



Contra
Costa
County

To: Board of Supervisors
From: David Twa, County Administrator
Date: July 28, 2020

Subject: 2020 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. PRESENTATION from Asian Americans Advancing Justice - Asian Law Caucus (*Melanie Kim, Staff Attorney*);

c. RECEIVE report from the Sheriff-Coroner; (*Hon. David O. Livingston, Sheriff-Coroner*);

d. OPEN Public Comment

FISCAL IMPACT:

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **07/28/2020** ☒ 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 28, 2020

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

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

By: , Deputy

cc:

No fiscal impact.

FISCAL IMPACT: (CONT'D)

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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 May 22, 2020, 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.

The Sheriff's Office reported as having met the statutory definition for providing ICE access in calendar year 2019, 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 26, 2020, 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 (CCIRA), and the Office of Reentry and Justice. In addition, information regarding the forum has been listed on the front page of the County website, was included in a press release to local media and was provided to County labor organizations. 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 Forum and will be available again this. And, staff has worked closely with the Chair of the Board to identify other opportunities to enhance public access to this 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. Melanie Kim, Staff Attorney for the Criminal Justice Reform Program at Asian Americans Advancing Justice - Asian Law Caucus, a national non-profit with a 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. Kim is included as Attachment C in English. A Spanish version is being translated and will be posted once available.

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 due to the pandemic, but are following the forum through the County’s television, web or mobile platforms an opportunity to provide public comment through public call in line.

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 23, 2020 at 12:00 pm were to be included as attachments. No written public comment was received related to this item.

4. Simultaneous Interpretation in Spanish: 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 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 (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 accomodation 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 20, 2020. As of that date the County had not received a request for additional language accommodations and no subsequent requests were made through Thursday, July 23, 2020 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*: Copies of the Sheriff's Office PowerPoint presentation are attached to this board item in both English (Attachment D) and Spanish (Attachment E).
- *Community Presentation*: The County is in receipt of the PowerPoint presentation from Asian Americans Advancing Justice. A copy of the PowerPoint presentation received in English is in the process of being translated into Spanish.

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

Written commentary was provided by (attached): William Colin-Richardson, Central County Regional Group; Efgenia Bravo, Central County Regional Group; Connie Chiba, resident of Moraga; Hector Malvido, Ensuring Opportunity Campaign; Nicole Zapata, resident of Walnut Creek; Daniel Safran, resident of Pleasant Hill; Debra Ballinger, Executive Director of Monument Impact; Carmen Chang, resident of North Hollywood; Jennifer Morales, Monument Impact; Gabby Lazzeretti, resident of Martinez; Linda Olvera, Freedom for Immigrants, Contra Costa Immigrant Rights Alliance; Tania Pulido, resident of Richmond; Deborah Donovan, resident of Pleasant Hill; Jeanette McKillop, resident of Walnut Creek; Linda Russell, resident of Pleasant Hill; Wayne and Helen Reznick, residents of Clayton; Marianne Callahan, resident of Concord; Meg Keeley, resident of Walnut Creek; Nancy Moran, resident of Walnut Creek; Sally Edgerton, resident of Walnut Creek; Emily Hampshire, resident of Walnut Creek; Elizabeth Copley, resident of Walnut Creek; Lynne White, resident of Concord; Sheli Cryderman, resident of Concord; Rose Barreto, resident of Contra Costa; Elsie Mills, Showing Up for

Racial Justice; Liz Miller, resident of Danville.

Chair Andersen noted that language translation services in other languages were offered and no requests were received.

Tim Ewell, Deputy County Administrator, noted that a period for written public comment was provided. As of the publishing date of the agenda, none were received. Seven comments were received subsequent to that and uploaded to the agenda system online. Additional communications received will be included in the minutes of the meeting.

Today's presentations have been provided in Spanish as well as English. Contra Costa Television, Department of Information Technology and the interpreter service have worked to make the streaming broadcast of this meeting interpreted simultaneously into Spanish in real time, available via a link on the county website. Additionally there is closed caption service in Spanish. The real-time webcast is live on YouTube.

CONVENED the community forum; by unanimous vote, ACCEPTED into the record public commentary and a spanish translation received after the publication of the agenda; Received staff report from the Chief Assistant County Administrator; RECEIVED the presentation from Asian Americans Advancing Justice - Asian Law Caucus; and RECEIVED a report from the Sheriff-Coroner.

ATTACHMENTS

Attachment A - Letter: County Administrator to Department Heads re: TRUTH Act Certification, May 22, 2020

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

Attachment C - Presentation: Advancing Justice - Asian Law Caucus

Attachment D – Presentation: Sheriff's Office

Attachment E - Presentación: Oficina del Sheriff

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

Attachment G - Public comment emails received in Clerk of the Board by noon on Monday, July 27, 2020

Attachment H - Truth Act Forum Presentation - Spanish