



July 18, 2022

Contra Costa County Board of Supervisors
11780 San Pablo Avenue, Suite D
El Cerrito, CA 94530

Contra Costa County Sheriff Livingston
1850 Muir Road
Martinez, CA 94553

RE: 2022 TRUTH Act Forum

Dear Contra Costa County Supervisors and Sheriff Livingston,

The undersigned organizations provide vital services and support to Contra Costa County's most underserved communities, and are committed to promoting health, economic stability, and racial equity. We write to you in anticipation of the County's 2022 TRUTH Act Forum on July 26, 2022.

Unfortunately, the Contra Costa Immigrant Rights Alliance (CCIRA) has not received a timely response from the Sheriff's Office through the California Public Records Act process. The information requested is highly relevant to the TRUTH Act Forum. On June 29, 2022, CCIRA requested the following information from the Contra Costa County Sheriff's Office: 1) the number of ICE notification and transfer requests the Sheriff received from June 29, 2021 to the present; 2) the number of ICE notification and transfer requests the Sheriff responded to by either providing release date information or allowing ICE into any non-public area of a county jail; 3) the charge, conviction, or other rationale that served as the basis for each of the ICE requests the Sheriff's Office responded to; and 4) a copy of the current policy on immigration status ("Office of the Sheriff's Policy Section 1.02.28 - Immigration Status"). CCIRA submitted the CPRA request again on July 11, 2022. As of the date of this letter, CCIRA has not received the requested information.

Last year, we notified the Sheriff’s Office and County supervisors that the Sheriff responded to over 30 ICE requests for notification between 11/2020 and 8/2/2021. Based on the Sheriff’s Office’s “AB 4 (TRUST ACT) IMMIGRATION NOTIFICATION ELIGIBILITY” worksheets provided to CCIRA through Public Records Act requests, 23% of the ICE notifications in this time period raise legal concerns. Of the 30 notifications, it appears that at least 5 were based on straight misdemeanor offenses, which is impermissible under SB 54. Three notifications involved old convictions dated 1990, 1994, and 2006 (see chart, attached). It’s disheartening to see that immigrant community members continue to be double punished by Contra Costa County for convictions that are decades old.

Therefore, the undersigned organizations continue to urge the Sheriff’s Office to end all collaboration with ICE, including responding to ICE requests for release time notifications. Given the complicated nature of SB 54, continuing ICE notifications opens up the county to liability. Further, folks released from jail should be connected to resources, if needed, that address the root causes of violence and harm: stable housing, food security, self-help programs, drug treatment programs, etc. Detention and deportations, in contrast, tear families and communities apart, perpetuate trauma, and deeply harm multiple generations within a family. Multiple California counties such as Los Angeles, Santa Clara, San Francisco, San Mateo, Humboldt, Marin, and San Joaquin have ended ICE notifications and transfers.

Lastly, while the Sheriff codified his office’s existing practice of ending direct ICE transfers, some of the language from the prior policy remains in the version of the policy CCIRA received last year. “Transfers to immigration authorities are permitted under this subsection only in accordance with California Government Code 7283.6(a)(4).” (Sheriff’s Policy Section 1.02.28, III. A. 1.) We request that your office delete this sentence because it undercuts your office’s language prohibiting ICE transfers in IV. G, and causes confusion. Please let us know whether you will make this amendment.

Sincerely,
 Contra Costa Immigrant Rights Alliance
 Monument Impact
 Lift Up Contra Costa
 Social Justice Task Force & Dreamers Alliance Diablo Valley College
 Budget Justice Coalition
 Ensuring Opportunity
 Central Labor Council Contra Costa County
 Asian American Advancing Justice Asian Law Caucus

Attachment:

Date Signed	Sheriff’s Stated SB 54 Carveout	Offense	CCIRA’s analysis
-------------	---------------------------------	---------	------------------

1/13/21	Convicted or has a prior conviction of certain serious/violent offenses; or a felony punishable by state prison	2019 - PC 69	PC 69 is a straight misdemeanor ; therefore, it cannot be a valid basis for an ICE notification. If there was a PRIOR qualifying conviction, it is not listed as the qualifying offense.
12/10/20	Convicted w/in 5 years of a misdo wobbler, or convicted w/in 15 years of any felony involving specified crimes	2018 - possession of cocaine	CA H&S Code 11350 is a straight misdemeanor ; therefore, it cannot be a valid basis for an ICE notification.
1/10/21	Convicted w/in 5 years of a misdo wobbler, or convicted w/in 15 years of any felony involving specified crimes	2019 - PC 242	PC 242 is a straight misdemeanor (see PC 243(a)); therefore, it cannot be a valid basis for an ICE notification.
1/16/21	Convicted w/in 5 years of a misdo wobbler, or convicted w/in 15 years of any felony involving specified crimes	2020 - PC 242	PC 242 is a straight misdemeanor (see PC 243(a)); therefore, it cannot be a valid basis for an ICE notification.
12/9/20	Conviction or prior conviction of a felony punishable by state prison. Convicted w/in 5 years of a misdo wobbler, or w/in 15 years of any felony involving special crimes	2006: PC 460(b); 1990: PC 487(a)	460(b) is a wobbler (see PC 461(b)). If the person was convicted of 460(b) felony, because it was within 15 years, the notification was possibly permissible. If it was a 460(b) misdo conviction, it was an impermissible ICE notification because the conviction is over 5 years old. PC 487(A) is a wobbler, but even if it was a felony, it occurred over 15 years ago. PC 1192.7 includes PC 487(d)(2), not PC 487(a). First degree burglary is listed under 1192.7 and 667.5, but PC 460(b) is not.
1/23/21	Conviction or prior conviction of a felony punishable by state prison.	1994: PC 484; 2006: PC 487 felony	PC 484 is a straight misdemeanor ; therefore, it cannot be a valid basis for an ICE notification. PC 487 is a wobbler, but the conviction occurred 15 years ago. Depending on the month of the PC 487 conviction, the notification could violate SB 54.
2/15/21	Convicted w/in 5 years of a misdo wobbler	2016- PC 550(b)(1)	PC 550(b)(1) is a wobbler. Depending on the month of the conviction, this notification could

		misdemeanor	violate SB 54 because the conviction could be over 5 years old.
--	--	-------------	---