



SUMMARY REPORT

Agenda Date: 3/2/2022

To: Board of Supervisors

Department or Agency Name(s): Board of Supervisors, Sheriff's Office, County Administrator's Office, County Counsel, Office of Equity

Staff Name and Phone Number: Nikolas Klein, (707) 565-5312

Vote Requirement: Informational Only

Supervisorial District(s): Countywide

Title:

6:00 P.M. - TRUTH Act ICE Access Virtual Community Forum

Recommended Action:

Pursuant to Government Code Section 7283.1 (d), hold a virtual community forum regarding provision of information about individuals housed in Sonoma County's detention facilities to the federal Immigration and Customs Enforcement Agency (ICE) during calendar year 2021. (Informational Only)

Executive Summary:

Beginning January 1, 2018, the Transparent Review of Unjust Transfers and Holds (TRUTH) Act (Assembly Bill 2792) requires the governing body of a local government, such as the County of Sonoma, to hold an annual community forum if a law enforcement agency operated by the County provided the federal Immigration and Customs Enforcement (ICE) agency with any access to individuals for civil immigration enforcement purposes during the prior calendar year. Government Code 7283.1 (d), part of California Government Code Chapter 17.2 - Standards for Participation in United States Immigration and Customs Enforcement (ICE) Programs, requires that the Board of Supervisors hold an annual public forum to provide information to the public about ICE access to individuals and to receive and consider public comment. The Code also specifies that the Sheriff may provide related data to the Board to be included as part of this forum. This item is requesting that the Board hold the public forum, receive the Sheriff's data related to ICE access, and receive and consider public comment. No action is required by the Board. The public forum will be streamed live as a virtual meeting to comply with continued COVID-19 public health protocols. Members of the public are encouraged to participate remotely.

Discussion:

2021 ICE Access Data

Government Code 7283.1 (d), requires that "Beginning January 1, 2018, the local governing body of any county, city, or city and county in which a local law enforcement agency has provided ICE access to an individual during the last year shall hold at least one community forum during the following year, that is open to the public, in an accessible location, and with at least 30 days' notice to provide information to the public about ICE's access to individuals and to receive and consider public comment. As part of this forum, the local law enforcement agency may provide the governing body with data it maintains regarding the number and demographic characteristics of individuals to whom the agency has provided ICE access, the date ICE access

was provided, and whether the ICE access was provided through a hold, transfer, or notification request or through other means. Data may be provided in the form of statistics or, if statistics are not maintained, individual records, provided that personally identifiable information shall be redacted.” Attachment 1 contains the Sonoma County Sheriff’s reported ICE access data for the 2021 calendar year.

Racial Equity Analysis

Pursuant to the Board’s direction in November of 2020, departments are requested to apply the equity toolkit to assess significant policy items before bringing them to the Board for consideration. The Government Alliance on Race and Equity (GARE) racial equity toolkit (<https://www.racialequityalliance.org/resources/racial-equity-toolkit-opportunity-operationalize-equity/>) was applied to this agenda item and the results are summarized in this section. The Racial Equity Toolkit is intended for major policy proposals or budgetary decisions, but since this is an informational-only item with no policy recommendations, most of the toolkit’s requirements are not applicable. Because this item does not propose any policy changes, it does not include an implementation plan, nor any desired results or outcomes. The Sheriff’s Office data is being reported for informational purposes, rather than to inform any specific policy recommendations.

The Sheriff’s Office collects and reports ICE access data in compliance with state requirements. According to the Sheriff’s data collected during calendar year 2021, ICE requested notification from the Sheriff’s Office of the impending release from custody of 117 individuals. Upon reviewing ICE’s requests, the Sheriff’s Office returned 33 responses to ICE per the Senate Bill 54 California Values Act guidelines. Compared to 2020, ICE requests decreased by 75%, and returned notification responses decreased by 42%. While ICE notification requests decreased dramatically year-over-year, it is difficult to ascertain the root cause of this decline. The Sheriff’s own immigration policies for interacting with ICE have not changed over the past year, yet the number of requests received from ICE has declined. Whether the overall decline in notification requests from ICE can be attributed to any sort of policy, process, or enforcement changes at the federal level under the new administration, or other demographic, societal, or economic factors, is unknown.

The Sheriff’s Office does not report racial data, but it does record individuals’ self-reported country of origin during booking intake. As illustrated in the Attachment 1 demographic data, 24 of the 33 individuals released with ICE notices, or 73%, self-reported their country of origin as Mexico or Central America. According to the “Portrait of Sonoma County: 2021 Update” (<https://sonomacounty.ca.gov/Health/Portrait-of-Sonoma-County/>), roughly 73,000, or 15% of Sonoma County’s 489,000 residents as of the 2020 Census, were born outside of the United States. Of Sonoma County’s total immigrant population, nearly two-thirds, or 66%, are from Latin America and more than half from Mexico. Furthermore, the report cites the Migration Policy Institute’s estimate that 29,000 undocumented immigrants reside in the county, 87% of whom are from Mexico or Central America. With respect to country of origin, the demographic profile of the 33 individuals released with ICE notices during 2021 mirrors the demographics of the County’s overall immigrant population (and subset of undocumented immigrants). Regardless of an individual’s reported country of origin, whether ICE submits a request for notification, and whether the Sheriff’s Office responds to ICE in accordance with California Values Act requirements, ultimately depend on a given individual’s unique circumstances.

To help make the TRUTH Act board item materials more accessible and encourage public participation and engagement, the County will publish Spanish-language versions of materials. Additionally, the County will

conduct the virtual forum during evening hours and will provide live Spanish translation for participants. To comply with the advanced noticing requirement, the County issued a "Notice of Public Hearing" in the Press Democrat on February 01, 2022, with two subsequent weekly notices published on February 08 and February 15. In addition to the Press Democrat notices, the County directly notified local Latinx partners and other stakeholders (including nonprofits, health, education, business, government, and media/radio), published the board item materials on the County's website for "Items of Significant Interest", issued a press release, and publicized the forum via social media.

Sheriff's Office Immigration Policies

As communicated in the Attachment 2a/b infographic, when the Sheriff's Office cooperates with ICE, it complies with the protections in the California Values Act by helping undocumented victims obtain U-Visas, providing inmate release dates to ICE pursuant to State law, sending inmates' fingerprints to the State Department of Justice, and providing inmate release dates to the public as requested. Inmates may request a review of these notification requests. The Sheriff does not enforce Federal immigration law, deport anyone, ask for immigration status, have authority over ICE, nor conduct immigration sweeps.

On October 20, 2020, the County's Independent Office of Law Enforcement Review and Outreach (IOLERO) presented its FY 2019-20 State of the Office Report, which included a case audit recommendation that resulted in the Sheriff's Office implementing policy changes and enhanced training intended to prevent errors when providing information to Immigration and Customs Enforcement. IOLERO's report is available on the County's website:

<https://sonoma-county.legistar.com/LegislationDetail.aspx?ID=4671176&GUID=02956DDB-BB1B-46BF-A2C4-1B9DF7353DF6&Options=&Search>. The Sheriff updated its policies pertaining to immigration in 2020 to implement IOLERO's recommendation. The Sheriff's policies have not changed since the last February 2021 TRUTH Act Community Forum. English and Spanish language versions of both immigration policies are included as Attachments 3a/b and 4a/b. The English versions are also posted on the Sheriff's Office website: <https://www.sonomasheriff.org/sheriffs-response-to-immigration-issue>

State Assembly Bill 937

Under the existing SB 54 California Values Act, the idea of "sanctuary" does not apply to individuals convicted of 800 exempted felony and misdemeanor crimes. Proposed State Assembly Bill (AB) 937, also known as the VISION Act, would eliminate these exemptions and the existing ability under the California Values Act for law enforcement agencies to cooperate with federal immigration authorities. AB 937 would prohibit cooperation with ICE, including providing ICE notification of release for inmates, facilitating inmate transfers, and would prohibit all state and local agencies from assisting, in any manner, the detention, deportation, interrogation, of an individual by immigration enforcement. In September 2021, AB 937 was converted into a two-year bill, meaning it has not yet passed, and will resume moving through the State's legislative process in 2022.

Sonoma County Immigration Initiative

Sonoma County is home to a significant number of undocumented immigrants with diverse backgrounds, and varied cultures, religions, abilities and viewpoints. The County recognizes this diversity contributes to the cultural richness and economic wellness of our communities. However, the legal status of undocumented immigrants poses barriers that create adversities for this valuable part of our community. The County recognizes the difficulties faced by undocumented immigrants and the current lack of available pathways to citizenship for many undocumented immigrants. In 2017, the Board approved an immigration initiative to

address impacts on the immigrant community and provided resources to meet the legal service needs of undocumented residents. The County also launched a “know your rights” campaign to provide legally accurate material to residents. Material was shared online and through several community meetings hosted by Board members.

In 2018, the Sonoma County Board of Supervisors established the Sonoma County Secure Families Collaborative to meet the needs of our community’s increased challenges, due to the changes in federal immigration policy and the North Bay wildfires. The Collaborative’s purpose is to increase the capacity of local immigration legal service organizations for immigrants in Sonoma County by enhancing their legal safety net, ensuring that families are safe and remain together, and enhancing the culturally-responsive provision of vital social and mental health services, while simultaneously promoting a sustainable model that can be exported to other service areas. Since its inception in November 2018, the Sonoma County Secure Families Collaborative has assisted over 1,000 of Sonoma County’s most vulnerable immigrants by providing quality legal services, culturally-responsive mental health services, benefit enrollment assistance, and other social service navigation. The Collaborative also has a particular focus and expertise with pro bono removal defense for Sonoma County immigrants, which was identified as the single biggest need by and for our immigrant community members. The Board has invested \$100,000 to support the ongoing success of the Collaborative since its inception.

Strategic Plan:

N/A

Prior Board Actions:

February 09, 2021 - Public forum held and the Board received ICE access data for the 2019 & 2020 calendar years.

June 04, 2019 - Public forum held and the Board received ICE access data for the 2018 calendar year.

April 10, 2018 - Public forum held and the Board received ICE access data for the 2017 calendar year.

FISCAL SUMMARY

Expenditures	FY 21-22 Adopted	FY22-23 Projected	FY 23-24 Projected
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources			

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Narrative Explanation of Fiscal Impacts:

N/A

STAFFING IMPACTS

Position Title (Payroll Classification)	Monthly Salary Range (A-I Step)	Additions (Number)	Deletions (Number)

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

- Attachment 1: Sheriff's 2021 data pertaining to Government Code 7283.1, Immigration and Customs Access
- Attachment 2a/b: Sheriff's Office Immigration Facts Infographic (English/Spanish Versions)
- Attachment 3a/b: Sheriff's Office Immigration Policy (February 2020; English/Spanish Versions)
- Attachment 4a/b: Sheriff's Office Immigration Status Policy (January 2021; English/Spanish Versions)

Related Items "On File" with the Clerk of the Board:

N/A