

CALIFORNIA DEPARTMENT OF JUSTICE

# VALUES

SENATE BILL 54

# ACT

ANNUAL REPORT  
FOR 2018



## BACKGROUND

The California Values Act (Act), as detailed in Government Code section 7284 et seq., and enacted by Chapter 495, Statutes of 2017 (Senate Bill 54), defines the circumstances under which California law enforcement agencies (LEAs) may assist in the enforcement of federal immigration laws and participate in joint law enforcement task forces, and also mandates that California LEAs report specified statistics to the California Department of Justice (DOJ).

Specifically, the Act requires California LEAs to report to the DOJ statistics about their participation in joint law enforcement task forces and their transfers of individuals to immigration authorities. Effective January 4, 2018, all LEAs were required to begin collecting data pursuant to the Act for submittal to the DOJ beginning on January 4, 2019. This report contains the data outlined in the statute for publication. In the interest of transparency, the data not mandated for publication in this report will be included with the release of the Attorney General's annual crime publications.

## STATUTE

**Government Code section 7284.6 (c)(1):** If a California law enforcement agency chooses to participate in a joint law enforcement task force, for which a California law enforcement agency has agreed to dedicate personnel or resources on an ongoing basis, it shall submit a report annually to the Department of Justice, as specified by the Attorney General. The law enforcement agency shall report the following information, if known, for each task force of which it is a member:

- (A) The purpose of the task force.
- (B) The federal, state, and local law enforcement agencies involved.
- (C) The total number of arrests made during the reporting period.
- (D) The number of people arrested for immigration enforcement purposes.

(2) All law enforcement agencies shall report annually to the Department of Justice, in a manner specified by the Attorney General, the number of transfers pursuant to paragraph (4) of subdivision (a), and the offense that allowed for the transfer, pursuant to paragraph (4) of subdivision (a).

(3) All records described in this subdivision shall be public records for purposes of the California Public Records Act (Chapter 3.5 (commencing with Section 6250)), including the exemptions provided by that act and, as permitted under that act, personal identifying information may be redacted prior to public disclosure. To the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation, or would endanger the successful completion of the investigation or a related investigation, that information shall not be disclosed.

(4) If more than one California law enforcement agency is participating in a joint task force that meets the reporting requirement pursuant to this section, the joint task force shall designate a local or state agency responsible for completing the reporting requirement.

**Government Code section 7284.6 (d):** The Attorney General, by March 1, 2019, and annually thereafter, shall report on the total number of arrests made by joint law enforcement task forces, and the total number of arrests made for the purpose of immigration enforcement by all task force participants, including federal law enforcement agencies. To the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation, or would endanger the successful completion of the investigation or a related investigation, that information shall not be included in the Attorney General's report. The Attorney General shall post the reports required by this subdivision on the Attorney General's Internet Web site.

## **FIRST-YEAR REPORTING PROCESS**

### *Outreach Efforts*

The first year of reporting is typically the hardest as the data collection efforts are new. The reporting cycle for 2018, which commenced on January 4, 2019, represents the first year for this newly mandated data collection. While multiple efforts were made to contact all reporting LEAs in the state, not all agencies reported.

In early 2018, the DOJ issued an Information Bulletin to all LEAs advising them of their responsibility to report pursuant to the Act by January 15, 2019. To remind LEAs of their reporting requirements, the DOJ sent reminder messages through the California Law Enforcement Telecommunications System (CLETS) the last week in December through the beginning of the reporting period in January for a total of two weeks. These reminder messages reached LEAs three times per day for seven days and were followed up with emails and phone calls.

The timeframes for data collection and reporting in the Act also introduce challenges. Typically, data collection is an ongoing effort throughout the year on a monthly basis which allows for the DOJ and the reporting agencies to engage in regular dialogue regarding questions or data quality checks. The data collection effort pursuant to the Act is an annual collection. This means that all 730+ reporting LEAs report at the same time and all submissions received, delinquent contacts, and data quality control efforts occur in a very short timeframe.

Confounding these accelerated timeframes is the mandated publication date of March 1, 2019. Given the need to report a full year of data and the statutorily-mandated publication date, the DOJ staff needed the LEAs to report within the first two weeks of January to report, which afforded the DOJ staff only the last two weeks in January to make delinquent calls, ensure all forms were received properly, quality control data, and produce a publication-ready report.

### *Reporting Challenges*

In addition, reporting for this data set will be done via manual submission for the first two years, in anticipation of incorporating this data collection into an automated system. This means that all data coming in is on paper, with no electronic means to facilitate reporting at this time.

It should be noted that the statute only mandates the reporting of aggregated counts for specific categories. For example, subdivision (c) requires LEAs to report the number of transfers for immigration purposes and the offenses that allowed for those transfers. This means, for example, the DOJ will be

receiving a number associated with a Penal Code section (i.e., four transfers for Vehicle Code section 23152 [driving under the influence]). Similarly, for the joint task force data, only two numbers are reported: the total number of arrests and the total number of arrests made for immigration purposes. Due to the nature of this data (aggregate counts) and the fact that this is the first year of collection, it is difficult to assess or draw conclusions from the data as there is no basis for analysis or comparison. When working with the joint task force submissions, the DOJ is only able to report what has been provided as there is no list or registry of all joint task forces to compare against.

## **TASK FORCE DATA**

The total number of arrests made by joint law enforcement task forces in 2018 was 13,960.

The total number of arrests made for the purpose of immigration enforcement by task force participants in 2018 was 7.

