

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF THE COUNTY OF SAN BERNARDINO
AND RECORD OF ACTION**

November 17, 2020

FROM

JOHN McMAHON, Sheriff/Coroner/Public Administrator

MICHELLE SCRAY BROWN, Chief Probation Officer, Probation Department

SUBJECT

Transparent Review of Unjust Transfers and Holds (TRUTH) Act Public Forum

RECOMMENDATION(S)

1. Conduct a public forum regarding United States Immigration and Customs Enforcement access to local detention centers, as required by the Transparent Review of Unjust Transfers and Holds (TRUTH) Act (AB 2792), Government Code Section 7283.1, subdivision (d).
2. Receive a report from the Sheriff/Coroner/Public Administrator regarding its interaction and communications with the United States Immigration and Customs Enforcement in 2019.
3. Receive a report from the Probation Department regarding its interaction and communications with the United States Immigration and Customs Enforcement in 2019.
4. Receive public comment.

(Presenter: John Ades, Captain, 387-0640)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Provide for the Safety, Health and Social Service Needs of County Residents.

FINANCIAL IMPACT

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). The public forum will be held during the regular scheduled Board of Supervisors (Board) meeting on November 17, 2020. The estimated costs are minimal, including costs for publication in local newspapers and interpreter fees, which will be funded by the Sheriff/Coroner/Public Administrator's (Sheriff's Department) 2020-21 Budget (4427001000).

BACKGROUND INFORMATION

The Transparent Review of Unjust Transfers and Holds (TRUTH) Act (AB 2792) went into effect in California in January of 2017, and requires that "[b]eginning January 1, 2018, the local governing body of any county, city, or city and county in which a local law enforcement agency has provided [Immigration and Customs Enforcement] 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." (Govt. Code, § 7283.1, subd. (d)).

In 2019, the Sheriff's Department provided ICE access to information, and inmates housed in County detention facilities, when permissible under California and federal law. This action

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triggers the requirement for the County to schedule a public forum to receive and consider public comment about ICE's access to inmates. The Probation Department did not have responsive contact with ICE in 2019.

On October 6, 2020 (Item No. 40), the Board considered and scheduled holding the required forum on November 17, 2020, at 10:00 A.M. The public notice of the forum was posted in The San Bernardino Sun, The Press-Enterprise, the Daily Press, and La Prensa Hispana between October 7 and 9, 2020, to meet the 30 day-advance notice requirement.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Richard D. Luczak, Deputy County Counsel, 387-3403; Jamie Ryan, Deputy County Counsel, 387-3088) on October 20, 2020 and on October 20, 2020; Finance (Carolina Mendoza, Administrative Analyst, 387-0294) on October 23, 2020; and County Finance and Administration (Kelly Welty, Deputy Executive Officer, 387-5423) on October 26, 2020.

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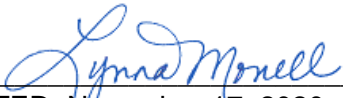
Record of Action of the Board of Supervisors
County of San Bernardino

Public Comment: Raul Rodriguez Jr., Mike McCoy, Robin Hvidston, Nancy Richardson, Cyrus Hojjaty

APPROVED

Moved: Josie Gonzales Seconded: Robert A. Lovingood
Ayes: Robert A. Lovingood, Janice Rutherford, Dawn Rowe, Curt Hagman, Josie Gonzales

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: November 17, 2020



cc: File - Sheriff w/ attachments
jll 11/25/2020