



Legislation Text

File #: 2021-0025, **Version:** 1

To: Board of Supervisors

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

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

Vote Requirement: Informational Only

Supervisorial District(s): Countywide

Title:

3:00 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 years 2019 and 2020. (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:

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."

The "Notice of Public Hearing" was published in the Press Democrat on January 9, 2021 in compliance with the 30-day advanced notice requirement. Due to an unfortunate staff oversight, the 2020 TRUTH Act forum covering prior year ICE access data from calendar year 2019 was never conducted. To rectify this issue, the public forum being conducted on February 9, 2021 will include a presentation of ICE access data maintained by the Sheriff's Office for both calendar years 2019 and 2020, detailed in Attachment 1. Going forward, the TRUTH Act forums will be conducted annually in accordance with the legislative requirement.

As communicated in the Attachment 2 infographic, regarding participation and cooperation with ICE, the Sheriff's Office: protects public safety, helps undocumented victims obtain U-Visas, provides inmate release dates to the public, and provides inmate release dates per the California Values Act (Senate Bill 54). The Sheriff does not: enforce Federal immigration law, deport anyone, ask for immigration status, have authority over ICE, or conduct immigration sweeps. The Spanish language version of the infographic is provided as Attachment 3. The Sheriff's current policies pertaining to immigration and immigration status are provided as Attachments 4 and 5 to this item, and they are also posted on the Sheriff's Office website and available for members of the public to read: <https://www.sonomasheriff.org/sheriffs-response-to-immigration-issue>

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 informational board item and full report can be viewed on the County's website: <https://sonoma-county.legistar.com/LegislationDetail.aspx?ID=4671176&GUID=02956DDB-BB1B-46BF-A2C4-1B9DF7353DF6&Options=&Search=>

Prior Board Actions:

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 20-21 Adopted	FY21-22 Projected	FY 22-23 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:

None

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

Narrative Explanation of Staffing Impacts (If Required):

None

Attachments:

Attachment 1: Sheriff's 2019 & 2020 data pertaining to Government Code 7283.1, Immigration and Customs Access

Attachment 2: Sheriff's Office Immigration Facts Infographic (English version)

Attachment 3: Sheriff's Office Immigration Facts Infographic (Spanish version)

Attachment 4: Sheriff's Office Immigration Policy

Attachment 5: Sheriff's Office Immigration Status Policy

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

n/a