



# San Bernardino County

## Legislation Text

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**File #: 3002, Agenda Item #: 40**

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

**October 6, 2020**

#### **FROM**

**JOHN McMAHON, Sheriff/Coroner/Public Administrator**

**MICHELLE SCRAY BROWN, Chief Probation Officer, Probation Department**

#### **SUBJECT**

Transparent Review of Unjust Transfers and Holds Act Public Forum

#### **RECOMMENDATION(S)**

1. Consider scheduling a public forum regarding U.S. Immigration and Customs Enforcement (ICE) access to local detention centers, as required by the Transparent Review of Unjust Transfers and Holds Act (AB 2792).
2. Schedule the public forum for TUESDAY, NOVEMBER 17, 2020.  
(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 Board of Supervisors (Board) regular bi-weekly meeting scheduled for Tuesday, November 17, 2020.

#### **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 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)).

As required by AB 2792, the Board previously approved requests to schedule TRUTH Act forums on October 16, 2018 (Item No. 49) and on September 24, 2019 (Item No. 49), notifying the public at least 30 days in advance of the forums, which were held on December 4, 2018 and November 19, 2019, respectively, for the 2017 and 2018 calendar years. In 2019, the Sheriff/Coroner/Public Administrator provided ICE access to information and inmates housed in county detention facilities, when permissible under California and federal law. These actions trigger the requirement for the County to schedule a public forum, with 30 days' advance notice, to receive and consider public comment about ICE's access to inmates. The public forum may include

a presentation from the department about policies related to ICE's access to inmates. The Probation Department did not have responsive contact with ICE during 2019.

**PROCUREMENT**

Not applicable.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Miles Kowalski, Deputy County Counsel, 387-5455; Jamie Ryan, Deputy County Counsel, 387-3088) on September 1, 2020 and on September 3, 2020; Finance (Carolina Mendoza, Administrative Analyst, 387-0294) on September 8, 2020; and County Finance and Administration (Kelly Welty, Deputy Executive Officer, 387-5423) on September 8, 2020.