



TUOLUMNE COUNTY SHERIFF'S OFFICE

"Serving with Professionalism and Pride"

Bill Pooley
Sheriff-Coroner

July 20, 2018

FILED

AUG 03 2018

The Honorable Kate Powell Segerstrom
Tuolumne County Superior Court
60 North Washington Street
Sonora, CA 95370

**Superior Court of California
County of Tuolumne**
By: Diana Neely Clerk

RE: Response to Grand Jury Report 2018 – Tuolumne County Jail

The following is offered in response to the 2017-2018 Grand Jury Report as it pertains to the Tuolumne County Jail.

Grand Jury Recommendations:

Recommendation #1 – Revise and update the Sheriff's Office Procedures as needed – F1 & F2. (F1: Sheriff's Office Procedure No. 6.97, relating to housing of transgender inmates, includes defined terms that are outdated or inaccurate and extraneous to the procedure itself. F2: Sheriff's Office Procedure No. 6.88 has not been revised to reflect the California Values Acts, SB 54, which took effect January 4, 2018).

Response: Agree – Procedure No. 6.97 Section II Definitions A, Gender Identity Disorder (GID) – Also referred to as Gender Dysphoria: A recognized health condition that involves strong and consistent cross-gender identification and a persistent disassociation with a person's birth-assigned sex. GID is a stable, non-violent condition that is not due to psychosis. This section of the Jail Policy has been removed due to the 2012 American Psychiatric Association removing Gender Identity Disorder from its list of recognized psychiatric disorders.

Procedure No. 6.88 has been updated and added to the Jail Policy to reflect the California Values Act which took effect in January 2018.

The Values Act (S.B. 54):

A. California law enforcement agencies shall not:

1. Inquire into an individual's immigration status.
2. Detain an individual on the basis of a hold request.

3. Provide information regarding a person's release date or responding to requests for notification by providing release dates or other information unless that information is available to the public, or is in response to a notification request from immigration authorities in accordance with Section 7282.5. Responses are never required, but are permitted under this subdivision, provided that they do not violate any local law or policy.

4. Provide personal information, as defined in Section 1798.3 of the Civil Code, about an individual, including, but not limited to, the individual's home address or work address unless that information is available to the public.

5. Make or intentionally participate in arrests based on civil immigration warrants.

6. Transfer an individual to immigration authorities unless authorized by a judicial warrant or judicial probable cause determination, or in accordance with Section 7282.5.

7. Provide office space exclusively dedicated for immigration authorities for use within a city or county law enforcement facility.

B. The Value Act does not prevent any California law enforcement agency from doing any of the following that does not violate any policy of the law enforcement agency or any local law or policy of the jurisdiction in which the agency is operating:

1. Respond to a request from immigration authorities for information about a specific person's criminal history, including previous criminal arrests, convictions, or similar criminal history information accessed through the California Law Enforcement Telecommunications System (CLETS), where otherwise permitted by state law.

Recommendation #2 – Review Sheriff's Office's practices to ensure they comply with the most up-to-date version in Procedure No. 6.88. (F3: The Sheriff's Office's stated practice is to provide an inmate's release date in response to a request from a federal immigration authority. This practice differs from the Sheriff's Office's written Procedure No. 6.88, which states that the Sheriff's Office will review an inmate's criminal charge and convictions and determine whether one of the enumerated circumstances applies before providing the release date to the immigration authority.

Response: Agree – Procedure No. 6.88 does reflect our practice of not giving any information to ICE unless the inmate has a serious or violent felony charge or conviction as outlined in the Jail Policy. An inmate's release information is available to the public when the inmate has been sentenced. If ICE requests this information we will release it to them as we would to anyone who inquires as this is public information.

Sincerely,


Bill Pooley
Sherriff-Coroner