



Contra
Costa
County

To: Board of Supervisors
From: David Twa, County Administrator
Date: July 24, 2018

Subject: TRUTH ACT COMMUNITY FORUM

RECOMMENDATION(S):

1. HOLD a community forum regarding the provision of access of certain individuals to the federal Immigration and Customs Enforcement Agency, pursuant to Government Code section 7283.1(d);

- a. RECEIVE opening staff report from the County Administrator's Office;
- b. PRESENTATION from Contra Costa Immigration Rights Alliance;
- c. RECEIVE report from the Sheriff-Coroner;
- d. RECEIVE report from the County Probation Officer;
- e. OPEN Public Comment;

FISCAL IMPACT:

No fiscal impact.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **07/24/2018** ☒ APPROVED AS RECOMMENDED ☒ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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: July 24, 2018

Contact: Timothy M. Ewell,
(925)335-1036

David Twa, County Administrator and Clerk of the Board of
Supervisors

By: , Deputy

cc: Hon. David O. Livingston, Sheriff-Coroner, Todd Billecci, County Probation Officer

BACKGROUND:

Background

In 2016, the Governor signed into law the Transparent Review of Unjust Transfers and Holds Act, also known as the “TRUTH Act.” Beginning in 2018, the TRUTH Act requires the governing body of a local government, such as Contra Costa County, to hold a community forum if a "local law enforcement agency" operated by the County provided the federal Immigration and Customs Enforcement (ICE) agency with "ICE access" to individuals

BACKGROUND: (CONT'D)

for civil immigration enforcement purposes during the prior calendar year. (Government Code section 7283.1(d))

The TRUTH Act defines a "local law enforcement agency" in a broader context than other areas of statute. Specifically, the Act defines a "local law enforcement agency", as a department that:

1. enforces criminal laws, regulations or local ordinances;
2. operates a jail or juvenile detention facility;
3. maintains custody of individuals in a jail or in a juvenile detention facility; OR
4. monitors compliance with probation or parole conditions

In addition, "ICE access" is defined by the TRUTH Act as any of the following:

1. Responding to an ICE hold, notification, or transfer request;
2. Providing ICE with advance notice of detention facility release information that is not otherwise available to the public;
3. Providing ICE with non-public information regarding detention facility release dates, home or work addresses;
4. Permitting ICE to interview an individual; OR
5. Providing ICE with probation or parole check-in dates and times

County Process to Determine Necessity of Community Forum

The County has been tracking various legislation related to immigration and has been aware of its responsibility to determine whether or not a TRUTH Act Community Forum is required to be held. Since the definition of "local law enforcement agency" described above is broad and the definition of "ICE access" is so specific, the County Administrator's Office determined that each department within the County would be required to certify the following:

1. Whether the department was a "local law enforcement agency" as defined by the TRUTH Act; and
2. If the department is a "local law enforcement agency", then did the department provide "ICE access" during calendar year 2017.

On May 1, 2018, the County Administrator sent correspondence to department heads requesting that each certify to the above two questions and requested responses by end of business on June 1, 2018. A copy of the County Administrator's letter and certification form are included in today's agenda packet as Attachment A. In addition, a summary of responses from each department has been included as Attachment B.

The Probation Department and Sheriff's Office reported as having provided ICE access in

calendar year 2017.

Community Forum Requirements and Request for Information from Departments

Once it has been determined that a community forum is necessary, statute provides that the community forum be scheduled with thirty-days advance notice to the public and that local law enforcement agencies participating in the forum may provide the governing board with certain information. Specifically, those agencies may provide the number and demographic characteristics of individuals whose information was disclosed to ICE through a hold, transfer, or notification request or through other means. Further, the data may be provided in the form of statistics or, if such statistics are not maintained, individual records, provided that personally identifiable information is redacted.

On June 15, 2018, County Administrator sent correspondence to the Probation Department and the Sheriff's Office, the two local law enforcement agencies that certified to having provided ICE access during 2017, requesting information about that access for inclusion in today's agenda packet. A copy of the County Administrator's correspondence to the Probation Department and Sheriff's Office has been attached to today's agenda packet as Attachments C and D, respectively.

On June 23, 2018, the East Bay Times, a newspaper of general circulation within Contra Costa County, published formal notice of the Forum in compliance with the thirty-day public notice requirement. A copy of the Proof of Publication issued by the East Bay Times is attached to today's agenda packet as Attachment E. In addition to this formal notice, the date and time of the County's Community Forum has been widely circulated through the Public Protection Committee, by immigration advocacy organizations and in the local press.

Community Engagement Component

On February 7, 2017, the Board of Supervisors referred to its Public Protection Committee a review of law enforcement participation and coordination with ICE. Over the course of the last year, the Committee has held several meetings to discuss the topic with issues ranging from departmental immigration policies, tracking of state legislation related to immigration and reviewing the status of federal litigation from around the country related to immigration. In general, the Committee meetings have been well attended by members of the public, advocates for the undocumented immigrant community and, earlier in the referral process, advocates for immigrants that are documented residents.

Once it was determined that a TRUTH Act community forum was necessary, the Public Protection Committee announced that interested parties should coordinate with the County Administrator's Office prior to the Community Forum to provide suggestions as to its format. Staff received four public comments regarding the Forum; three via electronic mail from interested individuals and one from the Contra Costa Immigration

Rights Alliance (CCIRA), via the California Immigration Policy Center, with a request to meet with the County.

County staff held two in-person meetings with members of CCIRA, which included a delegation of representatives from the immigrant advocacy community, including the American Civil Liberties Union (ACLU), Multi-Faith Immigration Coalition for Action, East Bay Alliance for Sustainable Economy and the California Immigrant Youth Justice Alliance.

Following those meetings, the County agreed to provide two enhancements to the Community Forum format. Specifically, the County agreed to:

1. Immigration Advocacy Presentation: Allow for a coordinated presentation by the immigration advocacy community represented by Ms. Saira Hussain, Staff Attorney for the Criminal Justice Reform Program at Asian Americans Advancing Justice, a national non-profit with a self-described mission to “...*advance the civil and human rights for Asian Americans and to build and promote a fair and equitable society for all.*”; and

2. Real-Time Public Comment: Allow for “real-time” public comment to be submitted during the Forum, which allows interested parties that are unable to attend in-person, but are following the Forum through the County’s television, web or mobile platforms an opportunity to provide written public comment through a focused email address – TRUTHAct@cob.cccounty.us. The email address was distributed to the ACLU representative participating in discussions with CCIRA on July 12, 2018 with a request to distribute in any future correspondence to interested parties.

CCIRA has forwarded a copy of their presentation for publication in today’s agenda packet and is attached as Attachment F.

Local Law Enforcement Agency Information

In response to the County Administrator’s June 15th request outlined above, the Probation Department and the Sheriff’s Office provided information regarding the provision of ICE access in calendar year 2017. The Probation Department and Sheriff’s Office responses are included as Attachment G and Attachment H, respectively, in today's agenda packet.

CONSEQUENCE OF NEGATIVE ACTION:

The TRUTH Act community forum is required to be held by the governing board of a local agency pursuant to Government Code section 7283.1(d) if a local law enforcement agency within that jurisdiction has provided ICE access to an individual. The statute only requires that the community forum be convened and does not require that any action be taken by the local governing board. Should the Board choose not to hold the community

forum it must be scheduled for a future date to comply with state law.

CHILDREN'S IMPACT STATEMENT:

No impact.

CLERK'S ADDENDUM

Speakers: Dick Offerman, resident of Pleasant Hill; Suzanne Llewellyn, resident of Walnut Creek; Reverend Deborah Lee, Interfaith Movement for Human Integrity; Antonio Medrano, American Civil Liberties Union; Stacy Ahh, California Immigrant Policy Center; Ny Nourn, Asian Advancing Justice-Asian Law Caucus; Mohamed Talb, Asian Law Caucus; Fitima Ladha, Advancing Justice Asian Law Caucus; Judy Weatherly, Courageous Resistance and Indivisible El Sobrante/Richmond/ Donna Crawford, Freedom for Immigrants; Janet Newman, FFI; Maria Hu, ASPIRE; Debra Bernstein, Monument Impact; Ivan Herrera, Contra Costa Regional Group; Tony Bravo, CCIRA; Claire Broome, resident of Berkeley; Carl Mason, Freedom for Immigrants; Elsa Stevens, residents of Richmond; Linda Olvera, Freedom for Immigrants; Cheryul Sudduth, CCIRA, ACLU, Racial Justice Coalition; Darlene Roth, MDUUC; Michael Fischer, MICA; Nicole Zapata, EBASE, CCIRA; Ahsa DuMonthier, CCIRA; Jennifer Morales, Monument Impact, CCIRA; Rita Barouch, Contra Costa Racial Justice Coalition (CCCRJC); Karen Perkins; Dan Safran, resident of Pleasant Hill; Brendon O'Laskey; Milie Phillips, San Francisco Unitarian Universalist Congregation; Dr. Carols Montes Rouse; Dr. Alex Harsh Bangura; Jennifer Shrestha; Lee Lawrence, League of Women Voters of Diablo Valley; Sandy Valenciano, resident of Antioch; Albert Ponce, resident of Martinez; Thomas Ammon, resident of Pacheco; Peter Krey, St. Paulus Lutheran Church; Yadirea Sanchez, CIYJA; Judith Stacey, Freedom for Immigrants; Deborah Plaza, resident of El Sobrante; Andres Soto; Cora Mitchell, resident of Concord; David Thompson, Monument Impact; Reverend Neal Anderson, resident of Pleasant Hill; Reverend Leslie Takahashi, resident of Martinez; Gwen Young; Jane Courant, resident of Richmond; Judy Gordon, resident of Walnut Creek; Raquel Ortega, ACLU of Northern California; Dr. Jessie Liu, resident of Martinez; Jeff Landan, CCCRJC; Reverend Will McGarvey, Interfaith Council of CCC; Saira Hussain, Asian Law Caucus; Asha DuMontier. The Supervisors expressed support for providing Spanish-language translators at the 2019 forum and requested the Sheriff provide the full list of 63 examples of qualifying prior convictions for serious or violent felonies that guides notification to ICE.

ATTACHMENTS

Attachment A - Letter: County Administrator to Department Heads re: TRUTH Act Certification, May 1, 2018

Attachment B - Summary of Department Responses re: ICE Access

Attachment C - Letter: County Administrator to Probation Department re: Materials for Community Forum

Attachment D - Letter: County Administrator to Sheriff's Office re: Materials for Community Forum

Attachment E - TRUTH Act Community Forum Public Notice - Proof of Publication

Attachment F - Presentation: Contra Costa Immigration Rights Alliance (CCIRA)

Attachment G - Staff Report: Probation Department - Provision of ICE Access

Attachment H - Presentation: Sheriff's Office - Provision of ICE Access
Assembly Bill 2792 (Chapter 768, Statutes of 2016)