



Contra
Costa
County

To: Board of Supervisors
From: David Twa, County Administrator
Date: July 30, 2019

Subject: 2019 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 (*Timothy M. Ewell, Chief Assistant County Administrator*);
 - b. RECEIVE report from the Sheriff-Coroner; (*Hon. David O. Livingston, Sheriff-Coroner*)
 - c. RECEIVE presentation from the Criminal Justice Reform Program at Asian Americans Advancing Justice - Asian Law Caucus; (*Ms. Angela Chan, Policy Director and Senior Staff Attorney*)
 - d. OPEN Public Comment;

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **07/30/2019** ☒ 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 30, 2019

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

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

By: , Deputy

cc:

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

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 local government entities, 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))

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, 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 to determine whether a community forum was required to be held pursuant to 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 April 29, 2019, the County Administrator again sent correspondence to department heads requesting that each certify to the above two questions and provided for a

four-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. In addition, a summary of responses from each department has been included as Attachment B.

The Sheriff's Office reported as having met the statutory definition for providing ICE access in calendar year 2018, which requires the Board of Supervisors to convene a community forum pursuant to Government Code section 7283.1(d).

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.

On June 6, 2019, County Administrator sent correspondence to the Sheriff's Office requesting information about the 2018 ICE access for inclusion in today's agenda packet. A copy of the County Administrator's correspondence to the Sheriff's Office has been attached to today's agenda packet as Attachment C.

On June 28, 2019, 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 D. In addition to this formal notice, the date and time of the County's community forum has been circulated with the assistance of the Contra Costa Immigrant Rights Alliance (CCIRA), Stand Together CoCo and the Office of Reentry and Justice. In addition, information regarding the forum has been listed on the front page of the County website. Flyers distributed to each entity described above and the posting on the County website 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. And, staff has worked closely with the Chair of the Board to identify other opportunities to enhance public access following last year's forum.

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

1. Immigration Advocacy Presentation: Allow for a coordinated presentation by the immigration advocacy community represented by Ms. Angela Chan, Policy Director and Senior 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 other underserved communities to promote a fair and equitable society for all.” A copy of the PowerPoint presentation received by Ms. Chan is included as Attachment E in English and Attachment F in Spanish.

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 identified on the flyers distributed to CCIRA and Stand Together CoCo on July 11, 2019 with a request to distribute interested parties. It's important to note that a Spanish translation version of the flyer was distributed to each the following day - July 12, 2019.

3. 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 25, 2019 at 12:00 pm are included as attachments. Any written public comments provided after that time will be provided to the Board of Supervisors at the forum and recorded in the meeting minutes. Copies of written public comments are included as Attachment G.

4. Simultaneous Interpretation in Spanish: Following the Board's direction from last year, the County has engaged Continental Interpreting Services, Inc., a provider of interpreting and translation services and equipment rentals, 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 FM/RF receivers to Spanish speaking attendees. 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 (target).

- *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 (target).

5. 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 Monday, July 22, 2019. As of that date the County had not received a request for additional language accommodations and no subsequent requests were made through Thursday, July 25, 2019 at 12:00 pm. For these reasons, only consecutive interpretation in Spanish will be provided during public comment at today's forum, as described in paragraph 4. above.

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*: The Sheriff's Office notified the County Administrator's Office that the PowerPoint presentation would likely not be available prior to publishing the July 30th agenda packet (typically the Thursday afternoon prior to a Tuesday meeting). Once the PowerPoint is received, the County will immediately make the information available on the County website and make every effort to have the document translated in advance of the community forum.
- *Community Presentation*: The County is in receipt of the PowerPoint presentation from Asian Americans Advancing Justice. A copy of the PowerPoint presentation received is included as Attachment E in English and Attachment F in Spanish.

Finally, the text of the TRUTH Act is included as Attachment H 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

Public Speakers: Kathryn Durham-Hammer, Darlene Roth, Linda Olvera, Sanily Valiencero, Renee Zeimer, Jeffrey Landau, Shirley Shelangoski, Dick Offerman, Don Arana-Foqq, Mark Wassberg, Judy Weatherly, Oscar Flores, Judy Walters, Dan Safran, Misha Safran, Bob Lane, Douglas Leich, Jennifer, Nicole Zapata, Marco Colin, William Colin, Rev. Leslie Takahashi, Rev. Gwendolyn Young, Rita Barouch, Jane Courant, Kristi Laughlin, Ron Ahnem, Raquel Ortega, Tracy Rosenberg, Tony, Chala Bonner, Karen Perkins, Sarah Lee, Yadira Sanchez, Robin Kuslits, Kenji Yamada, Ali Saidi, Cora Mitchell, Adey Teshager (written comment attached).

ATTACHMENTS

Attachment A - Letter: County Administrator to Department Heads re: TRUTH Act Certification, April 29, 2019

Attachment B - Summary of Department Responses re: ICE Access

Attachment C - Letter: County Administrator to Sheriff's Office re: Materials for Community Forum, June 6, 2019

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

Attachment E - Presentation: Advancing Justice - Asian Law Caucus

Attachment F - Presentación: Promoviendo la justicia: Cónclave de derecho asiático

Attachment G - Written Public Comments, received through Thursday July 25, 2019 at 12:00 pm

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

Sheriff's Presentation - uploaded 7/26/19

Sheriff's Presentation - uploaded 7/30/19

Sheriff's Presentation uploaded 7/30/19 Spanish Version