



Contra
Costa
County

To: Board of Supervisors
From: Monica Nino, County Administrator
Date: July 26, 2022

Subject: 2022 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 (*Paul Reyes, Senior Deputy County Administrator*);
- b. RECEIVE report from the Sheriff-Coroner; (*Hon. David O. Livingston, Sheriff-Coroner*);
- c. OPEN Public Comment

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **07/26/2022** ☒ 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 26, 2022

Contact: Paul Reyes
925.655.2049

, County Administrator and Clerk of the Board of Supervisors

By: , Deputy

cc:

In 2016, Governor Brown signed into law the Transparent Review of Unjust Transfers and Holds Act, commonly referred to as the “TRUTH Act.” Beginning in 2018, the TRUTH Act required the governing body of any county, city, or county and city, such as Contra Costa County, to hold a community forum if a "local law enforcement agency" operated by the governmental entity provided the federal Immigration and Customs Enforcement (ICE) agency with "ICE access" to individuals for civil immigration enforcement purposes during the prior calendar year. (Government Code section 7283.1(d))

BACKGROUND: (CONT'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, the term "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 held its first TRUTH Act community forum in July 2018. At that time, because 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 to determine whether a community forum was required to be held pursuant to the statute:

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 the prior calendar year.

On May 6, 2022, the County Administrator again sent correspondence to department heads requesting that each certify to the above two questions and provided for a six-week due diligence period before responding. A copy of the County Administrator's letter and Certification Form are included in today's agenda packet as Attachment A.

The Sheriff's Office reported as having met the statutory definition for providing ICE access in calendar year 2021, which requires the Board of Supervisors to convene a community forum pursuant to Government Code section 7283.1(d). No other County departments reported as having provided ICE access in calendar year 2021.

As a reminder, on July 9, 2018, the Sheriff's Office informed ICE and the United States Marshals Service (the "Service") of the determination to terminate agreements with the Service related to the housing of ICE Agency detainees. The County has not entered into subsequent contracts and does not house ICE Agency detainees within the adult or juvenile detention facility systems.

Community Forum Requirements and Request for Information

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 to the local governing board certain information. Specifically, participating 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.

Consistent with prior years, on June 25, 2022 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 B.

In addition to this formal notice, the date and time of the County's community forum has been circulated with the assistance of members of the Board of Supervisors, the Contra Costa Immigrant Rights Alliance and the Office of Reentry and Justice. In addition, information regarding the forum has been listed on the front page of the County website and was distributed to local media. Flyers describing this year's Forum were made available in English and Spanish.

Public Accessibility

Following the conclusion of the 2018 TRUTH Act community forum, the Board of Supervisors directed staff to provide interpretation in Spanish at the 2019 community forum. Simultaneous interpretation of Forum proceedings in Spanish was successfully integrated at the 2019 community forum and continues to be available this year.

For today's forum, the County is providing the following enhancements to public accessibility and language access to maximize community involvement and participation during the forum:

1. Written Public Comment: Allow for written public comment to be submitted and published with agenda materials. This ensures that comments submitted in written format are published for review by all parties participating in today's forum. To maintain compliance with the Better Government Ordinance, only those written comments received as of Thursday, July 21, 2022 at 4:00 PM were to be included as attachments. No written public comment was received related to this item.

2. Simultaneous Interpretation in Spanish: The County has engaged Continental Interpreting Services, Inc., a provider of interpreting and translation services, to provide simultaneous interpretation of today's forum in Spanish. During the forum, two interpreters will ensure that reports and commentary delivered in English will be interpreted in Spanish via the County's stream services. In addition, during public comment, the interpreters will be available to provide consecutive interpretation from Spanish to English.

For reference, the American Translators Association defines each type of interpretation referred to above as the following:

- *Simultaneous Interpretation*: Simultaneous interpreting requires the interpreter to listen and comprehend in one language (source) while "simultaneously" providing an interpretation in a second language.
- *Consecutive Interpretation*: Consecutive interpreting requires the interpreter to hear several complete sentences in one language (source) before the speaker stops to allow the interpreter to provide an interpretation in a second language.

3. Consecutive Interpretation for Public Comment (upon request): In addition to providing simultaneous interpretation in Spanish, the County has offered to provide consecutive interpretation in other languages, upon request, for delivery of public comment to the Board of Supervisors. This language accommodation was announced through outreach previously outlined. Due to the logistics involved with securing a professional interpreter for an unknown set of languages, the County requested notice from members of the public by Tuesday, July 19, 2022. As of Thursday, July 21, 2022 at 4:00 PM, the County had not received a request for additional language

accommodations. For these reasons, only interpretation in Spanish will be provided during public comment at today's forum, as described in paragraph 2. above.

4. Closed Captioning in Spanish: Board of Supervisors' meetings provide for closed captioning in English during live broadcast and on video posted on the County website. At today's forum, closed captioning will be provided real-time in Spanish to complement the simultaneous interpretation of the proceedings in Spanish. This will also be available on the video archive of today's forum on the County website.

6. Translation of PowerPoint Presentations: In addition to providing interpretation of the spoken word, the County has requested and made provision for the translation of PowerPoint presentations to be used at today's forum from English to Spanish. Two PowerPoint presentations are scheduled for today's forum:

- *Sheriff's Office*: Copies of the Sheriff's Office PowerPoint presentation are attached to this agenda item in both English (Attachment C) and Spanish (Attachment D).

7. Immigration Advocacy: The County has traditionally allowed for a coordinated presentation by the immigration advocacy community which, in past years, had been presented by senior attorneys from Criminal Justice Reform Program at Asian Americans Advancing Justice - Asian Law Caucus (ALC) in partnership with the Contra Costa Immigrant Rights Alliance (CCIRA). County staff had reached out to both ALC and CCIRA to provide a presentation, but neither organization were able to provide a presenter for this year's TRUTH Act forum. In lieu of a presentation, CCIRA has provided a letter to the Board of Supervisors and the Sheriff-Coroner outlining their concerns with the Office of the Sheriff's interaction with ICE. A copy of the letter received from CCIRA is included as Attachment E.

Finally, the text of the TRUTH Act is included as Attachment F for reference.

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; No Name Given. Written correspondence received from signers: Contra Costa Immigrant Rights Alliance; Ensuring Opportunity; Interfaith Movement for Human Integrity; Lift Up Contra Costa; JFCS East Bay; Contra Costa Defender Association; Human Impact Partners; Central Labor Council Contra Costa; Monument Impact; Contra Costa Budget Justice; Asian Americans Advancing Justice; Rubicon Programs; NAMI; Asian American Pacific Islander Coalition; California Immigrant Policy Center; ACLU Northern California.

ATTACHMENTS

Attachment A - TRUTH Act Letter and Certification Form

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

Attachment C - Presentation Office of the Sheriff

Attachment D - Presentación Oficina del Sheriff

Attachment E - Contra Costa Immigrant Rights Alliance Letter

REVISED Attachment E- Contra Costa Immigrants Rights Alliance Letter as of 7-26-22

Attachment F - Assembly Bill 2792 (Chapter 768, Statutes of 2016)