

County of Contra Costa
OFFICE OF THE COUNTY ADMINISTRATOR
MEMORANDUM

DATE: MAY 22, 2020

Via Electronic Mail

TO: DEPARTMENT HEADS

FROM: DAVID J. TWA, County Administrator
By: Timothy M. Ewell, Chief Assistant County Administrator

TME

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

In 2016, then 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, 2019 through December 31, 2019: 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 28, 2020.

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 Friday, June 19, 2020.** 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)



CALIFORNIA TRUTH ACT 2020 CERTIFICATION FORM

To ensure compliance with the Community Forum requirement of the TRUTH Act, each department head must complete this attached certification form to determine: 1) whether your department qualifies as a local law enforcement agency, and 2) if so, whether your department provided the Immigration Customs Enforcement agency with access to individuals at any time in calendar year 2019. Based on your responses, the County Administrator's Office may be reaching out to you to assist in preparing for a TRUTH Act Community Forum later this summer.

Please return this form electronically to Chief Assistant County Administrator Timothy Ewell (timothy.ewell@cao.cccounty.us) no later than **close of business June 19, 2020**.

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

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

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

Yes [GO TO STEP 2]

No [STOP]

STEP 2. In calendar year 2019, did your department provide access to the Immigration and Customs Enforcement (ICE) agency for civil immigration enforcement activities?

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

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

Yes

No

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

Department Head Signature

Department Head Name

Department Name