



Legislation Text

File #: 2024-0081, **Version:** 1

To: Sonoma County Board of Supervisors

Department or Agency Name(s): County Administrator's Office, Sheriff's Office, County Counsel

Staff Name and Phone Number: Yvonne Shu 565-1739, Sheriff Eddie Engram 565-2781

Vote Requirement: Informational Only

Supervisorial District(s): Countywide

Title:

3:00 PM - TRUTH Act ICE Access Community Forum

Recommended Action:

Pursuant to Government Code Section 7283.1 (d), hold a 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 2023.

Executive Summary:

Although the Sonoma County Sheriff's Office does not enforce Federal immigration law, conduct deportations, request immigration status, or conduct immigration sweeps, California's 2018 Transparent Review of Unjust Transfers and Holds (TRUTH) Act (Assembly Bill 2792), Government Code 7283.1 (d), requires that a community forum be held by a local governing body (in this case, the Sonoma County Board of Supervisors), **if** a local law enforcement agency (Sonoma County Sheriff's Office) has returned notification responses to the federal Immigration and Customs Enforcement (ICE) agency during the prior calendar year.

Notwithstanding that the California TRUTH Act states that "local law enforcement agency **may** provide...data it maintains...regarding the number and demographic characteristics of individuals to whom the agency has provided ICE access," the Sheriff reports that during calendar year 2023, ICE requested notification from the Sheriff's Office of the impending release from custody of 492 individuals. Upon reviewing these requests, the Sheriff's Office returned 72 responses to ICE per Senate Bill 54 California Values Act guidelines.

To comply with the advanced noticing requirement of 30 days prescribed in the TRUTH Act, the County issued the first "Notice of Public Hearing" in *The Press Democrat* on April 15, 2024, followed by four subsequent weekly notices, published on April 22, April 29, May 6, and May 13, 2024. Prior to today's forum, the County notified local community partners, issued a press release, and publicized the forum via social media.

This item concerns requirements related to the TRUTH Act -- specifically, that the Board hold a public forum, receive the Sheriff's data related to ICE access, and receive and consider public comment. No action is required by the Board.

Discussion:

[California Government Code 7283.1 \(d\) <https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=7283.1&lawCode=GOV>](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=7283.1&lawCode=GOV) provides the following:

“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 [California Values Act <https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB54>](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB54) (SB 54) limits how state and local law enforcement can collaborate with federal immigration. Whether ICE submits a request for notification and whether the Sheriff’s Office responds to ICE in accordance with the California Values Act requirements ultimately depends on the unique circumstances of each individual.

According to Sheriff’s Office data collected during calendar year 2023, ICE submitted 492 notification requests of impending release from custody, an increase of 48% compared to 332 requests in 2022. Upon reviewing these requests, the Sheriff’s Office returned 72 responses (representing 15% of the total requests) to ICE, per SB 54 California Values Act guidelines. Whether the overall increase in notification requests from ICE can be attributed to policy, process, or enforcement changes at the federal level, or other demographic, societal, or economic factors, is unknown.

The Sheriff’s Office does not report racial data on ICE interactions, but it does record individuals’ self-reported country of origin during booking intake. Of the 72 ICE release notifications in 2023, 57 individuals, or 79%, self-reported their country of origin as Mexico; six individuals, or 8%, self-reported their country of origin as El Salvador, Guatemala, or Honduras.

Sheriff’s Office Immigration Policies

When the Sheriff’s Office cooperates with ICE, it complies with the protections in the SB 54 California Values Act by: helping undocumented victims obtain U-Visas (non-immigrant visas for victims of crimes who have suffered mental or physical abuse while in the U.S.); providing incarcerated individuals’ release dates to ICE pursuant to State law and to the public as requested; and sending incarcerated individuals’ fingerprints to the State Department of Justice as required by law. Incarcerated persons 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.

Staff Time

The estimated total staff time spent in calendar year 2023 in data collection and preparation for the TRUTH Act Community Forum was 192 hours across 16 County positions. The estimated cost of this staff time, detailed in Attachment 5, is \$21,773.

Public Notification

To comply with the advanced noticing requirement of 30 days, the County issued the first “Notice of Public

Hearing” in *The Press Democrat* on April 15, 2024, with four subsequent weekly notices, published on April 22, April 29, May 6, and May 13, 2024. Prior to today’s forum, the County also notified local community partners, issued a press release, and publicized the forum via social media. To help make the TRUTH Act board item materials more accessible and to encourage public participation, the County has published Spanish-language versions of the materials and will provide Spanish interpretation for participants at the community forum.

Strategic Plan:

N/A

Racial Equity:

Was this item identified as an opportunity to apply the Racial Equity Toolkit?

Yes

The [Portrait of Sonoma County: 2021 Update <https://upstreaminvestments.org/impact-make-a-change/portrait-of-sonoma-county>](https://upstreaminvestments.org/impact-make-a-change/portrait-of-sonoma-county) estimates that 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. The Portrait also 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.

Of the 72 ICE release notifications in 2023, 57 individuals, or 79%, self-reported their country of origin as Mexico; six individuals, or 8%, self-reported their country of origin as El Salvador, Guatemala, or Honduras. The combined total of 89% of these two groups is a higher percentage than the County’s total Latin American immigrant population but about the same as the subset of County’s undocumented immigrants from Mexico and from countries in Central America. The Sheriff’s Office does not report racial data on ICE interactions, but it does record individuals’ self-reported country of origin during booking intake.

Prior Board Actions:

- October 10, 2023 - Public forum held; Board received ICE access data for calendar year 2022
- March 02, 2022 - Public forum held; Board received ICE access data for calendar year 2021
- February 09, 2021 - Public forum held; Board received ICE access data for calendar years 2019 and 2020
- June 04, 2019 - Public forum held; Board received ICE access data for calendar year 2018
- April 10, 2018 - Public forum held; Board received ICE access data for calendar year 2017

FISCAL SUMMARY

Narrative Explanation of Fiscal Impacts:

N/A

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

- Attachment 1a: Sheriff’s 2023 Immigration and Customs Enforcement Access Data (English)
- Attachment 1b: Sheriff’s 2023 Immigration and Customs Enforcement Access Data (Spanish)
- Attachment 2: Sheriff’s Office TRUTH Act Forum presentation (English & Spanish)
- Attachment 3a: Sheriff’s Office Immigration Policy 415, Revised January 2023 (English)

Attachment 3b: Sheriff's Office Immigration Policy 415, Revised January 2023 (Spanish)
Attachment 4a: Sheriff's Office Immigration Status Policy, Revised January 2021 (English)
Attachment 4b: Sheriff's Office Immigration Status Policy, Revised January 2021 (Spanish)
Attachment 5a: Estimated County Staff Costs in CY 2023 (English)
Attachment 5b: Estimated County Staff Costs in CY 2023 (Spanish)
Attachment 6: Staff report (Spanish)

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

N/A