICE liaison shall keep a written record of all communication with ICE that includes the following information: who requested information and the type of information requested, the ICE contact, the date and type of information that was disseminated and by whom, the identifying information about the individual who is the subject of the inquiry that includes Probation ID Number (PID), name and date of birth, current charges, and the name of the assigned Deputy Probation Officer.

Sworn Probation Department staff who are in the field may choose to render mutual aid per Penal Code Section 830.5(a)(5)(A) to any law enforcement agents, including ICE agents, when there is a threat to public safety or the ICE agent's safety. If such assistance is rendered, the staff shall complete an Incident Report. Such aid should not result in Probation staff arresting individuals for civil immigration violations.

428.6 CONFIDENTIAL JUVENILE MATTERS

ICE detainers, notification requests and/or transfer requests for individuals involved in juvenile cases will not be honored at the John A. Davis Juvenile Hall or the Orin Allen Youth Rehabilitation Facility. The individual who is the subject of the ICE detainer, notification request and/or transfer request, and his or her guardian, if applicable, shall be given a copy of the documentation received from ICE regarding his or her detainer, notification request or transfer request, along with written notice that the Probation Department will not be complying with that ICE request. (Gov. Code Section 7283.1.)

Pursuant to Welfare and Institutions Code Section 831, Probation staff shall not provide information regarding an individual involved in a juvenile case to any Federal Agency absent a court order, as required by Welfare and Institutions Code Section 827.

428.7 NOTICE TO INDIVIDUALS IN PROBATION CUSTODY WHO ARE CHARGED AS ADULTS

In all cases other than those set forth in section 428.6, above, when ICE has issued a hold, notification, or transfer request for an individual charged as an adult who is being housed at Juvenile Hall, that individual shall be given a copy of the documentation received from ICE regarding his or her hold, notification, or transfer request, along with written notice as to whether the Probation Department will or will not comply with that ICE request. If the Probation Department notifies ICE that an individual in its custody is being or will be released on a certain date, a copy of that notification shall be provided in writing to the individual and his/her attorney or to one additional person who the individual may designate (Gov. Code Section 7283.1).

No individual who is otherwise ready to be released from custody will be detained solely for the purpose of making notification to immigration authorities, except in cases where the Probation Department is in possession of a valid arrest warrant.

428.8 ICE INTERVIEWS FOR INDIVIDUALS IN PROBATION CUSTODY AND WHO ARE CHARGED AS ADULTS

In advance of any interview regarding civil immigration violations between ICE and an individual charged as an adult in the Probation Department's custody, the Probation Department shall provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary, and that he/she may decline to be interviewed or may choose to be interviewed only with his/her attorney present.

(Gov. Code Section 7283.1(a).) Upon request of an ICE interview and prior to obtaining the individual's signature on a consent form, the Juvenile Hall Intake staff will notify the individual's attorney of record. The attorney of record will be given the opportunity to provide advice regarding their client's consent to the requested interview before the Probation Department proceeds.

Any interview for an individual in the Probation Department's custody shall be facilitated through the Probation ICE Liaison, after consultation with the Assistant Chief Probation Officer or the Chief Probation Officer.

428.9 IMMIGRATION STATUS IN REPORTS AND FILE DOCUMENTATION

Probation staff shall not ask an individual about his or her immigration status or document an individual's immigration status in a Court report. Staff may ask an individual about his or her language skills, place of birth, and related social history factors and may document that information in Court reports.

428.10 STAFF INQUIRIES WITH ICE - WHEREABOUTS

If Probation staff suspects that an individual under the Probation Department's supervision has been deported or is in the custody of ICE, and that individual's matter is still active, staff shall contact the ICE Liaison. The ICE Liaison may obtain information on the individual's whereabouts by utilizing the ICE Online Detainee Locator System (<https://locator.ice.gov/odls/#/index>), in addition to any other available means to check whereabouts which may include, contacting the individual's attorney of record, and checking other available records/information sources. Probation staff shall discuss the matter with their supervisor to determine the appropriate course of action in order to retain jurisdiction and/or toll time in the event that individual returns to the United States. Appropriate actions may include submitting a petition to revoke with a warrant request for adult cases or file a Welfare and Institutions Code Section 777 notice of violation for juvenile cases.

Revision Date – 12/11/2017

 <p>Contra Costa County Office of the Sheriff</p> <p>General Policy and Procedure</p>	CCCSO	NUMBER: 1.02.28
	<p>RELATED ORDERS: AB 4 (Trust Act), AB 2792 (Truth Act), SB 54 (California Values Act), Gov't. Code §§7282-7284.6, SB 29 Civil Code §1670.9, 8 CFR 287.7, 8 USC §1101(a)(43), 8 USC §1373, 8 USC §1644</p>	
<p>ISSUE DATE: 12-3-2013 REVISION DATE: 12/20/2017</p>	<p>CLEARANCE: Office of the Sheriff</p>	
<p>CHAPTER: Law Enforcement Role and Authority</p>	<p>SUBJECT: IMMIGRATION STATUS</p>	

I. POLICY.

- A. No person shall be contacted, detained, or arrested solely on the basis of his or her immigration status.
- B. The Contra Costa County Office of the Sheriff will equally enforce the laws and serve the public without regard to immigration status. Except as specifically set forth in this Policy, the immigration status of a person, and the lack of immigration documentation, should have no bearing on the manner in which Deputies execute their duties.
- C. No Departmental funds nor personnel may be used to investigate, interrogate, detain, detect, or arrest persons *for immigration enforcement purposes*. Nevertheless, Office of the Sheriff personnel may send to, or receive from, immigration authorities (including ICE), information regarding the immigration status, lawful or unlawful, of any individual (8 USC §1373) (see IV.C.).

II. DEFINITIONS.

- A. **IMMIGRATION DETAINER.**
An Immigration Detainer is a request by the U.S. Department of Homeland Security's Immigration and Customs Enforcement Agency (ICE) that law enforcement agencies advise ICE, prior to releasing an individual, in order for ICE to arrange to assume custody for the purpose of deportation. The ICE Detainer Request is presented on ICE Form I-247A. These requests are processed in accordance with IV.E. below.

III. GENERAL.

- A. **IMMIGRATION ENFORCEMENT JURISDICTION.** ICE has primary responsibility to investigate and enforce federal immigration laws. Office of the Sheriff personnel shall not assist ICE in the enforcement of federal immigration laws except as set forth below. Assistance to ICE personnel

in personal distress will be provided. Notwithstanding “A” above:

1. Sheriff’s Personnel may investigate, enforce, or detain upon reasonable suspicion of, or arrest for a violation of 8 USC 1326(a) [illegal reentry by a previously deported or removed alien] that is detected during an unrelated law enforcement activity.
2. Sheriff’s Personnel may respond to a request from immigration authorities for information about a specific person’s criminal history.
3. Sheriff’s Personnel may conduct enforcement or investigative duties associated with a joint law enforcement task force, including the sharing of confidential information with other law enforcement agencies for purposes of task force investigations, but only if the specific provisions set forth in Gov. Code §7284.6 (b)(3)(A) and (B) and (C) are met.
4. Sheriff’s Personnel may grant immigration authorities access to interview an individual in our custody. All interview access shall comply with IV.H (“TRUTH Act Notifications”).
5. Sheriff’s Personnel may send to ICE, and receive from ICE information regarding the immigration status of any individual (see IV.C.). (Do not confuse information regarding immigration status with information regarding the anticipated release date of individuals with immigration status, which information may not be released except as set forth in this policy at IV.G. and IV.K.)

B. LAW ENFORCEMENT CONTACTS. Non-consensual contacts, detentions, and arrests shall be based on reasonable suspicion or probable cause. A Deputy shall not initiate any law enforcement action based on observations relating to immigration status (such as lack of documentation), but such issues may, as part of several factors, be relevant to the direction and analysis of an investigation.

C. THE CALIFORNIA VALUES ACT.

1. California law enforcement agencies shall not:
 - a. Use agency moneys or personnel to investigate, interrogate, detain, detect, or arrest persons *for immigration law enforcement purposes*, including any of the following:
 1. Inquiring into an individual’s immigration status (but see III.B. above, and IV.C. below);
 2. Detaining an individual on the basis of a hold request;
 3. Providing information regarding a person’s release date or responding to requests for notification by providing release dates or other information *unless that information is available to the public*, or is in response to a Notification Request from ICE that satisfies the conditions set forth in IV.G. and IV.K.;
 4. Providing personal information about an individual, including, but not limited to, the individual’s home address or work address *unless that information is available to the public*;
 5. Making or intentionally participating in arrests based on civil immigration warrants;

6. Performing the functions of an immigration officer, whether pursuant to 8 USC 1357(g) or any other law, regulation, or policy, whether formal or informal;
 - b. Place peace officers under the supervision of federal agencies for the purposes of immigration enforcement.
 - c. Use Immigration Authorities as interpreters for law enforcement matters relating to individuals in custody.
 - d. Transfer an individual to immigration authorities unless authorized by a judicial warrant.
 - e. Provide office space exclusively dedicated for immigration authorities for use within a law enforcement facility.
 2. Deputies retain discretion to cooperate with immigration authorities if doing so does not violate any Federal, state, or local law or policy, and only where permitted by the California Values Act. The California Values Act permits communications between Office of the Sheriff personnel and immigration authorities “regarding the citizenship or immigration status ...of an individual” (see IV.C.).
- D. **FEDERAL DETAINEES.** Wherever this policy refers to, or relates to, persons in Sheriff’s Office custody, such policy provisions do not apply to individuals in the custody of the Department of Homeland Security who are detained in a county detention facility pursuant to a contract with the Federal government (Gov. Code §7310(b)).

IV. PROCEDURES.

A. IMMIGRATION VIOLATION COMPLAINTS.

1. If members of the public contact the Office of the Sheriff to report suspected immigration violations, such persons should be directed to ICE.

B. IMMIGRATION STATUS.

1. A Deputy’s suspicion about any person’s immigration status shall not be used as a sole basis to initiate contact, detain, or arrest that person unless such status is reasonably relevant to the investigation of a crime, such as trafficking, smuggling, harboring, and terrorism.
2. Sweeps intended solely to locate and detain undocumented immigrants are not permitted. Deputies will not participate in ICE-organized sweeps to locate and detain undocumented aliens. Office of the Sheriff personnel shall not provide support services, such as traffic control, during an ICE operation.

C. COMMUNICATIONS WITH ICE.

Office of the Sheriff personnel may send to, or receive from, immigration authorities (including ICE), information regarding the immigration status, lawful or unlawful, of any individual (8 USC §1373), including specifically any alien in the United States (8 USC §1644). Such information as is permitted to be sent or received pursuant to

this subsection may be maintained and may be exchanged with any other Federal, State, or local government entity (8 USC §1373). (Compliance with 8 USC §1373 and 8 USC §1644 is specifically permitted pursuant to Gov. Code 7284.6(e)).

D. WITNESSES AND VICTIMS.

1. The immigration status of crime victims or witnesses should not be probed unless it is reasonably relevant to the investigation of a crime.
2. U-Visa Nonimmigrant Status. Federal law grants immigration benefits to victims of qualifying crimes who have been helpful to the investigation and/or prosecution of the case. A law enforcement certification is prepared and issued by specifically designated administrative personnel.

E. ICE DETAINER REQUESTS.

The Office of the Sheriff occasionally receives Immigration Detainer requests on ICE Form I-247A. A detainer serves to advise that ICE seeks both notification of the anticipated release of a removeable alien from custody and his or her continued detention in order for ICE to arrange to assume custody. The request to detain will **not** be honored (see IV.F.). The request to Notify will be honored only under the circumstances set forth in IV.G. and IV.K. below.

F. IMMIGRATION DETAINERS. Inmates who are eligible for release from custody shall **not** be held, pursuant to an immigration hold, beyond the time he or she would otherwise be released.

G. IMMIGRATION NOTIFICATION. The Office of the Sheriff will provide release information in response to individual-specific ICE requests for notification (ICE Form I-247A), but only in compliance with the conditions set forth in IV.L. Individuals meeting the conditions set forth in IV.L. will be released to ICE custody (but shall not be detained to do so), if immigration authorities are present at a detention facility's Release Window at the time of an individual's release.

1. Individuals meeting the conditions set forth in IV.K. and released to ICE custody at the time of their release, may not be converted into ICE Detainees. Immigration authorities desiring to house such persons as ICE Detainees at WCDF must escort such persons outside of our facility, and then return them, via Intake, to be newly booked as ICE Detainees for transport to WCDF.

H. TRUTH ACT NOTIFICATION (Gov. Code 7283.1; AB-2792). Upon receiving any ICE notification request on Form I-247A, the named inmate shall be provided a copy of the respective form. If ICE is to be notified of the proposed release of an inmate, he or she shall be notified as well. Additionally, efforts will be made to notify the inmate's attorney or an additional person of the inmate's choosing.

1. Immigration authorities shall be granted access to interview inmates following compliance with the Truth Act notification provision: In advance of any interview between ICE and an inmate, the inmate shall be provided with a written consent form either consenting or declining to participate in the interview. Standardized copies of this form are available (under the heading AB 2792 Forms) at http://www.bscc.ca.gov/m_divisions.php

- I. EQUALITY OF ACCESS. All persons arrested for a criminal offense and held in our custody will have equal access to custody programs if otherwise program-eligible.
- J. COURT ORDERS. Court Orders and warrants are entirely separate and should not be confused with Form I-247A requests. Duly issued warrants will be honored.
- K. CONDITIONS FOR ICE NOTIFICATION. ICE requests for notification of the anticipated release date of an inmate will be honored only with respect to inmates who are being held for certain charges or who have specific prior convictions.
 - 1. These conditions include (but are not limited to) inmates who have been **convicted** of (i) of a **serious felony** [PC 1192.7(c)] or a **violent felony**, [PC 667.5(c)](see listing below).
 - a. As used in PC 1192.7(c), “**serious felony**” means any of the following:
 - (1) murder or voluntary manslaughter
 - (2) mayhem
 - (3) rape
 - (4) sodomy by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person
 - (5) oral copulation by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person
 - (6) lewd or lascivious act on a child under 14 years of age
 - (7) any felony punishable by death or imprisonment in the state prison for life
 - (8) any felony in which the defendant personally inflicts great bodily injury on any person, other than an accomplice, or any felony in which the defendant personally uses a firearm
 - (9) attempted murder
 - (10) assault with intent to commit rape or robbery
 - (11) assault with a deadly weapon or instrument on a peace officer
 - (12) assault by a life prisoner on a non-inmate
 - (13) assault with a deadly weapon by an inmate
 - (14) arson
 - (15) exploding a destructive device or any explosive with intent to injure
 - (16) exploding a destructive device or any explosive causing bodily injury, great bodily injury, or mayhem
 - (17) exploding a destructive device or any explosive with intent to murder
 - (18) any burglary of the first degree
 - (19) robbery or bank robbery
 - (20) kidnapping
 - (21) holding of a hostage by a person confined in a state prison
 - (22) attempt to commit a felony punishable by death or imprisonment in the state prison for life

- (23) any felony in which the defendant personally used a dangerous or deadly weapon
- (24) selling, furnishing, administering, giving, or offering to sell, furnish, administer, or give to a minor any heroin, cocaine, phencyclidine (PCP), or any methamphetamine- related drug, or any of the precursors of methamphetamines
- (25) any violation of PC 289(a) where the act is accomplished against the victim's will by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person
- (26) grand theft involving a firearm
- (27) carjacking
- (28) any felony offense, which would also constitute a felony violation of PC 186.22
- (29) assault with the intent to commit mayhem, rape, sodomy, or oral copulation
- (30) throwing acid or flammable substances
- (31) assault with a deadly weapon, firearm, machinegun, assault weapon, or semiautomatic firearm or assault on a peace officer or firefighter
- (32) assault with a deadly weapon against a public transit employee, custodial officer, or school employee
- (33) discharge of a firearm at an inhabited dwelling, vehicle, or aircraft
- (34) commission of rape or sexual penetration in concert with another person
- (35) continuous sexual abuse of a child
- (36) shooting from a vehicle
- (37) intimidation of victims or witnesses
- (38) criminal threats
- (39) any attempt to commit a crime listed in this subdivision other than an assault
- (40) any violation of PC 12022.53 [Enhancements for use of a firearm in 18 specified felonies]
- (41) a violation of subdivision (b) or (c) of Section 11418
- (42) any conspiracy to commit an offense described in this subdivision
- (43) And any offense committed in another state, which if committed in California, would be punishable as a listed serious felony

b. As used in PC 667.5(c), “**violent felony**” means any of the following:

- (1) Murder or voluntary manslaughter
- (2) Mayhem
- (3) Rape
- (4) Sodomy
- (5) Oral copulation
- (6) Lewd or lascivious act

- (7) Any felony punishable by death or imprisonment in the state prison for life
 - (8) Any felony in which the defendant inflicts great bodily injury on any person other than an accomplice which has been charged and proved, or any felony in which the defendant uses a firearm which use has been charged and proved
 - (9) Any robbery
 - (10) Arson
 - (11) Sexual penetration
 - (12) Attempted murder
 - (13) A violation of PC 18745, 18750, or 18755 (explosives)
 - (14) Kidnapping
 - (15) Assault with the intent to commit a specified felony, in violation of Section 220
 - (16) Continuous sexual abuse of a child
 - (17) Carjacking
 - (18) Rape, spousal rape, or sexual penetration
 - (19) Extortion, which would constitute a felony violation of PC 186.22
 - (20) Threats to victims or witnesses, which would constitute a felony violation of PC 186.22
 - (21) Any burglary of the first degree, wherein it is charged and proved that another person, other than an accomplice, was present in the residence during the commission of the burglary
 - (22) Any violation of PC 12022.53 [Enhancements for use of a firearm in 18 specified felonies]
 - (23) A violation of PC 11418(b) or (c)(weapon of mass destruction)
 - (24) And any offense committed in another state, which if committed in California, would be punishable as a listed violent felony
2. Notification requests will be honored for any conviction or prior conviction for a felony punishable by imprisonment in the state prison.
 3. Notification requests will be honored for any person who is a current registrant on the California Sex and Arson Registry (CSAR) as a sex offender pursuant to PC 290 or as an arson offender pursuant to PC 457.1
 4. Notification requests will be honored for (i) any **felony conviction** within the last 15 years, or (ii) any misdemeanor conviction within the past five years, that is punishable as either a misdemeanor or a felony (i.e.: “wobbler”) involving the following specified crimes:
 - (A) Assault
 - (B) Battery
 - (C) Use of threats
 - (D) Sexual abuse, sexual exploitation, or crimes endangering children
 - (E) Child abuse or endangerment
 - (F) Burglary, robbery, theft, fraud, forgery, or embezzlement

- (G) Driving under the influence of alcohol or drugs, but only for a felony conviction
- (H) Obstruction of justice
- (I) Bribery
- (J) Escape
- (K) Unlawful possession or use of a weapon, firearm, explosive device, or weapon of mass destruction
- (L) Possession of an unlawful deadly weapon, under the Deadly Weapons Recodification Act of 2010 (PC 16000)
- (M) An offense involving the felony possession, sale, distribution, manufacture, or trafficking of controlled substances
- (N) Vandalism with prior convictions
- (O) Gang-related offenses
- (P) An attempt, or any conspiracy, to commit an offense specified in this section
- (Q) A crime resulting in death, or involving the personal infliction of great bodily injury
- (R) Possession or use of a firearm in the commission of an offense
- (S) An offense that would require the individual to register as a sex offender
- (T) False imprisonment, slavery, and human trafficking
- (U) Criminal profiteering and money laundering
- (V) Torture and mayhem
- (W) A crime threatening the public safety
- (X) Elder and dependent adult abuse
- (Y) A hate crime
- (Z) Stalking
- (AA) Soliciting the commission of a crime
- (AB) An offense committed while on bail or released on his or her own recognizance
- (AC) Rape, sodomy, oral copulation, or sexual penetration (AD) Kidnapping
- (AE) A violation of CVC 20001(c)

5. Notification requests should also be honored for any federal conviction of any crime that meets the definition of an aggravated felony as set forth in the Immigration and Nationality Act (8 U.S.C. Sec. 1101 at Section 1101(a)(43)(A) to (P). The full listing of specified crimes follows:

The term "aggravated felony" means –

- (A) murder, rape, or sexual abuse of a minor
- (B) illicit trafficking in a controlled substance
- (C) illicit trafficking in firearms or destructive devices
- (D) laundering of monetary instruments if the amount of the funds exceeded \$10,000
- (E) an offense relating to explosive materials
- (F) a crime of violence, but not including a purely political offense for which the term of imprisonment is at least one year

- (G) a theft offense or burglary offense for which the term of imprisonment is at least one year
- (H) the demand for or receipt of ransom
- (I) child pornography
- (J) racketeer influenced corrupt organizations or gambling offenses, for which a sentence of one year imprisonment or more may be imposed
- (K) owning, controlling, managing, or supervising of a prostitution business; peonage, slavery, involuntary servitude, and trafficking in persons
- (L) gathering or transmitting national defense information relating to disclosure of classified information relating to sabotage, relating to treason, relating to protecting the identity of undercover intelligence agents or relating to protecting the identity of undercover agents
- (M) fraud or deceit in which the loss to the victim or victims exceeds \$10,000; tax evasion in which the revenue loss to the Government exceeds \$10,000
- (N) alien smuggling (except in the case of a first offense for which the alien has affirmatively shown that the alien committed the offense for the purpose of assisting, abetting, or aiding only the alien's spouse, child, or parent)
- (O) an offense described in section 1325(a) or 1326 of this title committed by an alien who was previously deported on the basis of a conviction for an offense described in another subparagraph of this paragraph
- (P) falsely making, forging, counterfeiting, mutilating, or altering a passport or instrument and for which the term of imprisonment is at least 12 months (except in the case of a first offense for which the alien has affirmatively shown that the alien committed the offense for the purpose of assisting, abetting, or aiding only the alien's spouse, child, or parent (and no other individual.))



**Stand Together CoCo
Partner Advisory
January 30, 2018**

Resources for Families or Individuals at Risk of Federal Deportation Actions

Stand Together CoCo is launching an immigration legal services and rapid response network in Contra Costa County. This ensures that all Contra Costa County residents receive due process under the law, including qualified legal representation, if they are detained by Immigration & Customs Enforcement (ICE) or face potential deportation.

Still in the early days of organizing, a rapid response hotline dedicated to Contra Costa County residents will launch in March. We are also recruiting community responder teams to serve East, Central, and West County.

FOR FAMILIES OR INDIVIDUALS WHO NEED IMMIGRATION LEGAL SERVICES RIGHT NOW (before March 2018):

If you need **non-emergency** advice or counsel from a qualified immigration attorney, please call:

510-365-6812

You'll reach Catholic Charities of the East Bay, which will help you directly or will connect you to the appropriate community partner. A **non-emergency** includes applying for residency or citizenship, DACA renewals, or setting up educational workshops about immigration and your Constitutional rights.

In the event of an emergency, please call the ACILEP Hotline:

510-241-4011

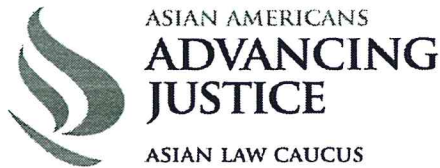
Your call will be answered by the Alameda County Immigration Legal & Education Partnership (ACILEP), your information will be dispatched to the Contra Costa County team.

An emergency is when:

- An individual has already been detained or arrested by ICE
- Federal immigration activity is in progress at your school, workplace, or in the community
- An individual is facing deportation procedures or a hearing

Stand Together CoCo is a coalition of community partners including the Contra Costa County Public Defender's Office, which was authorized by the Board of Supervisors to provide no-cost community education and outreach, rapid response, and legal services to help individuals and families drawn into or at risk of becoming involved with the federal deportation system.

The partners include Catholic Charities of the East Bay, Centro Legal de La Raza, Oakland Community Organizations, Monument Impact, Jewish Family and Community Services – East Bay, International Institute of the Bay Area, and Bay Area Community Resources. The partners also work closely with the Diocese of Oakland, First 5 Contra Costa, and the Interfaith Movement for Human Integrity.



VIA ELECTRONIC MAIL

April 12, 2018

Sheriff David Livingston
Contra Costa County Sheriff's Office
651 Pine Street
Martinez, CA 94553

RE: Lack of Compliance with the California Values Act (SB 54)

Dear Sheriff Livingston:

I am writing to inform you about the Contra Costa County Sheriff's Office's ("CCCSO") lack of compliance with the California Values Act (SB 54)¹, which went into effect in January 2018. In December 2017, several civil rights and immigrant rights organizations, including my own, sent CCCSO a letter detailing the parameters of the Values Act. However, when we received a copy of CCCSO's revised policy on immigration² in late January 2018, we identified several areas where your Policy did not comply with the Values Act. This letter lays out where the CCCSO Immigration Policy is in violation of the Values Act.

I. The Sheriff's Office May Not Use Immigration Status as a Basis for Detention or Arrest

The CCCSO Immigration Policy states that "[a] Deputy's suspicion about any person's immigration status shall not be used as a sole basis to initiate contact, detain, or arrest that person *unless such status is reasonably relevant to the investigation of a crime, such as trafficking, smuggling, harboring, and terrorism.*" CCCSO Immigration Policy, section IV.B.1 (emphasis added).

Under section 7284.6(a)(1)(A) of the Values Act, state or local law enforcement officers may not ask an individual about his or her immigration status. State or local law enforcement also may not arrest, detain, or investigate someone for violations of *civil immigration law or criminal immigration law* that penalizes a person's presence in, entry, or reentry to, or employment in, the United States, with a narrow exception for someone who has reentered the United States after being deported for an aggravated felony conviction (discussed below in Part II). Cal. Gov't Code §§ 7284.6(a)(1), (b)(1).

¹ California Values Act ("Values Act" or "Act"), S.B. 54 (De León), signed Oct. 5, 2017, codified at Cal. Gov't Code §§ 7282 *et seq.*

² Contra Costa County Office of the Sheriff, "Immigration Status," Policy No. 1.02.28 (revised Dec. 20, 2017) (hereinafter "CCCSO Immigration Policy" or "Policy").

Several of the offenses listed in the CCCSO Immigration Policy, including smuggling (8 U.S.C. § 1324(a)(1) and (2)) and harboring (8 U.S.C. § 1324), are violations of criminal immigration law, meaning that *but for* the person's immigration status, the offense would not constitute a crime. Because the CCCSO Immigration Policy allows for deputies to detain or arrest someone for a criminal immigration violation premised on immigration status, this Policy violates the Values Act's prohibition on using local law enforcement's resources to investigate, detain, or arrest someone for immigration enforcement purposes. *See* Cal. Gov't Code §§ 7284.6(a)(1).

Accordingly, CCCSO must change its Policy to remove reference to authorizing deputies to engage in detention or arrest of individuals based on suspicion of immigration status for criminal immigration offenses.

II. The Sheriff's Office's Policy Misstates the Exception for Investigation, Detention, or Arrest for Unlawful Reentry

The CCCSO Immigration Policy states that "Sheriff's Personnel may investigate, enforce, or detain upon reasonable suspicion of, or arrest for a violation of 8 USC 1326(a) [illegal reentry by a previously deported or removed alien] that is detected during an unrelated law enforcement activity." CCCSO Immigration Policy, section III.A.1.

Under the Values Act, state or local law enforcement may not arrest, detain, or investigate someone for federal criminal immigration violations, except for the federal criminal offense of unlawful reentry under 8 U.S.C. § 1326(a), if the reentry is detected during an unrelated law enforcement activity *and* the person was previously convicted of an aggravated felony under 8 U.S.C. § 1326(b)(2). Cal. Gov't Code § 7284.6(b)(1). Even then, transfers to immigration authorities are prohibited unless they fall within the exceptions listed under section 7282.5. *Id.*

Importantly, this narrow exception for an arrest under 8 U.S.C. § 1326(a) applies only when the person has been previously convicted of an "aggravated felony" as referenced in 8 U.S.C. § 1326(b)(2). "Aggravated felony" is a term of art in immigration law, defined at 8 U.S.C. § 1101(a)(43), which lists dozens of common-law terms and references to federal statutes. Both federal and state offenses can be aggravated felonies and the law surrounding which state offenses may trigger aggravated felonies is nuanced, complex, and ever-changing. For example, certain California offenses are only considered aggravated felonies on a case-by-case basis, assessed by reviewing the individual's "record of conviction" for the presence of specified elements. Adding another layer of analysis, the record of conviction carries its own definition in immigration law. Because of these nuances, even among immigration attorneys, the analysis of what is an aggravated felony is often reserved for experts well-versed in the intersection between immigration and criminal law. Without such an expert available to know if an aggravated felony is at play, the likelihood of 8 U.S.C. § 1326(a) arrests or detentions violating the Act (because an aggravated felony is not in fact present), is high.

Moreover, law enforcement agencies could incur liability if they erroneously detain someone who cannot be deported. Such examples include U.S. citizens who were erroneously deported in the past³ or individuals who legally reenter the country (either with a visa or a waiver) after a deportation for an aggravated felony.

To comply with the Values Act, at a minimum CCCSO must clarify in its Policy that the Values Act only permits the investigation, detention, or arrest of individuals on suspicion of unlawful reentry under 8 U.S.C. § 1326(a) if the reentry is detected during an unrelated law enforcement activity *and* the person was previously convicted of an aggravated felony under 8 U.S.C. § 1326(b)(2). Cal. Gov't Code § 7284.6(b)(1). Given the nuances mentioned above in accurately determining what constitutes an "aggravated felony," a safer route to ensure that CCCSO personnel do not violate the Values Act is to adopt a bright line rule where CCCSO does not engage in 8 U.S.C. § 1326(a) investigations, arrests, or detentions.

III. The Sheriff's Office's New Practice of Posting Release Information to Its Website Runs Contrary to the Values Act and the Attorney General's Guidance

Recently, the East Bay Times reported that your office began posting release information of all individuals in Contra Costa County jails on the CCCSO website as a single list.⁴ The article reported that CCCSO has posted this information on its website since February 16, 2018.⁵

The Values Act prohibits the use of state or local law enforcement resources for immigration enforcement purposes, including the disclosure of certain non-public information to federal immigration officers. Cal. Gov't Code §§ 7284.6(a)(1)(C), (D). Notwithstanding the exceptions for certain criminal history, the Act prohibits law enforcement from sharing information related to an individual's release date if that information is not already public. Cal. Gov't Code § 7284.6(a)(1)(C).

Because the Act prohibits state or local law enforcement agencies from expending moneys or personnel on providing release dates for immigration enforcement unless that information is public, these agencies may not expend resources to make release information public for the purposes of immigration enforcement. Thus, if a state or local law enforcement agency began posting all release information on a publicly-accessible website to get around the general prohibition on responding to notification or transfer requests, that action would violate the Act. *See* Cal. Gov't Code §§ 7284.6(a)(1), (C). The Attorney General's guidance on the Values Act reiterates this stance, stating that available to the public "refers to information where

³ Researchers estimate that in 2010 alone, over 4,000 U.S. citizens were mistakenly deported. Jacqueline Stevens, *U.S. Government Unlawfully Detaining and Deported U.S. Citizens as Aliens*, Virginia Journal of Social Policy & the Law (Spring 2011).

⁴ Aaron Davis and Nate Gartrell, "Experts concerned Contra Costa sheriff tipping off ICE by posting release dates of detained immigrants," East Bay Times (Mar. 29, 2018), *available at* <https://www.eastbaytimes.com/2018/03/29/experts-concerned-contra-costa-sheriff-tipping-off-ice-by-posting-release-dates-of-detained-immigrants/>.

⁵ *Id.*



a law enforcement agency has a practice or policy of making such information public, such as disclosing the information on its website . . .”⁶

Prior to February 16, 2018, CCCSO did not have a policy or practice of publicly posting release information on its website. In order to create the list of people and release information, CCCSO must expend agency resources. Given the timing of this change—a mere six weeks after the Values Act went into effect—there are serious concerns that CCCSO’s purpose of posting release information on its website is to allow ICE access to release information of individuals who would otherwise be protected from notification under the Values Act. Moreover, because CCCSO did not have a policy or practice of posting release dates prior to the Values Act going into effect, your agency could face liability for violating the Values Act’s prohibition on expending agency resources to engage in immigration enforcement. Cal. Gov’t Code §§ 7284.6(a)(1). CCCSO should remove release information from its website.

IV. Public Records Act Request

As per the Public Records Act, California Government Code §§ 6250 – 6276.48, please provide me with an updated copy of any policies, memorandum, guidance, or forms that CCCSO adopts related to the implementation of the Values Act after receiving this letter.

Although I am available to provide assistance as you work to update your Policy, given the long-standing community concerns about your implementation of the Values Act, I urge you to meet with community members to listen to these concerns and work toward a collective solution.

You can reach me at sairah@advancingjustice-alc.org or (415) 848-7707 if you have further questions.

Sincerely,

/s/ Saira Hussain

Saira Hussain
Staff Attorney, Criminal Justice Reform

CC: County Counsel Sharon L. Anderson
Supervisor Candace Andersen
Supervisor Diane Burgis
Supervisor John M. Gioia
Supervisor Federal D. Glover
Supervisor Karen Mitchoff
Senior Deputy County Administrator Timothy Ewell

⁶ Information Bulletin from Xavier Becerra, Att’y Gen., Cal. Dep’t of Justice, to Executives of State and Local Law Enforcement Agencies, *Responsibilities of Law Enforcement Agencies Under the California Values Act, California TRUST Act, and the California TRUTH Act*, at 3, No. DLE-2018-01 (Mar. 28, 2018).



County Counsel Response Review of Letter from Asian Law Caucus

At its meeting on April 12, 2018, the Public Protection Committee asked that the County Counsel's Office provide the Committee with a response to the legal issues raised in a letter dated April 11, 2108, to Sheriff David Livingston from the Asian Law Caucus alleging that the Sheriff's Immigration Status Policy No. 1.02.28 was not in compliance with the California Values Act ("SB 54"). Their response follows:

Issue #1: Does SB 54 prohibit a Sheriff's Department from having a policy that allows deputies to use their reasonable suspicion about a person's immigration status when it is reasonably relevant to an investigation of crimes such as trafficking or smuggling?

Response to Issue #1: SB 54 does not restrict local law enforcement from investigating activities that may violate state criminal laws. Government Code section 7284.6, subdivision (f), recognizes that local law enforcement agencies retain jurisdiction of criminal law enforcement matters.

Immigration Status Policy Section IV.B.1 states that:

A Deputy's suspicion about any person's immigration status shall not be used as a sole basis to initiate contact, detain, or arrest that person unless such status is reasonably relevant to the investigation of a crime, such as trafficking, smuggling, harboring, and terrorism.

The focus of SB 54 is on restricting the use of local law enforcement for civil immigration enforcement activities. Trafficking, smuggling, harboring, and terrorism are all offenses that may be violations of state criminal laws. Such offenses may be committed by citizens or noncitizens alike and may involve victims or witnesses who are citizens or noncitizens. The Immigration Policy simply recognizes that immigration status may be a factor in the investigations of those crimes.

Issue #2: Is Section III.A.1. of the Immigration Policy inconsistent with SB 54 by permitting a deputy to investigate, enforce, detain, or arrest an individual who is suspected of unlawfully re-entering the United States during an unrelated law enforcement activity?

Response to Issue #2: The Policy language is not inconsistent with SB 54, but admittedly SB 54 does not provide clear guidance on this issue.

Immigration Status Policy Section III.A.1 states that:

Sheriff's Personnel may investigate, enforce, or detain upon reasonable suspicion of, or arrest for a violation of 8 USC 1326(a) (Illegal reentry by a previously deported or removed alien) that is detected during an unrelated law enforcement activity.

If, during a law enforcement activity, a deputy discovers that an individual who was previously deported may have unlawfully entered the United States, then a deputy is permitted to investigate, enforce, detain, or arrest such individuals. (CA Gov. Code § 7284.6(b)(1).) SB 54 includes some additional language to suggest that an individual's prior deportation should have been the result of a conviction of an aggravated felony in order for a deputy to conduct an investigation into the unlawful reentry. (CA Gov. Code § 7284.6(b)(1).) Whether investigations related to unlawful reentry are strictly limited to individuals who were deported following conviction of an aggravated felony is not clear in SB 54. Due to the uncertainty of the intent of the language, the Sheriff's Office could consider adding language to the Policy regarding aggravated felonies.

Issue #3: Is posting of inmate release information on the Sheriff's website a violation of SB 54 if such information was not already posted prior to the effective date of SB 54?

Response to Issue #3: The California Public Records Act specifically identifies inmate release information as public information. (CA Gov. Code § 6254(f)(1), identifying "time and manner of release.") SB 54 recognizes it is lawful to disclose release date information that is available to the public. (CA Gov. Code § 7284.6(a)(C).) For these reasons, the release information posted by the Sheriff's Office is public information, the disclosure of which is not prohibited by SB 54.

The Sheriff's Office advises that it has posted inmate release information on its website since approximately February 2018. Other counties, including Orange, San Diego, and Alameda, also post inmate release information on their websites.



Practice Advisory ***SB 54 and the California Values Act: A Guide for Criminal Defenders*** **February 2018**

This Guide discusses the provisions of SB 54 (De Leon) and the California Values Act, relevant to criminal defense counsel who represent noncitizen clients. This Guide covers:

- I.** Overview of the California Values Act
- II.** Specific Provisions of the California Values Act
- III.** Defending Your Client in light of the California Values Act

- Appendix I.** Enumerated Offenses Permitting Limited Cooperation (Govt C §7282.5)
- Appendix II.** Enumerated Offenses Reduced by Proposition 47 and Proposition 64 That No Longer Permit Cooperation
- Appendix III.** Enumerated Offenses Describing Straight Misdemeanor Offenses
- Appendix IV.** Criminal Defender “Cheat Sheet” on the California Values Act

I. OVERVIEW

California SB 54 became law in January 2018. This sweeping legislation, is intended to curtail the role of state and local police agencies in federal immigration enforcement. With some exceptions, SB 54 limits these local agencies and others, such as school police and security departments, from using money or personnel “to investigate, interrogate, detain, detect or arrest individuals” for immigration enforcement purposes. To that end, the bill amends the TRUST Act to entirely bar state and local law enforcement’s cooperation with immigration holds, and to restrict their responses to immigration notification and transfer requests (Govt C §§7282, 7282.5)); codifies the California Values Act, prohibiting other activities by these and other state agencies in connection with immigration enforcement (Govt C §§7284- 7284.10)); and repeals Health & S C §11369, which required notice to federal agencies of the arrest of suspected noncitizens in drug-related offenses. Nationally, the California Values Act is the most comprehensive state law of its kind to date.

In December 2017, the legal organizations who supported the drafting and passage of the Act sent out a detailed legal letter to Sheriffs’ and County Counsel offices throughout the state, regarding interpretation and implementation of the Act. That letter, as well as other implementation resources, are available under the Implementation Resources subheading at www.iceoutofca.org/ca-values-act-sb54.html.

Criminal defense-related provisions of the Act in a nutshell:

- State and local law enforcement agencies¹ are prohibited, without exception, from honoring immigration “hold” or detainer requests. This means local law enforcement may no longer detain a defendant 48 hours

¹ “California law enforcement agency” means a state or local law enforcement agency, including school police or security departments. Govt C §7284.4. It does not include the California Department of Corrections and Rehabilitation. *Ibid.*

beyond the termination of criminal custody in order to better enable immigration authorities to apprehend that person.² There are no longer any TRUST Act exceptions for holds.

- Law enforcement agencies are prohibited from responding to immigration notification requests, meaning requests to supply information about a defendant's release date³ -- unless that person comes within a TRUST Act exception⁴.
- Local Law enforcement agencies may not facilitate the transfer of an individual⁵ to immigration custody-- unless that person comes within a TRUST Act exception.
- Law enforcement agencies are prohibited from inquiring into an individual's immigration status.
- Law enforcement agencies are prohibited from sharing personal information about individuals (*e.g.*, work and home addresses) with immigration -- unless the information is publicly available.
- TRUTH Act protections, which require law enforcement to obtain written consent from a person in custody before an ICE interview, have been extended to the California Department of Corrections and Rehabilitation (CDCR).
- Law enforcement agencies are prohibited from using immigration agents as translators
- Law enforcement agencies are prohibited from performing the functions of an immigration officer (whether through a 287(g) agreement or otherwise). Local law enforcement agencies are prohibited from making arrests on civil immigration warrants.
- Local law enforcement agencies are prohibited from arresting people for the federal criminal offense of unlawful reentry under 8 U.S.C. § 1326(a), unless reentry is detected during an unrelated law enforcement activity *and* the person was previously convicted of a state or federal offense that meets the immigration definition of an aggravated felony.⁶
- Law enforcement agencies are prohibited from providing immigration agents exclusive office space.

The Attorney General is required by October 1, 2018 to publish model policies for public schools, public libraries, state health facilities, and courthouses, among others, limiting to the fullest extent of the law, their assistance with immigration enforcement. All public schools, state health facilities, and courthouses are required to implement the model policies and other agencies are encouraged to adopt the policies. For any databases operated by state and local law enforcement agencies, the Attorney General is required by October 1, 2018, to publish guidance, audit criteria, and training recommendations aimed at ensuring that those databases limit the availability of information for the purpose of immigration enforcement. State and local law enforcement agencies are encouraged to adopt this guidance.

² Immigration holds also known as ICE detainers, are requests to a law enforcement agency, to voluntarily detain a person additional time beyond criminal custody. ICE uses the same form (I-247A) to make detainer requests (always prohibited under the Act) as Notification requests (sometimes prohibited under the Act). However, to the degree that ICE requests extra detention, this is now unlawful under California law. For an annotated review of the Form I-247A, see *Annotated Detainer Form 2017* at www.ilrc.org/enforcement.

³ A notification request is a request from ICE to a law enforcement agency asking the jail to voluntarily provide the individual's release date such that ICE has sufficient notice to arrest the individual at release from criminal custody. These requests are made using the DHS Form I-247A.

⁴ The TRUST Act exceptions have been amended (see *e.g.*, new washout provisions) so counsel and advocates who were familiar with the 2014 Act when it governed immigration detainers should familiarize themselves with its new limitations.

⁵ A transfer request is a request from immigration authorities asking that a law enforcement agency facilitate the transfer of an individual in its custody to ICE or CBP.

⁶ "Aggravated felony" is a term of art in immigration law, defined at 8 U.S.C. § 1101(a)(43). See *Practice Advisory: Aggravated Felonies* at www.ilrc.org/practice-advisory-aggravated-felonies. For guidance on whether a California offense may be an aggravated felony, see the *California Quick Reference Chart* at www.ilrc.org/chart.

II. SPECIFICS OF THE BILL

A) What does the Values Act do?

With some exceptions, SB 54 specifically prohibits state and local law enforcement agencies from investigating, interrogating, detaining, detecting, or arresting persons for immigration enforcement purposes. SB 54 accomplishes this through creating or amending multiple state laws. SB 54 amends TRUST Act provisions in the Government Code, incorporates Proposition 47 protections into the Government Code, codifies the newly enacted California Values Act in the Government Code, extends TRUTH Act provisions to the CDCR, and repeals Health & Safety Code §11369. SB 54 also permits local jurisdictions to enact more stringent policies to further protect noncitizens.

B) How was the TRUST Act amended?

The TRUST Act of 2014 prohibited local jailors from cooperating with requests from Immigration and Customs Enforcement (ICE) to “hold,” or detain, a noncitizen beyond the time that person would otherwise have been released from criminal custody so that ICE could apprehend that individual. This protection against ICE holds applied to all incarcerated noncitizens, except those whose criminal record brought them within a TRUST Act exception. If an exception applied, then the jailor had discretion to honor the ICE hold request or not. The TRUST Act of 2014 provided no protection against ICE requests for either notification of release date or facilitation of transfer to ICE.

SB 54 made three key changes. First, no jailor is permitted to cooperate with an ICE hold request under any circumstances. Second, the TRUST Act now protects incarcerated noncitizens against ICE requests for notification and/or transfer. Third, exceptions to the TRUST Act still exist to permit discretionary cooperation with notification and transfer requests, but the list of exceptions has been slightly amended.

Specifically, the following amendments were made to the TRUST Act (Govt C §§7282, 7282.5):

- The definition of immigration hold, notification, and transfer request is now found in Govt C §7283 and applies to ICE, U.S. Customs and Border Protection and other immigration authorities (Govt C §7282).
- Local law enforcement agencies no longer have discretion to detain anyone on the basis of an immigration hold. Local cooperation with immigration holds is prohibited in every case. (Govt C §7282.5(a)).
- Local law enforcement agencies have discretion (but are never required) to cooperate with immigration authorities **only** when 1) doing so will not violate any Federal, State, local law or policy⁷ and 2) when permitted by the California Values Act (Govt C §7282.5 (a)).
- Local law enforcement agencies are permitted to notify immigration authorities of release dates or to facilitate transfers of individuals to immigration authorities, **only** when the individual comes within an exception. (See Govt C §7282.5(a)(1)-(5), (b).) Exceptions apply to persons:
 - a. *arrested and held to answer* for a serious (Pen C §1192.7(c)), violent (Pen C §667.7(c)), or state prison felony; or
 - b. *convicted* of a serious or violent or state prison felony; or
 - c. *convicted within the past 5 years* of a misdemeanor for certain enumerated wobbler offenses or *convicted within 15 years* of certain enumerated felony offenses (See Govt C §7282.5(a)(3)(A)-(Q)).⁸

NOTE: The list of enumerated wobbler and felony convictions in Govt C §7282.5(a)(3)(A)-(AE) is identical to the list previously used to permit discretionary holds under the TRUST Act of 2014. See

⁷ This provides an opportunity for advocates to push for stronger policies which prohibit notification and transfers in more circumstances than the Values Act, or altogether.

⁸ The Act specifies that the washout periods are from the date of conviction not from the date of release.

Appendix I. The 15-year washout period for the enumerated felonies is new. Further, note that unlike with serious, violent or state prison felonies, merely being held to answer for the enumerated felonies under §7282.5(a)(3)(A)-(AE) will not suffice to trigger discretion to cooperate with ICE notice and transfer requests. Only a conviction will suffice.

ALERT: The list of enumerated felony and wobbler offenses (Govt C §7282.5(a)(3)(A)-(AE)) wrongly includes some straight misdemeanors. See **Appendix III**. This was a drafting error carried over from the codification of the TRUST Act in 2014. The statute is clear, however, that only misdemeanor convictions from “wobbler” offenses should trigger this exception.

Example: Client Sara has a misdemeanor domestic violence Cal. PC §273.5 conviction from 6 years ago. She has now been arrested on a misdemeanor battery Cal PC. §242. ICE issues a notification request. Is Sara protected from a request for notification of her release date?

Answer: Yes. The jail *cannot* respond to ICE’s notification request. The Cal. PC §273.5 misdemeanor is an enumerated wobbler appearing in Govt C §7282.5(a)(3)(B). However, for this misdemeanor to allow discretion to cooperate with ICE, the conviction must have occurred within the last 5 years and Sara’s conviction was 6 years ago. The misdemeanor battery charge also does not give law enforcement a basis to cooperate. A misdemeanor *charge* may not be the basis of cooperation; only a misdemeanor *conviction* will suffice. Even if the 242 results in a conviction, the offense erroneously appears in the list of TRUST Act exceptions; it is a straight misdemeanor and not a wobbler and thus should be “protected” from cooperation. Because of the potential for misapplication, however, you may want to confirm with the jail that they will not honor the notification request.

- d. currently registering as a California sex or arson offender;
- e. convicted of a *federal crime* that meets the definition of an aggravated felony, or is identified by ICE or Homeland Security as the subject of a federal felony arrest warrant.

Under no circumstances can local law enforcement cooperate with immigration authorities on individuals arrested, detained, or convicted of offenses that are misdemeanors under the code but were felonies or wobblers before the enactment of Proposition 47. In other words, in no case can local law enforcement cooperate with notice and transfer requests for people convicted of Proposition 47 offenses (Govt C §7282.5(a)(6)). It’s clear that no conviction that is classed as a misdemeanor under Proposition 47 can be the basis for cooperation with immigration. If a person is entitled to reduce a past felony conviction to a misdemeanor under Proposition 47 but has not yet done so, the better view is that the felony still cannot serve as a basis for cooperation with immigration authorities. However, because of the potential for mixed application on the ground, counsel should make every effort to reduce prior felonies to misdemeanors under Proposition 47. If the conviction is from another county, counsel should contact the public defender or other defense counsel in that county to ask them to reduce the felony under Proposition 47.

ALERT: Only *felony* DUI or drug-offense convictions may be the basis for cooperating with notice and transfer requests (see Govt C §7282.5(a)(3)(G), (M)).

Example: Client Henry is convicted of misdemeanor Cal. H&S Code § 11358. ICE has issued a notification request on his case. Can the jail notify ICE of Henry’s release date?

Answer: No. Per Govt C § 7282.5(a)(3)(M), only felony offenses may be the basis to cooperate with a notification request. However, note that Henry may face other serious consequences to his immigration status as the result of this offense. Also, because ICE may still try to arrest Henry, inform Henry of his right to remain silent in front of ICE agents and to not open his home door to ICE agents (they are required to have judicial warrants and very rarely do).

Example: Client Tony has a prior conviction for receiving stolen property, Cal. PC §496, from three years ago. In that case, Tony stole a bottle of juice and was convicted of a misdemeanor. In the current case, he’s received a conviction for a misdemeanor DUI, Cal Vel. C §23152. ICE issues a transfer request. Is Tony protected from transfer request?

Answer: Yes. The jail *cannot* respond to ICE’s transfer request. Even though PC §496 is an enumerated offense in §7282.5(a)(3)(F) and Tony’s conviction occurred within the last five years, §496(a) for property valued under \$950 was redefined as a misdemeanor offense under Proposition 47, and Tony was convicted of a misdemeanor. Thus he is “safe” under the California Values Act. See Govt C §7282.5(a)(6). Tony’s misdemeanor DUI also may not be the basis for cooperation because only *felony* DUI convictions may trigger discretion to cooperate. Govt C 7282.5(a)(3)(G). Because of the potential for confusion about the §496 conviction, you may want to confirm with the jail that they will not honor a transfer request.

Example: What if Tony had a 2013 felony conviction for possessing a controlled substance, Cal. H&S C § 11377?

Answer: First, Tony’s counsel would make every effort to get the conviction reduced to a misdemeanor under Proposition 47. That way the conviction would not permit cooperation. Failing that, counsel would argue that the felony still did not provide discretion to local law enforcement to cooperate because Proposition 47 offenses are protected from notice and transfer requests.

C) What is the California Values Act?

The California Values Act is the heart of SB 54. It governs what local law enforcement is and is not permitted to do with respect to immigration enforcement. The Values Act is codified in Govt C §§7284-7284.12.

1. What does the California Value Act prohibit?

Under the Act, California law enforcement agencies, including school police or security departments, **shall not** (Govt C §7284.6(a)):

Use agency or department money or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, including to:

- Inquire into an individual’s immigration status
- Detain an individual pursuant to a hold request
- Provide information regarding a person’s release date or respond to requests for notification of release dates, *unless* either of the following applies:
 - (1) that information is “available to the public,” or
 - (2) the individual comes within an exception to the TRUST Act set out in Govt C §7282.5(a)(1)-(5), (b)) and discussed in part B, above. This would then permit, but not require, the jailor to cooperate unless a more stringent local policy regarding cooperation exists in the jurisdiction.
- Transfer an individual to immigration authorities, unless

(1) this is authorized by a judicial warrant or a judicial probable cause determination, or

(2) the person comes within an exception to the TRUST Act set out in Govt C §7282.5(a)(1)-(5), (b)) and discussed in Part B, above. If the person does come within an exception, this would permit, but not require, the jailor to cooperate with the transfer unless a more stringent local policy regarding cooperation exists in the jurisdiction.

- Provide personal information (defined in Civ C §1798.3) about an individual, including but not limited to the individual’s home address or work address, unless that information is available to the public.
- Make or intentionally participate in arrests based on civil immigration warrants
- Assist immigration authorities with “board and searches” of vessels, vehicles or land
- Perform the functions of an immigration officer, whether through the 287(g) program or any other law, regulation, or policy, whether formal or informal.
- Place peace officers under the supervision of federal agencies or employ peace officers deputized as special federal officers or special federal deputies for purposes of immigration enforcement
- Use immigration authorities as interpreters for law enforcement matters relating to individuals in custody
- Provide office space within a city or county law enforcement facility exclusively dedicated for immigration authorities’ use
- Contract with the federal government to house federal detainees in California law enforcement agency facilities except under Govt C §7310 et seq.

2. What is permissible under the California Values Act?

The California Values Act does **not** prevent any of the following that “does not violate any policy of the law enforcement agency or any local law or policy of the jurisdiction in which the agency is operating:” including (Gov C § 7284.6(b)):

- Responding to release date or transfer requests if the information is *available to the public* or in the exercise of discretion for individuals who come within a TRUST Act exception (see Govt C §7282.5(a)(1)-(5), (b)). Defenders should watch out for law enforcement agencies who try to use this publicly available exception to cooperate with ICE in every case.
- Giving immigration authorities access, in compliance with TRUTH Act protections, to interview individuals in agency or department custody.
- Responding to requests from immigration officials for information about a specific individual’s criminal history, including prior criminal arrests, convictions, or similar criminal history information accessed through CLETS, where otherwise permitted by state law.
- Investigating, enforcing, detaining on reasonable suspicion, or arresting an individual, for the federal offense of reentry into the United States after deportation –if this is detected during *unrelated* law enforcement activity *and* the person was previously convicted of a state or federal aggravated felony⁹

⁹ “Aggravated felony” is a term of art in immigration law, defined at 8 U.S.C. § 1101(a)(43).

(Govt C § 7284.6(b)(1). **However, local law enforcement may only respond to a transfer request if the individual comes within an exception in the TRUST Act** set out in Govt C §7282.5(a)(1)-(5), (b) and discussed in Part B, above.

- Conducting enforcement or investigative duties associated with a joint law enforcement task force, including sharing confidential information with other law enforcement agencies for purposes of task force investigations, as long as (1) the primary purpose is not immigration enforcement; (2) local law enforcement’s duties are primarily related to a violation of state or federal law unrelated to immigration enforcement; and (3) participation in the task force does not violate any local law or policy. (Govt C §7284.6(b)(3).
- Making inquiries into information necessary to certify an individual identified as a potential crime or trafficking victim for a T or U visa, or to comply with 18 USC 922(d)(5) (prohibition on providing firearms to anyone illegally or unlawfully in the U.S.).
- Prohibiting or limiting a *government* entity or official from sharing an individual’s immigration status or citizenship information with federal immigration authorities.

NOTE: “Government entity” or “official” is not defined within the Values Act, though “California law enforcement agency” is (See Govt C §7284.4 and footnote 1).

3. How does the California Values Act Affect the CDCR?

The California Department of Corrections and Rehabilitation (CDCR) is exempt from the prohibitions on cooperation with immigration placed on California law enforcement agencies.¹⁰ However, the California Values Act extends provisions of the TRUTH Act (Govt C §7283 et seq.) to the CDCR, if the CDCR chooses to permit interviews between CDCR inmates and immigration authorities, or respond to immigration notice and transfer requests.

- In advance of any interview by ICE, individuals must be presented with a written consent form (mandated to be available in many languages), that explains that the interview is voluntary, the purpose of the interview, and the fact that the interview can be declined or conducted only with the individual’s attorney present (Govt C §7284.10(a)(1)). Under the TRUTH Act, this is law in all county jails as well.
- The CDCR must provide a copy of any ICE request for a hold, notification or transfer to the individual and tell the individual whether the CDCR intends to comply with the request (Govt C §7284.10(a)(2)).

In addition, under the Act, the CDCR is prohibited from:

- Restricting access for individuals to in-prison educational or rehabilitative programming or other credit-earning opportunities on the sole basis of citizen or immigration status, including but not limited to, whether the person is in removal proceedings, or subject to a hold, transfer, or notification request or civil immigration warrant (Govt C §7284.10(b)(1)).
- Considering citizenship or immigration status including but not limited to, whether the person is in removal proceedings, or subject to a hold, transfer, or notification request or civil immigration warrant, as a factor in determining a person’s custodial status (Govt C §7284.10(b)(2)).

¹⁰ In Govt C §7284.4, the statute reads, for purposes of the Act, “ ‘California law enforcement agency’ does not include the Department of Corrections and Rehabilitation.”

4. Does falling within California Values Act protections guarantee that a noncitizen will avoid immigration custody?

Not necessarily. Although the Value Act is extremely comprehensive in that it limits many forms of ICE collaboration, local law enforcement agencies retain discretion to cooperate with ICE on notification and transfer requests under certain circumstances. Furthermore, nothing prevents immigration authorities from learning of a noncitizen's presence, whereabouts, and criminal proceedings through their own channels.

Appendix I., provides a full list of the offenses that can result in discretionary cooperation with notification or transfer requests. These offenses notwithstanding, there are offenses that are *protected* from notification and transfer requests. Specifically, straight misdemeanors (including drug possession and DUI) and those felony convictions and misdemeanor convictions for wobblers which are *not* listed in SB 54 at Govt C §7282.5(a)(3)(A)-(AE).

5. Does the California Values Act apply to juvenile adjudications?

In some counties, juveniles simply are not reported to ICE as a matter of practice and policy. Defense counsel can advocate for similar policies on the ground that reporting juveniles to ICE violates confidentiality provisions under Welf & I C §§827 and 828, and undermines the policy goals of Welf & I C §202 to provide treatment in the youth's best interest, and to promote rehabilitation and family reunification. Local law enforcement is free to not report any noncitizen youth. Visit ILRC's website for a memo discussing these and other legal issues at the intersection of the California juvenile justice system and immigration enforcement.

Otherwise, the Act's baseline prohibition on responding to notification and transfer requests applies to juvenile detainees, because its definition of "law enforcement official" includes juvenile detention facilities. *See* Cal. Gov't Code § 7282(d) ("Law enforcement official" means . . . any person or local agency authorized to operate juvenile detention facilities or to maintain custody of individuals in juvenile detention facilities."). However, some of the Act's exceptions apply more narrowly to juveniles than adults. In most cases, juveniles are "adjudicated" and not "convicted" under state law, and most of the Act's exceptions apply only to "convictions," not "adjudications."¹¹ Only a small number of juvenile adjudications constitute convictions under California law. Under section 667(d)(3) of the Penal Code, the only juvenile adjudications that are considered convictions are adjudications for offenses that were committed when the juvenile was 16 or older and that are listed in section 707(b) of the Welfare and Institutions Code. The adjudications described in section 667(d)(3) are therefore the only situations in which state and local law enforcement may, under the Act, cooperate with notification and transfer requests based on a juvenile adjudication.

A juvenile convicted as an adult is likely to be treated as an adult for California Values Act purposes. Defenders representing noncitizen juveniles should make every effort to keep them out of adult court.

6. Can a local jurisdiction decide to grant more protection than SB 54 affords?

Yes. SB 54 does not mandate cooperation with ICE under any circumstance. Moreover, even when SB 54 delineates the types of cooperation which remain lawful, it states that those activities are subject to any "local law or policy." (Govt C §7284.6(b)). Thus, in jurisdictions that grant stronger protection such as Santa Clara, San Francisco, and others, those policies control. Advocates remain free to push their law enforcement agency to adopt the strongest policy possible. The ILRC is available to support these efforts.

¹¹ *See* Cal. Welfare & Inst. Code § 602 (establishing juvenile court jurisdiction to "adjudge" a juvenile younger than eighteen years old "to be a ward of the court"); *id.* §§ 602.3, 603.5(a) (using "adjudicate," not "convict").

III. DEFENDING YOUR CLIENT

To summarize, California law enforcement cooperation with immigration holds is off the table; local law enforcement agencies are prohibited from detaining individuals on the basis of an immigration hold, period. Local law enforcement is also prohibited from gathering or sharing information about suspected noncitizens for immigration officials. Neither can they act as immigration agents, use immigration agents as translators or dedicate office or desk space in county law enforcement facilities solely for immigration's use. There are some exceptions where law enforcement officials may exercise discretion to respond to immigration requests for (a) notification of release dates or (b) assistance with transfers, *but only* for individuals who meet specific criteria in amended Govt C §7282.5. Information concerning an individual's release date can also be shared when that information is available to the public, and transfer requests can be honored when there is a judicial warrant or judicial determination of probable cause.

It is important to distinguish between the prohibition on cooperation with immigration enforcement and the immigration consequences of criminal cases. The California Values Act (and local policy) may prevent local jails from responding to notification and transfer requests, but it does not protect against the immigration consequences of criminal conduct or conviction. In other words, qualifying for protection under the Values Act may delay or avoid ICE arrest, but it does not confer any lawful immigration status on a person. "Immigration consequences" refers to how a criminal disposition will affect the noncitizen's immigration status, *e.g.*, whether it will cause him or her to lose a green card, or prevent eligibility to apply for lawful status in the future. Defense counsel continues to have a duty to investigate and affirmatively defend against the immigration consequences of a criminal case, in accordance with the priorities of the defendant, in addition to the duty to defend the criminal case, itself. The ILRC has a number of useful resources available online for analyzing the immigration consequences of criminal conduct and/or conviction as well as attorneys to help answer questions. See www.ilrc.org/crimes and www.ilrc.org/chart.

Defense attorneys can play a critical role in keeping their clients out of ICE's purview by holding local law enforcement accountable to the provisions of the California Values Act, securing their clients' release from custody, and resolving cases in such a way as to best preserve their client's immigration options.

A) Effect on Defense Goals and Strategy

It's important to understand SB 54 and be familiar with it in order to inform clients and their families of their rights, to speak up if the court and/or sheriff is in violation of the law, to gather information regarding law enforcement practices in violation of the law in order to lay the ground work for civil action, or to weigh the opportunities and risks of O.R. release or bail possibilities.

Beyond these considerations, SB 54 may be a factor in determining the best resolution for a specific client. And the determination is not always simple. In many cases the client's first priority will be to protect his or her lawful immigration status-or hope of gaining lawful status – even if a conviction will bring the client within a TRUST Act exception and effectively destroy SB 54 protection. In other cases, where a client is undocumented and without any hope of relief, he or she may most want to avoid immigration authorities and prioritize getting a disposition that preserves protection under SB 54, even if it has a bad effect on his or her future immigration options. Sometimes the resolution of a case will meet both goals, sometimes it will not. This may add another layer of complexity on what is already a complex decision. When in doubt, conferring with an expert in "crim/imm" may be the safest and most time saving option.

Consider the following in incorporating the California Values Act into your immigration case assessment.

B) Approaching your case:

1. Generally, keep your eye on the immigration priorities of your client. Do not settle the case for an SB 54 “safe” disposition that in the long run will harm clients by rendering them deportable, inadmissible, or ineligible for relief and subject to mandatory immigration detention. For example, misdemeanor possession of narcotics may be SB 54 safe, but is very destructive to your client’s immigration options and ability to remain out of ICE custody. (The exception may be if after consulting with an immigration expert, you determine that the client has no possible path to lawful status, and their biggest goal is to avoid ICE now.)
 - a. Review ILRC criminal immigration materials online (e.g., Immigrant Questionnaire, California Chart & Notes, Relief toolkit) and consult with an expert in immigration and crimes (“crim/imm”) about possible dispositions of the case. See www.ilrc.org/chart and www.ilrc.org/crimes.
2. Learn the exceptions permitting cooperation with notice and transfer requests. If local law enforcement indicates it will honor a notification or transfer request, discuss the posting of bail with your client.
 - a. **Note:** Your client should receive notice after ICE submits such a request and you *and* your client should receive written notice if law enforcement intends to comply with the request.
 - b. Remember that an assessment of whether your client is protected by the California Values Act requires a review of the current charges **and** your client’s prior criminal history (keep in mind washout periods). See Appendix I for a list of offenses permitting cooperation with notification and transfer requests.
 - c. The exceptions to noncooperation with immigration are many and complex, and a Sheriff’s office or deputy could make a mistake. It is advisable to confirm with the Sheriff that he or she will not cooperate with a notification or transfer request that is protected under the Act.
3. Learn about any local policy further restricting law enforcement’s cooperation with immigration.
 - a. A growing list of counties including San Francisco, Santa Clara, and Monterey County are adopting stronger policies than the Values Act. For an interactive map showing local policies, go to www.ilrc.org/local-enforcement-map
4. Discuss your client’s rights. This will be helpful in the event that your client or his or her friends and family are confronted by ICE.
 - a. In particular, advise on the Fifth Amendment right to remain silent in front of ICE officials, the Fourth Amendment right against search and seizure if ICE agents come to a person’s home without a judicial warrant (they virtually never have a judicial warrant, only an administrative one), and other rights. See *Know Your Rights: A Guide for Immigrants in the California Criminal Justice System*, at www.ilrc.org/enforcement . Some defender offices distribute “red cards” (cards that assert these rights), to help the client assert their rights if it becomes necessary. To order red cards in bulk, <https://www.ilrc.org/red-cards>.

C) Bail Considerations

Since ICE holds are prohibited in every case, notification and transfers are now the primary way that individuals are arrested by ICE at local jails. While the existence of a notification or transfer request shouldn’t affect the *granting* of bail by the judge, advising the client on whether to *post* bail may depend on whether or not the client will be protected from notification or transfer under the California Values Act or otherwise remain free from ICE custody. In other words, if a client is likely to be turned over to ICE, it may not be advisable to pay the bail since ICE may arrest the client and not transfer the individual back to criminal custody to resolve the criminal case. The money a client might spend on bail may be better spent on an immigration attorney or immigration

bond. Conversely, if the person is protected by the California Values Act, or a more stringent local policy, it may be advisable to pay the bail. To that end, it is important to familiarize yourself with the exceptions to notification and transfer requests, remembering that prior criminal history is considered as well (keep in mind washout periods) and to learn the local practices (*i.e.*, the frequency with which ICE comes to the jail to pick up noncitizens or the likelihood of ICE showing up at someone's home). In many cases, it is preferable to remain in criminal custody at the jail than to be taken into immigration custody in the middle of a court case.

Example: Client John's family would like to post his bail. John has a misdemeanor child endangerment Cal PC §273a(a) conviction from four years ago. He is currently in custody for a misdemeanor Cal. PC §273a(b) charge. ICE has issued a notification request in John's case. Should John's family post his bail?

Answer: John should consider the risks before his family posts bail. The current charge for §273a(b) is not a basis for cooperation. At this point it is only a charge, not a conviction.¹² However, the prior misdemeanor conviction for Cal PC §273a(a), is a wobbler offense listed in § 7282.5(a)(3)(C). Here, unless the local jail has its own policy which is stronger than the Act, the jail may notify ICE of John's release date. John should be notified of this risk and any other local trends (e.g. the frequency to which ICE agents come to jail to pick people up), before his family posts bail.

To avoid notification and transfer request problems, criminal defense counsel should try to get the client released from criminal custody on his or her own recognizance or bail *before* immigration enforcement agents have a chance to identify and locate the client (by using their own resources, public information, or an exception to the prohibition on cooperation by local law enforcement). This will not be possible in all cases as ICE will identify certain individuals shortly after they are booked into criminal custody.

How do I know that my client has a notification or transfer request? Under the TRUTH Act, upon receiving a notification or transfer request, law enforcement is required to provide a copy of the notice to the individual. Further, if law enforcement does notify ICE of the person's release date, law enforcement must promptly provide **notification in writing to the individual and their attorney** or to one other person the client designates.¹³ Defenders, however, have reported receiving delayed notice. Consider reaching out to your Sheriff's Department to establish a streamlined process for this state-mandated notice.

NOTE: Given the complexities of the criminal exceptions to noncooperation with ICE, it is advisable to confirm that the Sheriff will not cooperate with a notification or transfer request that is protected under the Act. In particular, straight misdemeanors, Proposition 47 offenses, and felony convictions and misdemeanor convictions for wobblers that are **not** enumerated in Govt C §7282.5 are protected against cooperation by law enforcement with notice and transfer requests from immigration agencies.

D) Proposition 47 considerations

In no case are Proposition 47 offenses subject to notice or transfer requests. The ILRC's interpretation is that *all* Prop 47 offenses should be protected, including those felonies that are eligible to be reduced or reclassified, but have not yet been. However, defenders should be prepared for mixed application on the ground. To put your client in the best position, reduce felonies to misdemeanors (through a number of vehicles; see free online materials¹⁴). This is useful not only in ensuring that your client is not incorrectly transferred to ICE, but also in avoiding certain immigration consequences that can arise with an actual or potential sentence of a year or more.¹⁵

¹² A misdemeanor charge of any sort may never be the basis for ICE cooperation. See Govt C §7282.5(b).

¹³ Govt C § 7283.1(b).

¹⁴ See materials at www.ilrc.org/post-conviction-relief.

¹⁵ See, e.g., *California Criminal Sentences and Eligibility for Relief*, available at www.ilrc.org/crimes.

E) Proposition 64 Considerations

Misdemeanor Proposition 64 offenses, including drug trafficking, should receive protection against notification and transfer under the Act because they are “straight” misdemeanors. Only *felony* drug convictions are exceptions in the Act. Govt C § 7282.5(a)(3)(M).¹⁶ Advocates are arguing that protection should extend as well to those felony convictions that have yet to be reduced or reclassified under Proposition 64.

However, defense counsel should be aware that **controlled substance offenses**- whether misdemeanor or felony -- **are very damaging to noncitizens**. Even admitting to drug-related conduct that does not result in a criminal conviction after successful completion of a drug program, or pleading guilty to a drug related offense where the plea is later withdrawn and the criminal case dismissed is considered a conviction for immigration purposes. This is true even for even minor offenses involving marijuana (even if legal under state law), with the exception of a first conviction for possession of 28.5 grams or less. Drug offenses can render a noncitizen inadmissible, deportable, ineligible for relief, and subject to mandatory immigration detention. In other words, while a misdemeanor drug trafficking offense may result in protection from cooperation with notice and transfer requests and thus delay or avoid ICE apprehension, it will nearly always prove fatal for immigration status.

NOTE: Beginning January 1, 2018, California deferred entry of judgment (DEJ) is ended and is replaced by a true pretrial diversion program. See AB 208 (Eggman), amending Pen C §1000. In contrast to DEJ, pretrial diversion does not require a guilty plea before the case is diverted and so is **not** a “conviction” for immigration purposes. If your noncitizen client is capable of successfully completing a diversion program and 12-18 months of monitoring, pretrial diversion is an excellent option. If your client is deeply addicted or otherwise not capable, you must look for another option, because failure at diversion will almost surely result in a damaging drug conviction. To eliminate a DEJ “conviction” for immigration purposes for pleas entered prior to January 1, 2018, the person must have the charges dismissed under Penal C §1000.3 *and further* must withdraw the plea under Pen C § 1203.43. Although § 1203.43 is a vacatur for cause, procedurally it is very easy to obtain, similar to an expungement under Pen C § 1203.4. See discussion in *Practice Advisory: New California Pretrial Diversion* at www.ilrc.org/crimes.

F) Remedies

A sample letter is available to act in advance of potential violations titled “Letter to Local Law Enforcement Identifying Potential Violations of SB 54,” available under the Implementation Resources subheading at www.iceoutofca.org/ca-values-act-sb54.html. If a violation of SB 54 has occurred, there are several steps that a defender can take. First, a violation should be reported to the legal organizations who helped draft and pass SB 54. These organizations are tracking violations trend and have escalation plans in place. A violation may be reported via the ILRC.¹⁷ Violations may also be reported to the State Attorney General’s office. If the violation resulted in extra detention in criminal custody, this may additionally be the basis for a civil lawsuit.

¹⁶ Section 7282.5(a)(3)(M) of the Act creates an exception for “[a]n offense involving the felony possession, sale, distribution, manufacture, or trafficking of controlled substances.” The word “felony” modifies the entire clause. Accordingly, only convictions for *felony* possession, felony sale, felony distribution, felony manufacture, or felony trafficking of controlled substances are included.

¹⁷ Please e-mail Grisel Ruiz at gruiz@ilrc.org with potential violations.

APPENDIX I. Enumerated Offenses Permitting Limited Cooperation (TRUST Act; Govt C §7282.5)

The Values Act permits discretionary cooperation with immigration officials (for notification and transfer requests) when this cooperation would not be in violation of any federal, state, local law, local policy or the California Values Act. The Values Act allows cooperation for individuals convicted or held to answer for serious, violent or state prison offenses. Additionally, the Act allows cooperation for certain *enumerated wobbler offenses* found at Govt C § 7282.5(a)(3)(A)-(Q). Here, the Act allows cooperation for those convicted within 5 years of an enumerated misdemeanor or convicted within the last 15 years of an enumerated felony. Note that for these enumerated offenses, being held to answer will **not** suffice and washout periods apply.

NOTE: Watch out for potential misapplication! For an offense triggering the below issues, it may be particularly important to confirm that the Sheriff is accurately following the law and will not honor a notification or transfer request.

Straight Misdemeanors: Many offense statutes listed in Govt C §7282.5(a)(3) contain subsections describing straight misdemeanor offenses. The TRUST Act¹⁸ is clear however, that for an exception to apply to misdemeanors, the individual must have been convicted “for a crime that is *punishable as either a misdemeanor or a felony*”—in other words, the charged offense must have been a wobbler resolved as a misdemeanor. Straight misdemeanors are SB 54 “safe” in that they do not permit responses to notice or transfer requests. See **APPENDIX III**.

Proposition 47 Offenses: Proposition 47 offenses are expressly protected from notice and transfer requests.¹⁹ However, law enforcement agencies on the ground might incorrectly respond to notice and transfer requests since certain Prop 47 offenses are listed in the enumerated offenses at Govt C §7282.5(a)(3). See **APPENDIX II**.

The enumerated offenses are:

Crimes Against a Person, Criminal Threats & Sex Offenses

Assault (G.C. § 7282.5(a)(3)(A))

As specified, but not limited to, P.C. §§ 217.1, 220, 240, 241.1, 241.4, 241.7, 244, 244.5, 245, 245.2, 245.3, 245.5, 4500, and 4501.

Battery (G.C. § 7282.5(a)(3)(B)).

As specified, but not limited to P.C. §§ 242, 243.1, 243.3, 243.4, 243.6, 243.7, 243.9, 273.5, 347, 4501.1, & 4501.5.

Use of threats (G.C. § 7282.5(a)(3)(C)).

As specified, but not limited to P.C. §§ 71, 76, 139, 140, 422, 601, and 11418.5.

Sexual abuse, sexual exploitation, or crimes endangering children (G.C. § 7282.5(a)(3)(D)).

As specified in, but not limited to, P.C. §§ 266, 266a, 266b, 266c, 266d, 266f, 266g, 266h, 266i, 266j, 267, 269, 288, 288.5, 311.1, 311.3, 311.4, 311.10, 311.11, and 647.6.

Child abuse or endangerment (G.C. § 7282.5(a)(3)(C)).

As specified in, but not limited to, P.C. §§ 270, 271, 271a, 273a, 273ab, 273d, 273.4, and 278.

Crime resulting in death, or involving the personal infliction of great bodily injury (G.C. § 7282.5(a)(3)(Q)).

As specified in, but not limited to, P.C. §§ 245.6(d), 187, 191.5, 192, 192.5, 12022.7, 12022.8, and 12022.9.

False imprisonment, slavery, and human trafficking (G.C. § 7282.5(a)(3)(T)).

As specified in, but not limited to, P.C. §§ 181, 210.5, 236, 236.1, and 4503.

Offense requiring sex offender registration under P.C. §§ 290, 290.002, or 290.006 (G.C. § 7282.5(a)(3)(S)).

¹⁸ Govt C §7282.5.

¹⁹ Gov't Code § 7282.5(a)(6).

Torture and mayhem (G.C. § 7282.5(a)(3)(V)).

As specified in, but not limited to, P.C. § 203.

Elder and dependent adult abuse (G.C. § 7282.5(a)(3)(X)).

As specified in, but not limited to, P.C. § 368.

Hate crime (G.C. § 7282.5(a)(3)(Y)).

As specified in, but not limited to, P.C. § 422.55.

Crime threatening the public safety (G.C. § 7282.5(a)(3)(W)).

As specified in, but not limited to, P.C. §§ 219, 219.1, 219.2, 247.5, 404, 404.6, 405a, 451, and 11413.

Stalking (G.C. § 7282.5(a)(3)(Z)).

As specified in, but not limited to, P.C. § 646.9.

Rape, sodomy, oral copulation, or sexual penetration (G.C. § 7282.5(a)(3)(AC)).

As specified in, but not limited to, P.C. §§ 261(a)(2) & (6), 262(a)(1)&(4), 264.1, 286(c)&(d), 288a(c)&(d), 289(a)&(j).

Kidnapping (G.C. § 7282.5(a)(3)(AD)).

As specified in, but not limited to, P.C. §§ 207, 209, and 209.5.

Crimes Against Property

Burglary, robbery, theft, fraud, forgery, or embezzlement (G.C. § 7282.5(a)(3)(F)).

As specified in, but not limited to, P.C. §§ 211, 215, 459, 463, 470, 476, 487, 496, 503, 518, 530.5, 532, and 550.

Vandalism with prior convictions (G.C. § 7282.5(a)(3)(N)).

As specified in, but not limited to, P.C. § 594.7.

A crime threatening the public safety (G.C. § 7282.5(a)(3)(W)).

As specified in, but not limited to, P.C. §§ 219, 219.1, 219.2, 247.5, 404, 404.6, 405a, 451, and 11413.

Crimes Against Public Justice

Obstruction of justice (G.C. § 7282.5(a)(3)(H)).

As specified in, but not limited to, P.C. §§ 69, 95, 95.1, 136.1, and 148.10.

Bribery (G.C. § 7282.5(a)(3)(I)).

As specified in, but not limited to, P.C. §§ 67, 67.5, 68, 74, 85, 86, 92, 93, 137, 138, and 165.

Escape, (G.C. § 7282.5(a)(3)(J)).

As specified in, but not limited to, P.C. §§ 107, 109, 110, 4530, 4530.5, 4532, 4533, 4534, 4535, and 4536.

Firearms and other weapons

Unlawful possession or use of a weapon, firearm, explosive device, or weapon of mass destruction. (G.C. § 7282.5(a)(3)(K))

As specified in, but not limited to, P.C. §§ 171b, 171c, 171d, 246, 246.3, 247, 417, 417.3, 417.6, 417.8, 4574, 11418, 11418.1, 12021.5, 12022, 12022.2, 12022.3, 12022.4, 12022.5, 12022.53, 12022.55, 18745, 18750, 18755, and 26100 (c) and (d).

Possession of an unlawful deadly weapon under Part 6 of the Penal Code (P.C. § 16000 et seq.) (G.C. § 7282.5(a)(3)(L)).

Possession or use of a firearm in the commission of an offense (G.C. § 7282.5(a)(3)(R)).

Felony Drug Offenses

Offense involving the felony possession, sale, distribution, manufacture, or trafficking of controlled substances (G.C. § 7282.5(a)(3)(M)).

Felony DUI of alcohol or drugs (G.C. § 7282.5(a)(3)(G)).

Gang-related Offenses

Gang-related offenses (G.C. § 7282.5(a)(3)(O)).

As specified in, but not limited to, P.C. §§ 186.22, 186.26, and 186.28.

Inchoate Offenses

An attempt or a conspiracy as defined in P.C. §§ 664 or 182 to commit any of the enumerated offenses on this list (G.C. § 7282.5(a)(3)(P)).

Soliciting the commission of a crime (G.C. § 7282.5(a)(3)(AA))

As specified in, but not limited to, P.C. §§ 286(c), 653j, and 653.23.

Criminal Profiteering

Criminal profiteering and money laundering (G.C. § 7282.5(a)(3)(U))

As specified in, but not limited to, P.C. §§ 186.2, 186.9, and 186.10.

Offense Committed while Out on Bail

Offense committed while on bail or released on O.R. (G.C. § 7282.5(a)(3)(AB))

As specified in, but not limited to, P.C. § 12022.1.

Vehicle Code

Vehicle Code § 20001(c). (G.C. § 7282.5(a)(3)(AE))

Felony DUI of alcohol or drugs (G.C. § 7282.5(a)(3)(G))

APPENDIX II. Enumerated Offenses in Govt C §7282.5 that were Reduced by Propositions and No Longer Permit Cooperation with Immigration

NOTE: Government Code §7282.5, names broad offense categories such as “assault”, “battery”, “theft”, “burglary”) followed by the language, “as specified in, but not limited to sections...” and then lists offense statutes. A couple of the offenses in the chart below are not explicitly enumerated offenses listed in Govt C §7282.5, but nonetheless fall within a broadly named category in the statute. They are provided here as Proposition 47 misdemeanors that expressly *protect* individuals from notice and transfer requests (see Govt C §7282.5(a)(6)). Note that other offenses (*e.g.*, 459, 487) are listed in Govt C §7282.5(a)(3) and thus a conviction is exempted from the ban on noncooperation with immigration officials (in other words law enforcement may choose to cooperate with notice and transfer requests) despite the fact that the underlying conduct may have been akin to misdemeanor shoplifting before Proposition 47 was codified. While it is our interpretation that *all* Prop 47 offenses should be protected (see P.C. §1170.18), including *felonies* which have yet to be reduced or reclassified, defenders should be prepared for mixed application on the ground. To put your client in the best position, reduce felonies to misdemeanors where ever you can.

Offense	Code	Trust Act (Govt C §7282.5) Category	Proposition
Shoplifting under 950\$	Pen C §459.5	(a)(3)(F)	Prop 47
Forgery for < \$950	Pen C §473(b)	(a)(3)(F)	Prop 47
Insufficient Funds where underlying amount is < \$950	Pen C §476a(b)	(a)(3)(F)	Prop 47
Receiving stolen property of < \$950 value	Pen C §496(a)	(a)(3)(F)	Prop 47

WARNING: Proposition 47 and Proposition 64 reduced some felony drug offenses to misdemeanors (see Health & S C §§11350, 11358, 11359(c), 11377) and misdemeanor drug offenses are “safe” from cooperation with notice and transfer requests. The exceptions that permit cooperation are only for “*felony* possession, sale, distribution, manufacture or trafficking” and felony DUI drugs/alcohol. See Govt C §§7282.5(a)(3)(M), (G). Although a misdemeanor drug offense may afford some protection against notice and transfer requests, drug-related conduct and convictions are very damaging to noncitizens and result in deportation, inadmissibility and the denial of relief.

APPENDIX III. Enumerated Offenses Describing Straight Misdemeanors Instead of Felonies or Wobblers as Required by Govt C §7282.5 in order to Cooperate with Immigration

NOTE: As straight misdemeanors, these offenses *do not* fall within the exception to noncooperation with immigration as misdemeanor convictions as “a crime punishable as either a misdemeanor or a felony” (wobbler). In other words, these convictions should *not* trigger discretion to cooperate with notice and transfer requests.

Offense	Penal Code	TRUST Act (Govt C §7282.5) subsection
Assault	§240	(a)(3)(A)
Battery	§242	(a)(3)(B)
Annoying or molesting a child	§647.6(a)(1)-(2)	(a)(3)(D)
Child endangerment	§273a(b)	(a)(3)(E)
Petty theft during an emergency	§463(c)	(a)(3)(F)
Accepting bribe for appointment to public office	§74	(a)(3)(I)
Brandishing deadly weapon	§§417(a), (d)	(a)(3)(K)
Knowingly permitting another to carry a firearm in a vehicle	§26100(a)	(a)(3)(K)
Incitement to riot	§404.6	(a)(3)(W)
Elder abuse	§368(c)	(a)(3)(X)
Supervising or aiding prostitution-related offense	§653.23	(a)(3)(AA)

APPENDIX IV. Criminal Defender “Cheat Sheet” on the California Values Act

The Act in a Nutshell:

- Law enforcement agencies (LEA) cannot honor any immigration “hold” requests, meaning requests to detain a person for additional time beyond the end of criminal custody.
- LEA cannot respond to immigration requests for notification of release dates²⁰ or facilitation of transfer to immigration custody²¹ -- unless a TRUST Act exception applies (see Chart, below).
- TRUTH Act protections, which require LEA to obtain written consent from a person in custody before an ICE interview, have been extended to the CDCR.
- LEA cannot inquire into a person’s immigration status.
- LEA cannot share personal information (*e.g.*, work or home addresses) about a person with immigration authorities -- unless the information is publicly available.
- LEA cannot use immigration agents as translators.
- LEA cannot perform the functions of an immigration officer (whether through a § 287(g) agreement or otherwise). LEA cannot make arrests on civil immigration warrants.
- In most cases, LEA are prohibited from arresting people for the federal criminal offense of unlawful reentry under 8 U.S.C. § 1326(a).²²
- LEA cannot provide immigration agents with exclusive office space.

How Do I Defend Noncitizens in Light of the California Values Act?

1. **In most cases, the highest immigration priority for the client still is getting or keeping lawful immigration status, rather than avoiding a TRUST Act exception.** The Values Act provides a specific list of offenses that are “TRUST Act exceptions,” which permit an LEA to provide release-date notification or transfer assistance to immigration authorities. See Chart, below. For many immigrant defendants, however, avoiding this list is *not* their top defense priority. Their priority is to preserve or obtain lawful immigration status. A plea that can both support lawful immigration status and avoid triggering a TRUST Act exception is optimal, but if a choice must be made, it often should be to save immigration status. An exception to this rule may be if the defendant is undocumented, has no immediate hope of immigration relief, and would suffer severe consequences if taken by ICE. Remember that both the TRUST Act and the regular immigration analyses require considering all prior convictions as well as current charges.
2. **Learn the TRUST Act exceptions and help clients get protection.** If your client has a notification or transfer request but does not come within a TRUST Act exception, you may want to make sure that the jail understands the law and will not cooperate with ICE. If the client comes within an exception and is likely to be transferred to ICE, discuss with your client the option of not posting bail, so that he or she will remain in criminal, rather than immigration, detention. Your client should receive notice after ICE submits a notice or transfer request, and you *and* your client should receive written notice if law enforcement intends to comply with the request.

²⁰ A notification request is a voluntary request from ICE to a law enforcement agency asking for the individual’s release date such that ICE has sufficient notice to arrest the individual at release from criminal custody. These requests are made using the DHS Form I-247A.

²¹ A transfer request is a request from immigration authorities asking that a law enforcement agency facilitate the transfer of an individual in its custody to ICE or CBP.

²² These arrests may only occur if reentry is detected during an unrelated law enforcement activity *and* the person was previously convicted of an aggravated felony, defined at 8 U.S.C. § 1101(a)(43).

3. **Learn about any local policy** limiting law enforcement’s cooperation with immigration. A growing list of counties, including San Francisco, Santa Clara, and Monterey County, are adopting stronger policies than the Values Act.
4. **Advise your client on his or her Fifth Amendment** right to remain silent in front of ICE officials, the **Fourth Amendment** right against search and seizure if ICE agents come to a person’s home without a judicial warrant (and ICE virtually never has a judicial warrant).²³

CHART: TRUST Act Exceptions That Destroy Some Protections

If a defendant comes within a TRUST Act exception, then LEA potentially have the discretion to cooperate with ICE in two, and only two, ways: they can choose to answer requests for notification and for assistance with transfer. LEA have discretion (but are never required) to cooperate with these requests **only** when 1) doing so will not violate any Federal, State, or local law or policy *and* 2) when permitted by the California Values Act.²⁴

Conviction triggers TRUST Act exception	Held to answer will suffice?²⁵	Other conditions
Serious (Pen C §1192.7(c)) or violent (Pen C §667.7(c)) Felony	Yes	
Felony punishable by state prison	Yes	
Other felonies enumerated in Act ²⁶	No	Only includes convictions within the last 15 years
Misdemeanor convictions for wobblers enumerated in the Act ²⁷	No	Only includes convictions within the last 5 years
Federal offense that is an “aggravated felony”	No	See definition at 8 USC §1101(a)(43)
Currently required to register as a sex or arson offender	N/A	
No conviction, but federal felony arrest warrant. ²⁸	N/A	ICE or Homeland Security identifies the person as subject to such a warrant.

NOTE:

- **Only felony drug convictions or DUIs** are a basis for cooperation with notice and transfer requests; misdemeanor convictions are protected.
- **Proposition 47** offenses should be protected from cooperation with notice and transfer requests. See the discussion in *Defending Your Client*, Section D) Proposition 47 considerations in Practice Advisory *SB 54 and the California Values Act: A Guide for Criminal Defenders* (February 2018).
- Only enumerated wobbler offenses that resolved for misdemeanors can trigger an exception to protection under SB 54. Some of the offenses enumerated are **straight misdemeanors**. This is a drafting error from the 2015 TRUST Act.

²³ See *Know Your Rights: A Guide for Immigrants in the California Criminal Justice System*, at www.ilrc.org/enforcement

²⁴ (Govt C §7282.5(a)(1)-(5), (b)):

²⁵ This requires a probable cause determination per Govt C § 872.

²⁶ Govt C §7282.5(a)(3)(A)-(Q).

²⁷ Govt C §7282.5(a)(3)(A)-(Q).

²⁸ Govt C §7282.5(a)(5)