

County of Contra Costa
OFFICE OF THE COUNTY ADMINISTRATOR
MEMORANDUM

DATE: APRIL 29, 2019 *Via Electronic Mail*

TO: DEPARTMENT HEADS

FROM: DAVID J. TWA, County Administrator

SUBJECT: **COMPLIANCE WITH TRUTH ACT – ASSEMBLY BILL 2792 (Chapter 768, Statutes of 2016)**

In 2016, Governor Brown signed into law Assembly Bill 2792 (Chapter 768, Statutes of 2016) also known as the “TRUTH Act” (the “Act”). This legislation further regulated the cooperation of state and local governments with the federal government related to immigration enforcement activities.

Beginning in 2018, the Act required governing bodies of local governments to hold a “Community forum” if a law enforcement agency within that local government provided the U.S. Immigration and Customs Enforcement (ICE) agency access to undocumented immigrants during the prior calendar year. For purposes of counties, several departments may be considered “local law enforcement agencies” pursuant to the Act through enforcement of “criminal statutes, regulations, or ordinances” as part of mandated service delivery to the public. Specifically, local law enforcement agencies are defined by the Act as:

“... any agency of a city, county, city and county, special district, or other political subdivision of the state that is authorized to enforce criminal statutes, regulations, or local ordinances; or to operate jails or to maintain custody of individuals in jails; or to operate juvenile detention facilities or to maintain custody of individuals in juvenile detention facilities; or to monitor compliance with probation or parole conditions.”

Similarly, the Act defines “ICE Access” very broadly to mean:

“...for the purposes of civil immigration enforcement, including when an individual is stopped with or without their consent, arrested, detained, or otherwise under the control of the local law enforcement agency, all of the following:

- (1) Responding to an ICE hold, notification, or transfer request.*
- (2) Providing notification to ICE in advance of the public that an individual is being or will be released at a certain date and time through data sharing or otherwise.*
- (3) Providing ICE non-publicly available information regarding release dates, home addresses, or work addresses, whether through computer databases, jail logs, or otherwise.*

(4) Allowing ICE to interview an individual.

(5) Providing ICE information regarding dates and times of probation or parole checkins.

To ensure compliance with the community forum requirement of the Act, I am requesting that each department head complete the attached certification form to determine the following for the period January 1, 2018 through December 31, 2018: 1) Did your department qualify as a local law enforcement agency as defined by the Act, and 2) If yes, did your department provide ICE with access, as defined above.

Based on your responses the County Administrator's Office will be reaching out to you in preparation for a TRUTH Act Community Forum, which has been scheduled for Tuesday, July 30, 2019.

Please complete the attached TRUTH Act Certification Form and return to Chief Assistant County Administrator Timothy Ewell via email at timothy.ewell@cao.cccounty.us **no later than close of business on May 27, 2019.** Should you have any questions regarding the definitions described above, whether or not your department enforces criminal statutes as defined by the Act or any other issues related to the TRUTH Act, please contact Mr. Ewell at (925) 335-1036 or Deputy County Counsel Cynthia Schwerin at (925) 335-1874 prior to completing and returning your certification form.

Attachment(s)